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CANADA'S POLICIES OF EXTINGUISHMENT AND THE INNU OF THE LABRADOR-QUEBEC PENINSULA

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Introduction

The Innu are the northernmost Algonquian-speaking peoples of North America. They and their ancestors have occupied the Labrador-Quebec peninsula for as long as 7,500 years. Human understanding of this complex Northern landscape is given its deepest meaning in Innu history, stories, legends, religion, and language, as well as in their lives as nomadic hunters. The basis for human knowledge of the delicate balance between humans, animals, waters, trees and the natural environment is most developed within the Innu. European languages are poverty stricken in trying to describe the natural features of the land. Western science is limited in its abilities to understand the relationships between humans and animals. Whereas the Innu religion binds people and the natural environment together, Christianity, as one *Tshenut* (elder) told me, "does not make any sense here."

Yet, this human knowledge and the way of life upon which it is based has been systematically dismantled by an aggressive programme of cultural, legal and political extinguishment operated by the state of Canada. In this short presentation, I would like to explain how this works in regard to the Innu in particular, but by extension to many other aboriginal peoples in Canada.

Cultural Extinguishment

Although the distant precursors of this programme were generations of missionaries and fur traders, it has been only relatively recently that the policy of destroying the Innu way of life has met with any successes. The crucial turning point was the handing over of the former British home rule colony of Newfoundland (of which Labrador is a part) to the Canadian confederation in 1949. With no consultation with the Innu, and with no mention of them or the indigenous Inuit in the terms of confederation, the newly formed

Newfoundland government under Premier 'Joey' Smallwood moved quickly to clear the land of 'Indians' to make way for natural resource extraction. Smallwood famously called Labrador "the one lucky break that nature gave to Newfoundlanders."

Soon after joining Canada, the Newfoundland authorities cut a deal with British financiers and Hydro-Quebec for the damming of *Mista-shipu*, the wide river in the heart of Innu hunting territory. The resulting hydro-electric power project reduced the grandest and most spectacular waterfall in North America, *Patshetshunau*, to a trickle. Smallwood honoured himself by naming the massive flooded area – the third largest artificial lake in the world – Smallwood Reservoir. At the same time, Winston Churchill – one of the earliest backers of the project – was honoured by re-naming *Patshetshunau* 'Churchill Falls', which also became the name of the town created for the power plant workers. *Mista-shipu* became the 'Churchill River.'

This was in the late 1960s, and is remembered by older Innu hunters as a sad time because their lands and ecosystems were altered out of all recognition and European place names were written over theirs. It began a period in which Innu lost confidence in their way of life. But, it also coincided with a time when the Canadian government was pursuing a policy of sedentarizing the nomadic Innu. While there was no disguising the desire for natural resources, another agenda also loomed. This was the 'civilization' of the Innu, a project pushed by the Roman Catholic and other missionaries who situated themselves at the fur trading posts. At the same time the priests were creating a psychology of fear through physical and sexual abuse, the Newfoundland authorities were doing their utmost to secure control over the Innu through creating an infrastructure of imposed institutions for village life.

A glance at the relevant government documents of the period reveals that this call to end the nomadic life of the Innu was justified by appeals to social Darwinism in which no value was attached to Innu history and culture. Walter Rockwood, the Director of the Division of Northern Labrador Affairs, provided a stirring rendition of this point of view when, in a 1957 memorandum, he remarked, 'the only course now open, for there can be no turning back, is to fit him [the Labrador native] as soon as may be to take his full place as a citizen in our society.'

Almost half a century after the brazen policy of fitting the Innu 'to take his full place in our society,' we can assess its consequences. In some ways the outcomes could have been predicted, since almost every other Native American community subjected to similar sorts of social engineering have suffered a similar fate. Rapidly, the residents of the two Innu villages of Sheshatshiu and Davis Inlet (or Utshimassits) experienced an abrupt decline in their fortunes. There was a descent into heavy drinking. People began getting illnesses at earlier ages. Hitherto unknown diseases such as chronic heart disease, cancer and diabetes accompanied the shift from a rich diet of hunted, fished and gathered food to one almost entirely dominated by junk food stocked by the village stores. In the 1990s, the national and international news media covered epidemics of youth gasoline sniffing, the latest of which involved over 100 children in the winter of 2000/01 in Davis Inlet. Child sexual abuse, initiated by Oblate priests in the 1960s, became rampant and

led to inter-communal animosities. On top of that, the villages recorded some of the highest suicide rates in the world. While suffering a catalogue of tragedies, the Innu also endured highly undignified living conditions. In Davis Inlet the shacks built for the Innu had no running water or sanitation, and were desperately overcrowded with large families.

The building of a new village at Natuashish has in no way alleviated the problems of a people systematically deprived of self-respect. Last week, I was informed that the 19 year old son of friends in Natuashish who helped introduce me to the Innu hunting life has just ended his own life. He is now the second teenage suicide casualty in a year. Suicide attempts are now running at 5 to 6 per month, ensuring continuous business for the Medi-Vac helicopter.

Prior to settlement, while they were permanent nomadic hunters, the Innu had full employment. They now have about 80% unemployment. Those in paid work are principally employed on a short term basis in the government funded Band Councils and the Innu Nation political bodies. A huge swathe of these workers are, in turn, employed in the institutions that Canada has funded to abate the rampant misery created by the sedentarization policy itself. There are now alcohol clinics, counselling facilities, group homes for troublesome youth, women's shelters, as well as general health clinics. According to the Innu today, as well as previous generations of explorers, scientists, fur traders and anthropologists, they were a healthy, vibrant and self-reliant people, successfully living in one of the most demanding landscapes on the planet. What is remarkable is how rapidly they transformed for the worse.

To ask why the Innu collapsed so dramatically, we have to look at their relationships with those that have so abruptly encroached upon their lands, and particularly with the government of Canada. The changes were engineered by the state. It was the government that imposed its law upon them, mandated that their children attend schools aimed at assimilation, punished them for hunting caribou and practising their way of life through rigid enforcement of game laws in the 1970s and 1980s. The state has also enthusiastically approved the sale of their lands for hydro-electric power generation, as well as mining, logging, and low level flight training.

What I have described is a process of cultural extinguishment, which in my view, is intentional. The government of Canada has been reminded continuously by aboriginal peoples and by their organisational representatives (most eloquently by former National Chief of the AFN, Matthew Coon-Come) that policies that cage native peoples into slums like Davis Inlet, confiscate their land for mega-projects, and authorize assimilation campaigns are bound to be disastrous.

Legal and Political Extinguishment

But Canada is not content with cultural and physical extinguishment, to which it offers only the palliatives of medical treatment facilities and improvements in community

infrastructure. It ensures its absolute control over native peoples through legal and political extinguishment as well. Even though Canada is the author of changes that have virtually destroyed Innu society, there is not one shred of paper that the Federal government can produce to demonstrate its sovereignty over the Labrador-Quebec peninsula or the Innu. Unlike several other indigenous peoples in Canada, the Innu were never part of the treaty process, and have not formally ceded their land. Yet, under Canadian policy, they have to prove their 'claim' to their own lands.

To obtain what the government continually refers to as 'certainty,' the Innu are now engaged in negotiations for a measure of self-determination through the Comprehensive Land Claims (CLC) process ('land claims' incidentally is offensive to the Innu since it presupposes that they are 'claiming' from Canada and not the reverse). These negotiations, however, have been no defence against the continual confiscation of their territories. Land on the table as part of the Innu Nation 'claim' has been sold off while negotiations are on-going. The 1997 *Delgamuukw* Supreme Court decision has now made this practice less tenable, but it has not changed the final aim of the land claims policy – the 'extinguishment' of underlying aboriginal title in exchange for limited rights to self-government, hunting and fishing in defined territories and cash compensation.

Particularly relevant to this international forum is the fact that CLC remains rooted in the extinguishment principle and is therefore contrary to many of the Articles in the Declaration. That is, CLC is a latter day treaty process in which native people exchange their 'aboriginal title' to the land for cash compensation and particular hunting, fishing and self-government rights. Aboriginal groups that have not signed a treaty have little option other than to sign up to this process. They can, of course, refuse to participate in the process itself, but this makes it even more difficult for them to protect their lands from developers. At the same time, the state can also withdraw – and Canada has done so when the Innu evicted a racist judge from Davis Inlet in 1993 – leaving them in the same vulnerable position. What all this means is that in order for aboriginal peoples to obtain rights guaranteed both by the state and international law they are compelled into a process that demands that they first sign over the land to Canada.

In response to numerous aboriginal criticisms of this policy, the international outcry over it, and the UN Human Rights Committee recommending its abandonment as incompatible with Article I of the Covenant, the extinguishment provision was recently amended. In some new land claims treaties the words 'surrender' and 'extinguishment' are to be deleted, but in return the Aboriginal party would have to agree that the Treaty itself defined the totality of their rights and that they could never assert their rights granted from any previous treaties or from any violations of the aboriginal title that may have occurred in the past. Under this arrangement, the Canadian government is indemnified against all violations of Aboriginal or treaty rights in perpetuity. This is known as the non-assertion/fall-back release policy (Orkin, 2003:452). It simply amounts to another form of extinguishment.

Canada is in Violation of International Indigenous Rights Standards

Canada's practices of cultural and legal extinguishment are in violation of a number of international human rights recommendations, which the Declaration would put into sharper focus. These include Article 27 of the UN Covenant of Human Rights and ILO Convention No. 169 on indigenous people, which stipulate that all minorities shall not be prevented from enjoying their own culture and prescribe governments to take affirmative steps to protect indigenous cultures and redress injustices. In 1999, the UN's Human Rights Committee specifically condemned Canada for the practice of 'extinguishing' aboriginal peoples' rights and described the situation of indigenous people as 'the most pressing issue facing Canadians.'

The forms of extinguishment that I have mentioned are clearly what much of the Declaration is designed to combat. Virtually every article of the Draft Declaration is a ringing denunciation of this practise. Yet, as Matthew Coon-Come recently remarked, my own country, the UK "leads the charge internationally to impede the recognition of indigenous rights in Canada and Australia." It does this by insisting that indigenous peoples do not have collective rights and that such questions should be left to the discretion of member states. If this is to be the case, indigenous peoples like the Innu will be left in exactly the same disadvantaged and dispossessed position that they are in at present.

The denial of the recognition of the collective rights of indigenous peoples – arguably one of the most central components of the Draft Declaration on the Rights of Indigenous Peoples – simply reinforces the disastrous policies of extinguishment being promoted by Canada and other states. The refusal of states such as Britain, Canada and Australia to recognise collective rights is in breach of the UN's Civil and Political Rights covenant agreed by virtually all countries decades ago. It is also enshrined in several other instruments of international law, and both states and colonial powers such as Britain have historically recognised the collective rights of indigenous peoples in their treaties and other agreements. More seriously, the denial of collective rights means that many of the Aboriginal peoples in Canada that are on the verge of cultural and physical extinction have no protection the extinguishment of their very essence as indigenous peoples.

I know from over ten years observation that the misery I have witnessed in the Innu villages is directly related to a sense of disconnection from their lands, a growing feeling of powerlessness as Canadians have assumed control of their lives, and an overwhelming sense that they are going to lose everything they hold dear. The only consolation is that if they play the game on the lop-sided playing field set up by Canada, a small measure of self-determination and some cash compensation might pay off all the losses of life, dignity and personhood.

A strong international mandate such as the Draft Declaration would not only pressure Canada to halt its destructive extinguishment policy, but would offer hope of a much brighter future for people like the Innu to collectively 'live in freedom, peace and security as distinct peoples,' as guaranteed in Article 6 of the Draft Declaration.

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