Indigenous People’s Struggle for Equality in Canada

A Summary
Background

- Centuries of colonization have left Indigenous peoples without the opportunity to enjoy basic human rights.
- Spanish, Portuguese, French, Irish and English fishermen all made contact and began trading with the First Nations in the 1500s, with all the various European powers pushing to expand their own wealth and influence.
- In North America, the British and the French quickly became the dominant powers, having both established their own strong colonies and cementing alliances with First Nations to support their commercial interests, which included the fur trade.
  + In 1760, the fall of Montreal—the last French stronghold on the St. Lawrence—put an end to French colonial efforts in what would become Canada.
- After peace had been established throughout North America, more immigrants and settlers arrived. The British attempted to satisfy the demand for land, establishing many land surrender treaties with the First Nations, however it was not enough. As such, settlers began to pressure their administration for First Nation land.
- Since they first made contact with each other in 1763, the relationship between the First Nations and British had been based entirely upon commercial and military interests.
  + Due to the establishment of the Hudson’s Bay company as well as military threats having ceased, the British now viewed the First Nations as dependents rather than allies — the colony’s First Nations populations were now regarded as an impediment to growth and prosperity — so they agreed and soon enough, only pockets of First Nation land remained in Canada.
- Most First Nations continued to live on small plots of lands set aside by the treaties or on the lands of religious missions trying to convert them to Christianity. Some remained on Crown Lands, living increasingly impoverished lives. Meanwhile, British administrators began to look at new approaches to their relationship and the Crown continued to conclude land surrender treaties with First Nations until 1862.
- A new perspective eventually emerged throughout the British Empire about the role the British should play with respect to Indigenous peoples. This new perspective was based on the belief that British society and culture were superior; there was also a missionary fervour to bring British "civilization" to the Empire’s Indigenous people.
- In the colonies of Upper and Lower Canada, the Indian Department became the vessel for this new plan of "civilization." The British believed it was their duty to bring Christianity and agriculture to First Nations. Indian agents accordingly began encouraging First Nations to abandon their traditional lifestyles and to adopt more agricultural and sedentary ways of life.
- Starting in the 1820s, colonial administrators undertook many initiatives aimed at "civilizing" First Nations, which as we now know, were intended to assimilate First Nations into the larger British and Christian agrarian society.
‘Civilizing the First Nations’

**The Indian Act (1876 - Present)**

- One of the most well known and prominent policies established by the British, the Indian act gave greater authority to the federal Department of Indian Affairs and was effectively the keystone upon which British policies over the First Nations lay.
- Under the Act, the Department was authorized to intervene in a wide variety of internal band issues and make sweeping policy decisions, such as determining who was an Indian. It would also manage Indian lands, resources and moneys; control access to intoxicants; and promote "civilization."
- The Indian Act was based on the premise that it was the Crown's responsibility to care for and protect the interests of First Nations. It would carry out this responsibility by acting as a "guardian" until such time as First Nations could fully integrate into Canadian society.
- The Indian Act is one of the most frequently amended pieces of legislation in Canadian history, having been amended nearly every year between 1876 and 1927.
- The changes made were largely concerned with the "assimilation" and "civilization" of First Nations. The legislation became increasingly restrictive, imposing ever-greater controls on the lives of First Nations.
- In the 1880s, the government imposed a new system of band councils and governance, with the final authority resting with the Indian agent. The Act continued to push for the whole-scale abandonment of traditional ways of life, introducing outright bans on spiritual and religious ceremonies.

**Indian Education & Residential Schools (1831 - 1996)**

- Perhaps the darkest facet of Canadian history, residential schools were utilized as a primary medium for "civilization" and "assimilation".
- Through these schools, First Nations children educated in the same manner and on the same subjects as Canadian children (reading, writing, arithmetic and English or French). At the same time, the schools would force children to abandon their traditional languages, dress, religion and lifestyle.
- To accomplish these goals, a vast network of 132 residential schools was established across Canada by the Catholic, United, Anglican and Presbyterian churches in partnership with the federal government.
- More than 150,000 Aboriginal children attended residential schools between 1877 and 1996.
- Upwards of 4,400 students ranging from infants (∼3 y/o) to teenagers were confirmed to have died, with an estimated hundreds more undocumented to have gone missing.
Asks of the Movement

● The movement did not really deal with ethics that much on the First Nation’s part, as it was they who were being completely and utterly oppressed.

+ The only questionable aspect of the movement was probably in their resistance to the residential schools, though one might say that their resistance was undoubtedly justified and merciful as attributed to the atrocities they suffered for more than a century.

+ Specifically, this resistance mainly entailed:
  - Deliberate sabotage of classroom and kitchen operations (ie, Stealing things).
  - Setting fires to parts of the school.
  - Demanding compensation from the schools.
**Actions Done by the People**

**Lovelace V Canada Case**
- After marrying her spouse, Lovelace Nicholas lost her Indian status because of the Indian Act.
- When she divorced, Lovelace returned to her reserve but since she lost her Indian status she was no longer a registered Indian.
- She was denied a house, health care, and an education for her children due to the Indian Act.
- Lovelace took her case to the UN Human Rights Committee arguing that the Indian Act overcrossed international law.
- The UN favored her and affirmed that Canada was breaking the International Covenant on Civil and Political Rights.
- While the UN cannot officially change law in Canada, many women felt that their justice was served.
- Parliament took Lovelace’s case into consideration and re-examined the discriminatory and unfair components of the Indian Act.
- An amendment restored Indian status to women who had been stripped from it through marriage to Non-status men.
- As a result, over 114,000 regained their status as an Indian.
- The Lovelace V Canada case was able to restore legal rights of Indigenous Peoples in Canada and further amend the faulty Indian Act.

**Calder Case**
- White settlement in BC forced many Indigenous Peoples off their long-established land without their consent or any treaty in return.
- Calder served as president of the Nisga’a Tribal Council.
- In Calder Case, his tribal council asked the Supreme Court of BC to acknowledge that their ownership of land around that Nass River Valley was never “lawfully extinguished”.
- After his appeal was dismissed twice, Calder took his case to the Supreme Court of Canada.
- Most ruled that Aboriginal title did in fact live in the Canadian law.
- Calder lost the case but nonetheless, it made people recognize the need for change to Indigenous Rights in Canada.
- The Calder case signifies the importance of recognizing Aboriginal ownership.
Indigenous Peoples Resistance to Residential Schools
- Indigenous parents and students have protested the strict control put in place at residential schools but they were often ignored
- Students would disrupt the operations of the kitchen or classroom, steal food, supplies, and would try to escape
- Many fires were set off in these schools as a form of protest by the students
- Former students demanded compensations from the government and churches for their involvement and cause of extensive suffering
- By 1996, the system was taken over by the Department of Indian Affairs which ended the church involvement
- Protests made by Indigenous Peoples helped make a change in policy
- By 1996, the last Canadian residential school permanently closed
- In the 1990s, the many churches and organizations accepted accountability and issued formal apologies for their association with the residential school system and their abusive demeanor
- The Anglican, Presbyterian, and United Churches of Canada issued an apology regarding the presumption of cultural prime status and the consistent sexual, emotional, physical abuse imposed on students under their charge
- Organizations under the Catholic Church such as the Missionary Oblates of Mary Immaculate have also apologized however, the church itself has not made an official apology
The Government’s Response
- In 1998, the Liberal government established a Statement of Reconciliation for the recognition of abuse
- They created the Aboriginal Healing Foundation
- Note that this however, was not an official apology
- In 2005 the federal government created a $1.9 billion compensation package
- Residential Schools Settlement Agreement: in 2007 the government and churches that had taken part in residential schools, agreed to provide financial compensation

Prime Minister Harper’s Statement of Apology
- After rising pressure from the Aboriginal community regarding compensation and acknowledgement the government finally decided to give an official apology
- June 11, 2008 Stephen Harper gives an official apology, on behalf of the Canadian Government, that discusses the wrongdoings of racism and discrimination that took place in residential schools
- The apology was recognized by many of the national chiefs and presidents of the Indigenous community

United Nations’ Response
- The Declaration on the Rights of Indigenous Peoples (UNDRIP) was a resolution passed by the UN in 2007
- This ensured the rights to cultural, language, and ceremonial expression
- It gave them rights to education, health, employment and other issues surrounding them
- The UNDRIP main goal was to address these certain issues and to protect and restore their cultural beliefs
End Results

Truth and Reconciliation Commission (TRC)
- A committee designed to recognize, acknowledge, and publicize past misconduct
- Both sides are to work together towards reconciliation
- The main focus of the TRC was residential schools
- The purpose of this committee was to remember the fault and misdemeanor and to focus on constructive change
- The commission spent years travelling across Canada to hear testimonies of former student who were the victims of residential schools
- Goals of the TRC: to fully recognize the wrongdoings committed upon Indigenous Peoples, to construct the compensation needed to relieve the damage caused by the residential school system, to allow victims of these residential schools a form of closure, and to allow Canadian society to take full blame for the cause of their misconduct

Calls to Action
- The TRC published a list of “Calls to Action,” that lists directions on how the Canadian government and society should go about to successfully put down proper cooperation and reconciliation between Indigenous Peoples and the Canadian government
- Some of the important directives:
  - A rise in funding for Indigenous healthcare centers
  - Abolishment of education and employment separation between Indigenous and non-Indigenous citizens
  - Protections of Indigenous languages, mainly those endangered
  - Provide post-secondary education in Indigenous languages
  - Increase the amount of Indigenous workers in the health-care field

- In the end, the content and concern of issues regarding the rights of Indigenous Peoples continues to develop and progress through debates of agreement between the Canadian government and Indigenous citizens
Discussion

● Do you think the UN could/should have done more in order to protect the civil rights of Indigenous Peoples?
● Do you feel the that the government could have done more in order to compensate for their wrongdoings?
● How do you feel about the Truth and Reconciliation Commission? Do you feel it brings enough closure to the victims who suffered through residential schools?
References


