



Indigenous Peoples' Fight for Justice

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Cover Photo: Unitarian service at the Watch House on Burnaby Mountain led by Metro Vancouver Unitarian ministers, Steven Epperson, Debra Thorne, Samaya Oakley and Meg Roberts.



The CUSJ purposes are to:

- Develop and maintain a vibrant network of Unitarian social action in Canada and elsewhere and to proactively represent Unitarian principles and values in matters of social justice and in particular
- Provide opportunities, including through publication of newsletters, for Unitarians and friends to apply their religious, humanistic and spiritual values to social action aimed at the relief of (1) poverty and economic injustice, (2) discrimination based on religious, racial or other grounds, (3) abuses of human rights whether of individuals or peoples, (4) abuses of democratic process, and
- Promote peace and security, environmental protection, education, and literacy in keeping with the spirit of Unitarian values.

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Please go to our website to make an online donation: <https://cusj.org/about/join-the-cusj/membership-form/> or copy this page and send with your cheque payable to **CUSJ** to: Gary Campbell, Treasurer, 122-1601 Prince of Wales Dr, Ottawa ON K2C 3P8

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Hold the Date! CUSJ AGM 2019

Sunday, May 12, 12:30 - 4:00 pm (eastern time), First Unitarian Congregation of Toronto, 175 St. Clair Avenue West @ Avenue Road
(You can attend via internet: see [CUSJ website](#) for details on how to connect.)

12:30 pm: Registration & light luncheon

1:15 pm: Member conversation

2:00 pm: Business Meeting

3:00 pm: Keynote Speaker: **Joyce Nelson** on ***Creative Solutions to the Climate Crisis***

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Joyce Nelson:
Creative Solutions to the Climate Crisis

Joyce Nelson is an
award-

winning freelance writer/ researcher whose seventh book, *Bypassing Dystopia: Hope-Filled Challenges to Corporate Rule* is a sequel to *Beyond Banksters: Resisting the New Feudalism*. She explores global examples of active and creative resistance to the iron grip of corporatism on our economies and imaginations.

Nelson, who writes regularly for several publications, has received awards for her writing and *News-Watch Canada* has selected her articles on three occasions for their Top Ten "significant but under-reported" stories of the year. She has created radio documentaries for *CBC Ideas*.

President's Message

We are pleased to finally have a new issue of *JUSTnews*, complete with a new look for 2019. Since you last saw an issue, we had a summer with record wild fires and flash floods from coast to coast and around the world. As the climate crisis and the political rhetoric heat up, never has it been more important to work together to weather the storms ahead. Courage, sacrifice and compassion (for self and others) are called for. An attitude of gratitude for those who have gone before us and the many who speak truth to power today, will serve us well. I am ever grateful to have such people in my life, who share my passion for justice and a better world.

My current favourite slogan is *Respect existence or expect resistance!* – peaceful, even joyous, resistance. We cannot fight fire with fire. Only life-giving waters will put out the flames. A growing number of Indigenous women are reasserting their roles as caretakers of water and their communities. Aishinaabe water walker, Josephine Mandamin, began her sacred water walk around the Great Lakes in 2003, armed with nothing but a copper pail and a walking stick. She walked over 10,900 miles and continues to inspire many First Nations water walkers today. She said, “We as women are life-givers, protectors of the water, and that’s why we give mother earth the respect that she needs... You’ve heard of ‘Walk the Talk,’ this is why I walk.”

You could also “walk the talk” with the five sinister seniors given jail time this summer for protesting at Kinder Morgan’s Burnaby tank farm. As Jean Swanson (Vancouver City Councillor elected in October) pointed out, “The government is spending billions of dollars on a project that will burn more fossil fuel and increase global warming. That is not right. That money could be used in many other ways. It could be used to end homelessness. To support First Nation’s communities in need of clean water. Those resources could be destined so that workers in Alberta can farm wind and solar energy. Actions that help the environment.” Peaceful resistance is fertile! We also rejoice in the BC Federal Court of Appeal’s decision to quash further construction of the Trans Mountain pipeline, citing the NEB’s failure to consider the project’s impact on the marine environment and to engage in meaningful dialogue with affected First Nations.

In early September, the annual global *Rise for Climate* rally took place, demanding that our leaders build a fossil free world and a fast and fair transition to 100%

renewable energy. Grassroots movements are showing leadership from below. In this era of declining democracy, divisive politics and “fake news,” it is inspiring to witness people power making a difference. Avaaz, a 47 million strong global campaign network, is standing up to corporate power and bringing concerned citizens, politicians and Indigenous



leaders together, to protect people, other species and the planet, and to work to free human rights activists, such as jailed Palestinian teenager, Ahed Tamimi. Toronto (Tkaranto – “Dish with one Spoon Wampum”) hosted two global conferences.

CUSJ was excited to be a sponsor of *World Beyond War*, which brought together the newly-revived peace movement and others, to explore how the rule of law has been used both to restrain and to legitimize war — and how we can re-design systems to abolish the institution of war and uphold human and ecological justice. Many UUs also attended the 125th anniversary of the *Parliament of the World’s Religions*. CUSJ Board members, Jim Sannes and Ellen Papenburg, represented CUSJ as advocates for UU Animal Ministry. Inhumane, industrial animal agriculture accounts for a high level of greenhouse gas emissions, land and water waste and human diseases.



Our CUSJ banners are available for congregations - let’s show our colours! Please contact Margaret Rao (president@cusj.org) if you are interested in getting a banner for your congregation.

Halifax's Truth and Reconciliation Task Team

October of 2016 the Universalist Unitarian Church of Halifax set up a Truth and Reconciliation Task Team as a sub-group under our Social Responsibility Committee. From the beginning we were guided by these words...adapted from a quote attributed to Jiddu Krishnamurti: "Action has meaning only in relationship, and without understanding relationship, action on any level will only breed conflict. The understanding of relationship is infinitely more important than the search for any plan of action or *plan for reconciliation*." Since that time, we have been working closely with the CUC T&R Team.

We wanted our program to reflect the unique circumstances of the Mi'Kmaq people of the East Coast, who never signed treaties that ceded land or resources.



Historical map of Mi'Kma'ki territory

We studied the materials from the CUC and made some changes to reflect our context, and then we invited Deborah Eisan, the Program Director for the Mi'Kmaq Native Friendship Centre in Halifax to review our plans.

To our amazement and delight, Deborah offered to co-facilitate our program, bringing in materials from her many years of cultural sensitivity training done for the Canadian Navy and the RCMP, among other organizations. Debbie's presence in our reflection sessions has made a huge difference as she helps to lead each session. Debbie has told us that she uses our project as an example of Truth and Reconciliation in action. Our program was intentionally limited to members of our church, with the thought that might offer it to the wider community in the future.

We launched our reflection guide series in September of 2018 after almost two years of planning. We have 25 members of the congregation participating in 9 sessions, including the first session which was a Blanket Exercise conducted at the Mi'Kmaq Friendship Centre, specifically for our church. We have three sessions to go now, before we wrap up this phase of our activities. The last session will focus on how we can build the process of Truth and Reconciliation into the fabric of our congregation. We

recognize that this must not something we think is finished after 9 sessions.

Respectfully submitted by the Halifax T&R Team: Anne Kuersten, Bonnie Coulomb, Wietske Gradstein, Amy Moonshadow and Rev. Norm Horofker.

First Unitarian Congregation of Toronto Social Action

CUSJ maintains a Social Justice bulletin board and posts local and national news and events, including CUSJ letters to our elected leaders.

The Toronto congregation also posts local justice activities in our weekly *First Light* e-newsletter. We regularly raise the CUSJ banner for climate justice, including the monthly student "Strike for Climate Fridays" at the Ontario legislature. More recent rallies at Toronto City Hall include the Indigenous Solidarity rally for the *Wet'suwet'en* First Nation's territorial rights following the RCMP arrests and the third annual Women's March, since the election of President Trump. There will be more public rallies in the coming months to counter the Ontario PC government's cutbacks to education, healthcare, public transit and other vital social services. Margaret Rao gave a **testimony** in January on her activist role as a Unitarian Universalist.

Vancouver Unitarians launch Reconciliation Network

Last year, the Unitarian Church of Vancouver reflected on the question posed by CUC's Joan Carolyn – "What are we doing as a congregation to support reconciliation with First Nations?" This question soon led from "What are we doing?" to "How are we sharing information about what we are doing?" and "How can we lift up the issues to a clearer focus within the congregation?" "Do we need a new committee?" (No.)

What we are calling the "Reconciliation Network" includes everyone in the congregation. Our webpage by that name contains loads of shareable information. And a fluid, flexible working group is meeting at various times to include those with differing schedules in nurturing the network. Check out our web page: <http://vancouverunitarians.ca/action/social-justice/reconciliation-network/>. It's a work in progress.



CUSJ Board Member Visits Grassy Narrows

In May 2018, CUSJ Board member Gustavo Frederico visited Grassy Narrows, Treaty 3 Territory as part of a Christian Peacemaker Team Indigenous Peoples Solidarity Group (CPT.org). Cym Gomery talked with him about his experience.



How did you come to be involved with CPT?

"I was a Mennonite for five years and was amazed to learn about CPT's history. CPT's history can be traced back to the Anabaptist tradition of non-violent direct action. CPT's first presence in Asubpeeschoseewagong Netum Anishinabek, also known as Grassy Narrows, was at a moment of crisis in 2002. After that, CPT delegations have frequently been invited to return. I recommend the book *In Harm's Way: A History of Christian Peacemaker Teams*, for those who want to learn about CPT's presence in different countries and to get involved.

What is your connection to UUism?

"I came to be a Unitarian Universalist about four years ago, after opting for an agnostic worldview. I'm thankful for the financial support of two donor groups who helped with my trip: the Global Justice Working Group of the First Unitarian Congregation of Ottawa, and CUSJ.



Tell me about Grassy Narrows.

"Grassy Narrows is a First Nation community located about 80 km north of Kenora, ON, downstream from a pulp and paper plant that dumped 10 tonnes of mercury into the Wabigoon River between 1962 and 1970. The community of about 800 individuals has been through many traumas, including residential schools, coerced relocation away from their traditional living areas, missing and murdered Indigenous women, hydro damming

flooding sacred sites and wild rice beds, mercury contamination, clearcut logging of their forests, and mining.

In June 2017, the Ontario government promised \$85 million to finally clean up the mercury-contaminated Wabigoon River that had poisoned the people of Grassy Narrows First Nation and nearby Whitedog First Nation for generations. However, in May 2018, a health report warned of ongoing problems with mercury contamination in individuals and the environment, and suggested actions. Has there been any improvement since then?



"Scientists have suggested that it might be possible to isolate the mercury in the bottom of the English-Wabigoon riverbed by overlaying it with clay from other clean rivers. However, I didn't sense a lot of confidence that the issue could be resolved this way. The problem is decades old and individuals are suffering today from long-term mercury contamination. Also, in February 2017, the *Toronto Star* reported a new site of industrial mercury contamination near the Dryden Mill which may aggravate the situation. Considering we are looking at four years of Doug Ford's Progressive Conservative majority government, we should all advocate for these funds to be used immediately to help the affected community.

What did you hope to accomplish in going to Grassy Narrows? Do you feel that you made a difference?

"I wanted to be with the community and hear their story first-hand. I believe in the plurality of forms of actions by engaged citizens and activists, but nothing compares with spending time with people where they are. I believe that reconciliation with First Nations, Métis and Inuit is a very important subject for Canada. I hoped to take the time to look

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carefully at Grassy Narrows' history. I didn't want to go with a patronizing attitude, so the least I could expect was to share their story. I wanted to hear directly from the community about ways to help. They said that what they wanted most from our delegation was for their stories to be told. Now it is up to people to hear it.

What was the most surprising thing you learned from your visit?

"I was surprised to realize what should have been obvious before: that the standard map of Canada with provinces is deceitful. And I was surprised to hear from lawyers and professors that "Dura lex, sed latex"; that is, the law is harsh, but is malleable.

What can people who want to help communities like Grassy Narrows do?

"There are many things that can be done! Watch the documentary *The Scars of Mercury* by Tadashi Orui in your congregation. Write to your MP and ask her/him to support the campaign for a [National Suicide Prevention Action Plan](#). Do something practical about the [94 Calls to Action](#) of the Truth and Reconciliation Commission. And go to Grassy Narrows at least once in your lifetime.

I understand that you met with Steve Heinrichs in May 2018. Heinrichs was arrested for protesting against the TransMountain pipeline. What was your biggest takeaway from your meeting with Steve?

"Steve is the Director of Indigenous-Settler Relations of Mennonite Church Canada. We met Steve Heinrichs in Winnipeg in the first night of the delegation, when he led an informative, thoughtful and moving presentation about the history of settler relations with First Nations. Steve was sentenced in August to seven days in jail.

"If religious institutions cannot connect their values with the issues of our times and act accordingly, they may as well close the doors. After appreciating Steve's courageous actions, we must turn our attention to the issues at hand. The environmental issues are a matter of survival for all and First Nations, Métis and Inuit voices are extremely important in the attempts to address these.

What is your next project?

"I'm busy with work and family, but when I have time I hope to engage with First Nations and non-Indigenous communities to find ways to return

unsundered land or to draft "shared land ownership" agreements legally. Article 28 of the *United Nations Declaration on the Rights of Indigenous Peoples* says that "Indigenous peoples have the right to redress, by means that can include restitution [...]". Wouldn't it be nice if a few Unitarian congregations found a legal way to share land ownership?"

CUSJ Interviews Erin Horvath, CUC's new Social Justice Lead

Erin Horvath was hired by the CUC in August 2018 as CUC's new Social Justice lead. Leslie Kemp interviewed Erin by phone about her role and what she would like to accomplish. Here's a recap of our conversation.



Tell me about your background and what interested you in this position?

"When I lived in Sioux Lookout I attended the United Church which had a strong social justice focus and was very rooted in practical steps. I knew about Unitarians through my sister who is involved in the Unitarian Church in Guelph.

"I have worked with and have been immersed in Indigenous communities. The national conversation around truth and reconciliation was starting to pick up and I was wondering how we are going to walk this path.

"My family adopted two Indigenous sisters as part of the 1960s Scoop before I was born. I worked with Cat Lake First Nation which was a significant experience in my learning about Indigenous issues."

What would you like to accomplish in your new role?

"I will be working with Meg and Amber and the Truth, Healing and Reconciliation Resource Team to reach out and make resources available. There are important questions to consider such as: How do we sustain this work? How do we create something that is useful for people? How do we actively engage Indigenous people in our work? We want to move the conversation along nationally and invite reflection on white privilege and our relationships and actions.

Canadian UU News

"I have a background in running social enterprises so that will help with the sustainability aspect. We want to ask what is valuable nationally (like the OWL curriculum, a resource for all congregations). Colonization is not in the past. This is not easy work. If we are going to take the next steps forward, there is room for good mentoring.

"I also work with the national Social Justice team. Our focus is on water. This allows us to connect both internally and externally. Water connects many dots: First Nations communities (who often lack good quality drinking water), fracking, selling water to the US, bottled water. There is an Anishinaabe teaching that women are the water carriers. There is a connection between how we treat women and how we treat our water.

"Social media is also an important tool, particularly for youth who are online a lot – these are virtual communities.

"In the new year, I will be connecting with Social Justice Coordinators in congregations by phone or zoom.

"Responsibility for refugees has been separated from this role and is being taken care of by Samia who can be reached at refugee@cuc.ca.

How will you work with social justice advocates in the UU movement in Canada?

"My approach is rooted in community and relationship. I will go to the grassroots and talk with people and ask: how can I support you? I believe in connecting people and encouraging people to take steps they can take on their own. My email is erin@cuc.ca. I would love to hear from you!"

Truth, Healing and Reconciliation

Several congregations have started the first step in the process of reconciliation between Indigenous and non-Indigenous people in Canada using CUC's *Truth, Healing and Reconciliation Reflection Guides*. This is a long journey that begins with learning the truth about Canada's colonial history and the present realities of Indigenous people in Canada. And we also need to take concrete action.

The Truth and Reconciliation Commission (TRC) recommends that the [United Nations Declaration on the Rights of Indigenous Peoples](#) be used as the framework for reconciliation at all levels and across all sectors of Canadian society. Let's study this and take action to ensure Canada is in compliance.

Feedback and Contributions Welcome!

We hope you like the new look and content of *JUSTnews*. We welcome your feedback and ideas. What do you like? Do you have suggestions for future issues?

We also welcome contributions: news from congregations and from Canadian Unitarians doing interesting projects. Please keep in touch - we'd love to hear from you! – Leslie Kemp, Editor

Support Indigenous Businesses

UUMOC has developed an online directory of Indigenous businesses in Canada.

Alan Siyliboy Drums: Nova Scotia, Millbrook art; hand painted drums <http://www.alansyliboy.ca/drum-series/>

Alona Edzerza: Art-Ware for Every Body: <https://www.edzerzagallery.com/>

Cheekbone: Canadian made cosmetics: <https://cheekbonebeauty.ca/>

Tribal Spirit Music: hand drums, powwow drums, music <https://tribalspiritmusic.com/artists/hand-drums/>

Good Minds: FNMI books: <http://www.goodminds.com>

Mother Earth Tobacco: Manitoba based; First Nations tobacco grown organically for ceremonial use; individually packaged for gifts: <http://motherearthtobacco.com/index.html>

Nk Mip Cellars: First Nations owned operated winery (BC Okanagan) <http://www.nkmipcellars.com/About-Us>

Qu'wutsun-made: Cowichan; contemporary; apothecary <https://www.quwutsunmade.com/>

Raven Reads: Subscription service to quarterly "box" of Indigenous literature. <https://ravenreads.org/>

Rosey's Trading Post: Peterborough based; clothing accessories, gifts: <https://roseystradingpost.com>

Section 35: artistic clothing; anti-colonialist <https://www.sectionthirtyfive.com/>

By Leslie Kemp

In 2009, Prime Minister Stephen Harper claimed that Canada has “no history of colonialism.” This audacious statement belies the truth of Canada’s founding as a colonial state.

As the bourgeoisie in Europe rose to power, they sought new sources of raw materials and new markets. The commons of Europe were transformed to private property at the same time as the gold and silver, land and furs of the Americas were robbed. As settlement from Britain and France took place, Indigenous peoples were increasingly pushed off their lands, into small areas of marginal land. Much of the land was given to corporations (e.g., the Hudson’s Bay Company in the 1680 Charter and later to the CPR and other railway companies), to the church and the wealthy elites. As westward settlement took place, European settlers were lured to Canada with promises of fertile land.

Colonialism is not only about material accumulation but requires the production of ideologies that justify the theft and violent practices at its root. Colonialism in Canada was a deliberate attempt to undermine, starve and defeat a people to steal their land. Thomas King explained capitalism’s view that “Land is primarily a commodity, something that has value for what you can take from it or what you can get for it.” Historically, First Nations lost some 98% of their original lands through various legal means such as treaties and the Indian Act. Métis Nation peoples lost some 83% of their Red River lots through the Scrip program. The long-term result of such massive dispossession is institutionalized inequality.

The legacy of colonialism affects every aspect of the lives of Indigenous people in Canada. At very young ages, children were taken from their families and communities and placed in residential schools, with the aim to “kill the Indian in the child.” They were forbidden to speak their language, suffered neglect, abuse and deprivation and received sub-standard education. The result was a traumatized people, disconnected from their families, communities and culture.

Indigenous peoples have a long history of resisting colonization – from the Red River Rebellion, fighting the attempt at assimilation from the 1969 White Paper to

numerous examples of land and environmental struggles. In spite of the constant efforts of the Canadian state at “cultural genocide” or “genocide,” Indigenous peoples have survived and, in recent decades, resistance and confidence have increased. There is a cultural revival as people rediscover their cultural traditions, music and language and create new art forms. Struggles over land, the environment, residential schools, missing and murdered women, and conditions on reserves are all increasing.

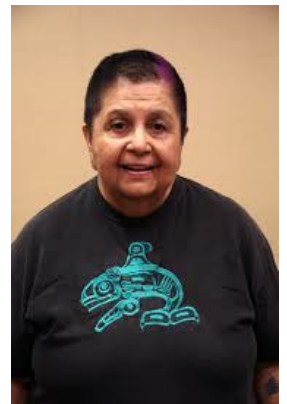
“The issues that we deal with today are the result of dispossession. Two hundred and fifty years ago, it was about the land. Twenty five years ago, it was about the land. And still today, it is all about the land. ” - Taiaiake Alfred

This issue of *JUSTnews* demonstrates that Indigenous peoples have never stopped fighting for justice. They have used and are using legal remedies, as explained by Bruce McIvor and Sharon McIvor. As Bruce points out, our legal system is, to some degree, a reflection of current

values and pressures. It is movements from below, actions of ordinary people, like us, that can shift the dialogue and trajectory of society. The choice is ours: do we stand on the sidelines as observers of history? Or do we choose to stand in solidarity with Indigenous peoples in their long-fought struggles for justice?

Sharon McIvor’s Fight for Indigenous Women’s Equality

In a recent telephone conversation, Sharon McIvor reflected on Indigenous women’s place in society. They are “as low as they can get.” As a kid walking home from school, McIvor regularly hid in the bushes from male predators. This month, a trial took place for the murder of 12-year old Monica Jack in 1978. From the Lower Nicola Indian Band, near Merritt, BC, Jack went



missing while riding her bike along Nicola Lake. Gerry Taylor Handlen was convicted of Jack’s murder 40 years after her death. McIvor maintains that the reason there are so many missing and murdered Indigenous women in Canada is “tied to the place that First Nations women are in society” and she took this to the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Indigenous Struggles for Justice

Her passion for justice and her own experiences have driven McIvor to relentlessly pursue injustices she says have been entrenched in the *Indian Act* since 1876. After bringing a constitutional challenge in 1994 about the sex discrimination in the registration provisions of the *Indian Act*, Sharon McIvor decided in 2010 to take her case for First Nations women's equality to the United Nations. She said then, "Now I will seek full justice for Aboriginal women under international human rights law. Canada needs to be held to account for its intransigence in refusing to completely eliminate sex discrimination from the *Indian Act* and for decades of delay."

In mid-January, the United Nations Human Rights Committee issued a landmark decision that determined Canada discriminates against First Nations women and their descendants, stating that Canada violated its international obligations. It urged Ottawa to put an end to the differential treatment of an estimated 270,000 women and their descendants.

When McIvor and her son Jacob Grismer filed the case she said, "Versions of the *Indian Act*, going back to the 19th century, have given preference to male Indians as transmitters of status, and to descendants of male Indians. Despite amendments made to the *Indian Act* when the Charter came into effect in 1985, Aboriginal women are still not treated equally as transmitters of status, and many thousands of descendants of Aboriginal women are denied status as a result."

While the 1985 amendments were hailed as a victory for Aboriginal women in Canada, giving them the status they had been denied since 1876, for Sharon and her children, this wasn't a victory. McIvor's grandmother was a member of the Lower Nicola Band -- part of the Nlaka'pamux Nation -- who married a non-Indigenous man. Because Indian status was determined on the basis of male lineage, she lost her status and her children were ineligible for registration as an Indian. McIvor also married a non-Indian and had three children, including Grismer. McIvor can only pass on partial Indian status to her son, who also married a non-Indian, but no status to her grandchildren. Her brother, on the other hand, can pass on full status to his children as well as his grandchildren. As a result of the 1994 constitutional challenge, the BC Supreme Court ruled that section 6 of the *Indian Act* violated section 15 of the Charter. However, when Canada appealed, the BC Court of Appeal ruled that although the *Indian Act* was discriminatory, the bulk of the discrimination was justified because the Government's pur-



Photo credit: Amnesty International Canada

pose was to preserve the existing rights of the Aboriginal men and their descendants who had been given preferred status.

Reflecting on her decades-long battle, McIvor said, in a telephone conversation with the *JUSTnews* editor, "I have had dealings with 16 ministers of Indian Affairs on this equality issue. None of them have done anything and one said, 'I wouldn't touch the Indian Act with a ten-foot pole.'" Yet they have spent millions of dollars consulting with First Nations across the country, using scare tactics and posing questions such as "if you have new members, how will it affect your community?" The federal government told the court that they had 20,000 documents on file related to their consultations.

The federal government talks about "Nation to Nation relationships with First Nations," however, it defines, through the *Indian Act*, who is and is not eligible for registration. McIvor argues that "these consultations have to include us all." Further, as the UN has concurred, "cost is not a reason to discriminate."

McIvor said she doesn't know if she will see the changes she seeks in her own lifetime. However, her 18-year old granddaughter is carrying on her activist traditions, having been one of the leaders of the [rainbow crosswalk](#) proposal in Merritt. Proposed by an LGBTQ pride group and the Aboriginal Youth Voice to promote acceptance of all people, the crosswalk was ultimately rejected by Merritt's City Council. McIvor shared a story of an experience years ago of being served in a restaurant after a white family even though she and her family were seated first; she commented to the server, "I hope this wasn't because of racism." Her then 12-year old daughter, embarrassed by her mother's comment, asked "Mom, why do you always do that?" Her reply was "so you won't have to."

Bruce McIvor discusses First Peoples Law



Bruce McIvor, lawyer and historian, is principal of First Peoples Law. A member of the Unitarian Church of Vancouver, Bruce represents First Nations across Canada and is recognized nationally and internationally as a leading practitioner of Aboriginal law in Canada.

Bruce is a proud Métis from the Red River in Manitoba. He holds a law degree, a Ph.D. in Aboriginal and environmental history, and is a Fulbright scholar.

JUSTnews editor, Leslie Kemp, sat down with Bruce at a neighbourhood café to discuss his newly-published book, *First Peoples Law: Essays on Canadian Law and Decolonization*. Their conversation ranged from the significance of the Tsilhqot'in and Grassy Narrows decisions, to what the "duty to consult" means and the impact of social movements on the courts and the law.

"I fell into law accidentally after completing a PhD in environmental and aboriginal history. After doing research for a law firm, I decided to go into law. Practicing law is more than just going to court. I believe that public education is a key part of law practice. I do constitutional law and a lot of public speaking and public education. This book is part of a process to explain to non-lawyers how the law is developing. Law is always changing and develops through public opinion. So, I also made the book available on my website and there have been over 5,000 downloads. I also give printed copies away.

The Significance of the Tsilhqot'in and Grassy Narrows Decisions

"The issues are important across the country. There are two issues: 1. Claims for title and 2. Provincial government infringement on Aboriginal title. The 1763 Royal Proclamation established the constitutional framework for the negotiation of treaties with the Aboriginal inhabitants of large sections of Canada. Essentially, the Proclamation gave authority to the federal government to protect local settler communities.

"In *Tsilhqot'in*, the Supreme Court made the first declaration (in 2014) of Aboriginal title in Canadian history. While this was a watershed moment, the

downside of *Tsilhqot'in* was it dramatically reduced the federal government's role when a province proposes to undertake activity that could negatively affect Aboriginal and Treaty rights.

"*The Grassy Narrows* appeal centred on the issue of what limits exist on provinces that seek to 'take up' land for forestry and other purposes pursuant to the numbered treaties. I was one of the counsels for Grassy Narrows and Wabauskang First Nations whose health, culture and livelihoods had been impacted by industrial activity, including hydro damming, mercury dumping, and clearcut logging. These activities undermined confidence in their traditional foods. The Supreme Court of Canada ruled in *Grassy Narrows* that Ontario is allowed to exercise the rights and responsibilities that Canada has under the Treaty and re-iterated that where the impacts on the rights to hunt and fish are severe, their consent may be required.

Duty to Consult

"The 'Duty to Consult' involves more than going into a community and taking notes, like is often the case. It calls for two-way meaningful consultation. The Kinder Morgan pipeline will significantly increase tanker traffic through the Salish Sea, affecting marine life and increasing the risk of an oil spill. The Supreme Court confirmed the underlying principle of 'Duty to Consult' in 1997 in *Delgamuukw* and restated it in 2014 in *Tsilhqot'in*. Although the Federal Court of Appeal has quashed the federal government's approval of the Trans Mountain expansion project, partly on the basis of not having done adequate consultation, this doesn't mean the end of the pipeline. The decision provides a roadway to get on with what they need to do to proceed. It's now a political decision.

"When there is potential impact, you need consent; the 'duty to consult' is not enough. Consent is about having a different conversation with Indigenous people. It's about asking 'what would it take to get your consent?'

Impacts of Social Movements on the Courts

"The Supreme Court is very aware of the political mood in the country. Like a living tree, it reflects the changing social norms. They don't just rigidly apply the law. The court considers principles, workability, and community and Canadian values.

“Social justice plays a huge role in supporting marginalized people fighting for rights. The development of aboriginal law in Canada is led by and based on a grassroots movement. Aboriginal law is driven by a determination for justice. George Manuel in his book, *The Fourth World: An Indian Reality*, describes the impact, when he was a young child picking berries with his family on their traditional territory, of coming across a fence with a sign saying ‘private property.’ His granddaughter Kanuhus carries on his determination for justice.

“A good lawyer recognizes where Indigenous people want to get to and help them to try and get there.

What Decolonization Looks Like

“Canada is built on a fundamental lie. The construct of the Canadian legal system is based on the Doctrine of Discovery. This is not written in stone. Property assessment is based on a huge lie but the courts or government won’t deal with this. Canada has stolen the land value from Indigenous peoples. How does Indigenous law apply to fee simple (private) property?

“Indigenous peoples are moving towards having their own legal system recognized. We are largely miseducated in law school. We are taught that all Canadian law is traceable to the Canadian constitution. This is a fundamental misunderstanding of how law works. Indigenous law is separate from Canadian law. It is ignored. Our fight is to have this jurisdiction recognized.

“Decolonization is also very personal. It’s a daily effort. It’s about a responsibility to the land. We don’t have dominion over the land.

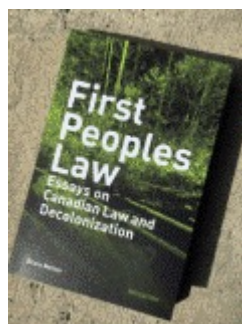
What Unitarians Can Do

“When having conversations, speak out at an individual level. Unitarians are thoughtful, serious, empathic, principled. Speaking from principles is important to change the conversation. Misconceptions about Indigenous people are harmful to Indigenous people.

“Reconciliation is about more than acknowledgements. If saying acknowledgements makes you feel good, it’s not right to say. If it makes you uncomfortable, maybe it’s right.

“The only guarantee that things won’t change is if we stop talking about it.”

Resources



First Peoples Law: Essays on Canadian Law and Decolonization

by Bruce McIvor (2018)

This collection of Bruce’s essays on Canadian law and decolonization is available as a free download. Paperback copies are also available to order. [Click here](#) to check it out.

Making Native Space: Colonialism, Resistance, and Reserves in British Columbia

by Cole Harris (2002)

Making Native Space clarifies and informs the current debate on the Native land question. It presents the most comprehensive account available of perhaps the most critical mapping of space ever undertaken in BC – the drawing of the lines that separated the tiny plots of land reserved for Native people from the rest.



Inuit Qaujimajatuqangit: What Inuit Have Always Known to Be True

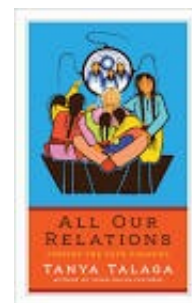
Edited by Joe Karetak, Frank Tester and Shirley Tagalik (2017)

Inuit Qaujimajatuqangit — meaning all the extensive knowledge and experience passed from generation to generation — is a collection of contributions by well-known and respected Inuit Elders. The book provides an Inuit perspective on how we relate to each other, to other living beings and the environment.



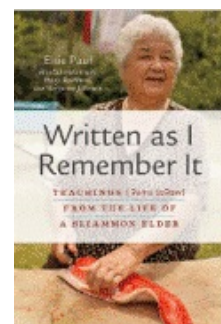
All Our Relations: Finding the Path Forward

by Tanya Talaga, (2018). In this vital and incisive work, bestselling and award-winning author Tanya Talaga explores the alarming rise of youth suicide in Indigenous communities in Canada and beyond.



Written as I Remember It: Teachings (? ta?aw) from the Life of a Sliammon

By Elsie Paul, with Paige Raibmon and Harmony Johnson (2015)
This rare glimpse into the life of a Coast Salish woman and the history of the Sliammon people stands as a fruitful model for collaborative research and storytelling, a model that has the power to transform relations between settlers and indigenous peoples in Canada.



Book Reviews

Unsettling Canada: A National Wake-Up Call

by Arthur Manuel and Grand Chief Ronald M Derrickson

Review by Frances Deverell

Many readers will find this book unsettling. You will learn about the relentless pursuit of the Canadian government to end the treaties, assimilate First Nations, rob them of their land and extinguish their Court-affirmed constitutional rights. Co-author Arthur Manuel writes, "It is the loss of our land that is the precise cause of our impoverishment."

Arthur, son of George Manuel, grew up in the Secwepemc territory on the interior plateau of BC. George was a significant leader provincially, in Canada, and internationally. He established the World Council of Indigenous Peoples and used those and UN contacts to persuade Pierre Trudeau to put Section 35 (Aboriginal rights) in the new Canadian Constitution.

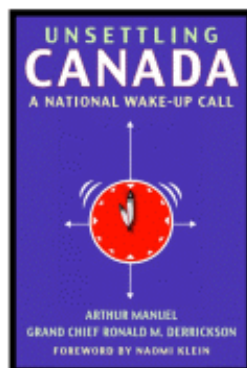
Arthur was a brilliant and determined strategist in his own right. With his team of allies, he conducted a modern campaign for recognition of Aboriginal Title and Rights across Canada.

As a youth, he worked to mobilize the people for the "Constitutional Express." Trainloads arrived in Ottawa from the West. He believed "what moved the government and the people of Canada was the passion and the power of our people unified at the grassroots level, demanding justice for themselves and their children."

Whether as a chief, a legal strategist, or a national leader, he refused to be sidetracked by Canada. He pushed his people to take charge of their own future based on the defence of the land.

As an international leader he fought for the inclusion of the right to "free, prior, informed consent" in the UN Declaration of the Rights of Indigenous Peoples. He also made connections with and presented briefs to the World Bank, the American NAFTA negotiating team, Standard and Poor's, and other influential groups. He looked for leverage and influence wherever he could find it. Together, he and Derrickson challenged a system that doesn't allow Natives to log in their own territory through a direct action strategy.

Arthur Manuel tells engaging stories from the personal vantage point he and his family enjoyed. I particularly appreciated the story of the shift from a troubled



relationship of conflict and distrust during the "conservationist era" to a powerful partnership with non-Indigenous environmental leaders. It began to work when they finally came to understand the central importance of Indigenous leadership in any solution.

Most exciting was co-author Grand Chief Ronald M. Derrickson's proposed models for a relationship that would give Canadian business and government certainty while giving First Nations self-government and independence from the welfare approach. "The money is there [for a true shared title approach to land.] We simply have to demand our fair share. . . . The only reason not to do it is pure racism."

Read this book to discover amazing activist tactics. Then put the pressure on Trudeau to let assimilation go. Let's make a fair deal with our First Peoples!

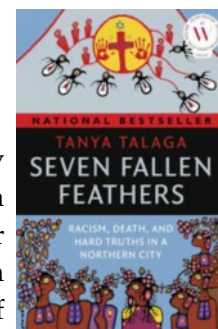
Seven Fallen Feathers

by Tania Talaga

Review by Sally Palmer Woods

Between October 2000 and February 2011, seven Indigenous teens from Northern reserves died in Thunder Bay, six from drowning, one from alcohol poisoning and one of undetermined medical causes. They had come, mainly reluctantly, to this Northwestern Ontario city to complete their high school education, thus necessitating living in foster homes at the young age of fourteen years. In "Seven Fallen Feathers", investigative reporter Tania Talaga tells a compelling tale of their lives and the circumstances surrounding their deaths. She interweaves a poignant story of the loving families and the close-knit communities that the youths came from with the shameful history of the Government of Canada's relationship with Indigenous people: the betrayal of the spirit of the treaties, the Indian Act, the establishment of residential schools with their terrible legacy, all leading to the chronic underfunding of Indigenous education and lack of available options nearer to their homes.

The teens forced to attend Dennis Franklin Cromerty High School and Matawa Learning Centre struggled with homesickness, academic and language difficulties, and the adjustment to city life. Added to this were the frequent acts of overt racism: name calling and things being thrown at them out of car windows. The young people often turned to alcohol as a means of fitting in with their peer group, and despite their best efforts,



Seven Fallen Feathers review continued on p.13

Electoral Reform

Electoral Reform on PEI

by Andy Blair

In 2016 PEI held a plebiscite on whether to adopt a Mixed-Member Proportional (MMP) system, with 52.4% of Islanders voting in favour. Unfortunately, Liberal Premier Wade Mac Lauchlan decided to set aside the results, claiming low turnout.

A new referendum has been called, to be held concurrently with the 2020 PEI provincial election. However, the new rules set by the MacLauchlan Government tilt the playing field in favour of the status quo, meaning that:

- Electors casting ballots in the general election, but not in the referendum held at the same time, will be effectively counted as voting for the current FPTP system;
- A double-majority is required for change: Any thing less than 50% voter participation in the referendum means results can be ignored by government...and even then, a majority result for change can be ignored under some circumstances;
- Individual citizens and civil society groups can no longer donate towards any campaigning - the only campaign spending to be allowed is from tax payer funds: a \$75,000 government fund to "both sides;"
- Restrictions, including the ban on spending, were put in place over a pre-campaign "registration period" starting on 1 July 2018, effectively placing a gag order on groups from engaging the public on democratic reform until the 2020 election.

The new rules disqualified the PEI Coalition for Proportional Representation from participating in the upcoming referendum, so the Coalition had to disband. Instead, civil society groups will attempt to campaign individually. Despite these setbacks the ranks of electoral reformers on the Island continue to grow, and they remain committed to achieving a fair democracy in the cradle of Confederation.

The BC Referendum on Voting Reform

by Frances Deverell

Activists are feeling crushed at the sound defeat of the BC referendum on proportional representation. We were so hopeful. Voters were asked two questions: first, what electoral system should be used to determine election results—the existing first-past-the-post (FPTP) system or a proportional representation (PR) system; and an

optional second question: what type of proportional voting system should be used if PR is chosen. Voters were asked to rank three proportional representation voting systems: dual-member proportional representation, mixed-member proportional representation, and rural-urban proportional representation.

Only 42.6% of registered voters voted. The results: FPTP, 61.3%, PR, 38.7%. Why did it fail? In my humble opinion:

- All activist groups ran campaigns. It was hard to work together with the central PR campaign that received the government funding.
- The government had a question we liked, but the MMP option was poorly defined. The opposition scared the electorate by telling them they were giving the NDP a blank slate. People couldn't see how the three options would work.
- Voters were unwilling to answer just question one and they didn't understand question two with the three options. They sat on their ballots and didn't vote.
- Older people tended to stick with the status quo. People under 35 were our voters. Many were students and many of them are mobile and didn't get a ballot.

Next time I'd recommend that one PR system be chosen and voters be shown how big the ridings would be and guarantee open lists so people can choose the list candidates. Keep it simple: FPTP or MMP. Our apologies Canada. We're passing the baton to Québec and PEI.

Seven Fallen Feathers review continued from p. 12

their teachers and counsellors could not keep them safe. Talaga outlines the shockingly slow response by police when they went missing, and the automatic assumption that their deaths were accidental. Because of this, precious time was lost and the deaths were not rigorously investigated. An inquest held years later failed to cover the conduct of the Thunder Bay Police or the part played by racism in this tragedy. Talaga concludes that little improvement has been made to the funding of education and mental health services for Canada's 163,000 Indigenous children despite many statements of good intent by politicians. Calls to build schools closer to home or provide a student residence in Thunder Bay have so far gone unheeded. As a country we have let these young people down, since according to Talaga, we have "been trained to look away."

Climate Change

Capitalism Killed Our Climate Momentum, Not Human Nature!

By Margaret Rao

Naomi Klein, renowned Canadian author, wrote a rebuttal, "Capitalism Killed Our Climate Momentum, Not Human Nature" (August 3, 2018) to Nathaniel Rich's article in the *New York Times Magazine* "Losing Earth: The Decade We Almost Stopped Climate Change" (August 1, 2018). Klein points out, "We have not done the things that are necessary to lower emissions because those things fundamentally conflict with deregulated capitalism, the reigning ideology for the entire period we have been struggling to find a way out of this crisis. We are stuck because the actions that would give us the best chance of averting catastrophe ... are extremely threatening to an elite minority that has a stranglehold over our economy, our political process, and most of our major media outlets. That problem might not have been insurmountable had it presented itself at another point in our history. But it is our great collective misfortune that the scientific community made its decisive diagnosis of the climate threat at the precise moment when those elites were enjoying more unfettered political, cultural, and intellectual power than at any point since the 1920s."

Governments and scientists began talking seriously about radical cuts to greenhouse gas emissions in 1988, the year that marked the dawning of globalization. Klein further states, "There is nothing essential about humans living under capitalism; we humans are capable of organizing ourselves into all kinds of different social orders, including societies with much longer time horizons and far more respect for natural life-support systems. Indeed, humans have lived that way for the vast majority of our history and many Indigenous cultures keep earth-centered cosmologies alive to this day."

Klein puts her faith in ordinary people and "a new form of democratic eco-socialism," with the humility to learn from Indigenous teachings about the duties to future generations and the interconnection of all life. She points to a surge of political candidates who are ready to promote an eco-socialist vision that connects the dots between neoliberal economic policy and the ravaged state of our natural world. This new generation of leaders does not scapegoat humanity for the greed and corruption of a tiny power elite. They seek instead, to help humanity find its collective voice and power to stand up to the "powers that be." "We aren't losing earth," Klein observes, "but the earth ... is on a trajectory to lose a great many of us. In the nick of time, a new political path to safety is presenting

itself. This is no moment to bemoan our lost decades. It's the moment to get the hell on that path."

Valérie Plante, first-time woman mayor of Montréal, launched a Resilient City Strategy in June. Toronto blew its chance to elect a woman mayor in the fall - Jennifer Keesmaat, former Chief City Planner, avid cyclist and current CEO of Creative Housing Society, a national non-profit working to create affordable housing. A bold, collective action plan and a daring leap of faith (leapmanifesto.org) is needed to reach a 100% clean and green energy democracy.



Right to Be Cold by Sheila Watt-Cloutier

Review by Leslie Kemp

Sheila Watt-Cloutier's passionate determination is to simultaneously safeguard the Arctic from the ravages of climate change and ensure the survival of her Inuit culture. Her power is rooted in Inuit cultural traditions, drawing upon both science and Inuit traditional knowledge.

To Stephen Harper's claim that climate change science was "tentative" and "contradictory," she countered: "For those of us who called the Arctic home, there could be no doubt that the climate was changing."

As Chair of the Inuit Circumpolar Council International, she pushed for Inuit traditional knowledge to be incorporated into the research. "Our hunters and elders were carefully observing nature. They were finely attuned to small changes. ... They were experts because they had to be: their daily survival on the land and ice depended on it."

Climate change is occurring in the Arctic twice as fast as in the rest of the globe and Arctic temperatures will rise by 5° to 7°C over the next century. This confirms what the Inuit have observed: "early thaws and late freezes, melting sea and shore ice, increased precipitation, reduced snow cover, disappearing permafrost, rising sea levels, coastal erosion, flooding, suffering animal populations, and the arrival of new plant, animal and insect species."

"What is happening today in the Arctic is the future of the rest of the world. In one lifetime, we Inuit have seen our physical world transform, the very ground beneath our feet shift dramatically." She asks, "If we cannot save the frozen Arctic how can we hope to save the rest of the world?"

Climate Change

What We Can Do About Climate Change



by Michael Clague
(CM), Unitarian
Church of Vancouver member

On November
30, 2018, I was lis-
tening to CBC Van-
couver's Early

Edition which featured Minister McKenna and David Suzuki regarding Canada meeting its Paris targets. This interview highlighted the challenges and contradictions that are inevitably part of an issue as complex and enormous as climate change.

This said, I have to come to the same conclusion as Suzuki. We have, the United Nations Intergovernmental Panel on Climate Change (IPCC) tells us, 12 years. We have to mobilize ourselves akin to preparing for war. There is no transition time. There is only change time.

Needed, if the crisis is as serious as reported and ASAP, are a series of extraordinary mobilization measures that will enable governments to take control and get on top of this issue along with communities, labour, business and the public as a whole. I am not an expert, just a member of the public, but here are a few suggestions for action as illustrations of the magnitude of the response:

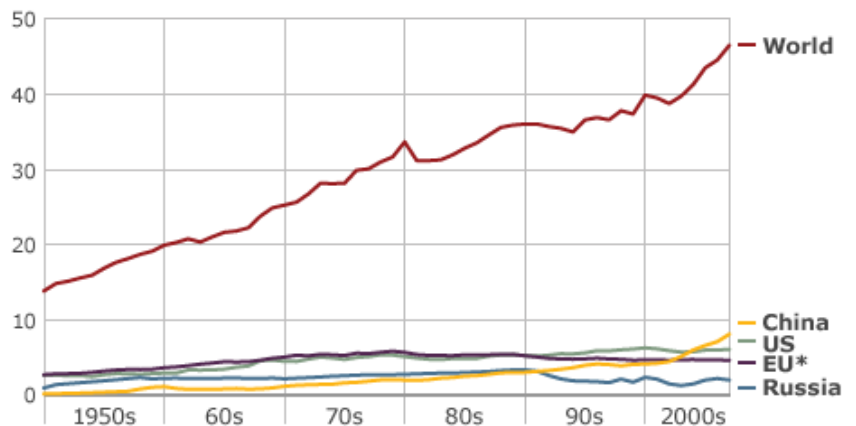
- An all-party coalition of the House of Commons that establishes the policies to reach a carbon-free economy.
- An all-party committee of the federal cabinet
- Identification of the critical points of intervention across all sectors in the economy
- A time table
- Establishment at the federal level of expert bodies drawn from the environment, business and labour to collectively advise the coalition
- Creation of similar structures and mechanisms with and among provincial, local governments, and communities

- Establishment of key criteria for decision-making:
 1. Who is most affected
 2. Who is most vulnerable
 3. Identification and monitoring of important secondary impacts - negative and positive - of decisions to enable policies and practices to be changed quickly and competently
 4. Ability to assess and report short- and long-term initiatives
 5. Ability to hear, learn and work collaboratively across sectors and interests
- Design measures to meaningfully engage the public in building consensus and ownership for change
- Create and empower policy implementation authorities who are accountable to the coalition and to parliament to direct financial and human resources to the immediate conversion to a carbon free economy within 12 years.
- Be prepared to spend and reallocate billions of dollars to accomplish these goals in the next 12 years.

And always, we need to keep in mind that this crisis, now inside our door and no longer on our door step, is an opportunity to keep building a socially just, economically sound and environmentally sustainable world for current and future generations.

The world's rising emissions

Greenhouse gas emissions, 1950-2007
Gigatonnes (Gt) of carbon dioxide equivalent



*includes all 27 member states

Source: PRIMAP

UNFCCC (United Nations Framework Convention on Climate Change)
member states' greenhouse gas emissions

Standing with the Wet'suwet'en

By Leslie Kemp

On January 7, 2019, when the RCMP, armed with assault rifles, batons and bullets, crossed the Gidimt'en checkpoint set up by the Wet'suwet'en and arrested 14 people, there was outrage across Canada. The Hereditary Chiefs and

supporters had set up checkpoints to protect their land in northern BC from the proposed natural gas pipeline. In December, the BC Supreme Court issued an injunction, prohibiting opponents of the \$6.2 billion Coastal GasLink pipeline from blockading roads.

The heavy-handedness of the RCMP led some to wonder about the prospect of another Oka or Gustafsen Lake. The so-called Oka Crisis was a land dispute between members of the Mohawk and the town of Oka, Quebec, which began on July 11, 1990, and lasted 78 days until September 26, 1990. Two people died. The Gustafsen Lake standoff in BC began on August 18, 1995, and ended on September 17, 1995. The RCMP operation was the most costly of its kind in Canadian history, having involved 400 police officers and support from the Canadian Military.

On January 8, an International Day of Solidarity was called with people participating in demonstrations across the country and in other countries. Among their numbers were Unitarians in Vancouver and Toronto, and possibly other cities. Rev. Shawn Newton spoke at the Toronto rally. On January 11, the Canadian Unitarian Council issued a **pledge of solidarity** with the Wet'suwet'en Hereditary Chiefs, and the **CUSJ made a statement**. Rev. Steven Epperson, Minister of the Unitarian Church of Vancouver wrote a letter to the BC government.



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While the mainstream media have posed this as an internal conflict because the elected band councils within Wet'suwet'en territory

have agreed to the pipeline, the issue is more complex, having to do with issues of consultation and consent. The hereditary chiefs, the traditional leaders, have not been consulted and are opposed to the pipeline. Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs says, "It's very simple. No consent, no pipeline." He maintains that the federal government is ignoring its own policy of First Nations' consultation and consent with hereditary chiefs. "The law clearly states that not only must there be substantial and thorough consultation, but there must also be consent. It must involve both parties, both elected and traditional," Phillip said.

Band Chiefs and Councils are an imposed system by the *Indian Act*, accountable to the federal Indian Affairs Department rather than their own community members. They see the economic benefits including jobs for their community, and with the alternative being few jobs and entrenched poverty, their decision is understandable. But it is colonialism and capitalism that puts Indigenous leaders in often untenable positions: ongoing poverty versus destroying the lands and waters that they have relied on for generations upon generations.

At the Vancouver rally, Grand Chief Stewart Philip invited solidarity from all present so that "the voice of the land will finally be heard."

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