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It will take a fundamental shift in our mindset and a commitment to dialogue. Please know that everyday MLA Olsen is meeting with people and working to bring people together in the name of reconciliation and love.

Best wishes, Devon DeLarge | Constituency Advocate
Constituency Office of Adam Olsen, MLA

Wet'suwet'en: Rule of Law?

By: Paul Manley: MP Nanaimo-Ladysmith: Green Party

On Saturday Feb. 8th I was invited to speak at a local rally in support of the Wet'suwet'en people. I was grateful for the opportunity because the situation in Wet'suwet'en territory is a complex one. Too often important parts of the story get lost in the public debate that are not well understood, particularly by those who are citing the "rule of law" as justification for the injunction enforcement that has taken place, and the arrests and removals that were a part of that. I did my best to highlight some important points

Transcript:

Three weeks ago I went to Wet'suwet'en territory, and I traveled with Chief Na'Moks for two days. I listened to him for two days about the situation, what was happening in the Wet'suwet'en territory. I also met with the Smithers detachment commander of the RCMP, and the liaison officers there. They weren't involved in this injunction enforcement.

They're connected to the community. They're not necessarily happy about this political failure that the RCMP is having to deal with. I also met with the detachment commander at the Community Industry Safety Office, which is a police station in the middle of nowhere. Thirty kilometres off the highway, a series of Atco trailers and storage facilities. The police in there, the detachment commander there, is rotated in every week, and the RCMP are rotated in every week. And they have no connection to Wet'suwet'en territory.

They have no connection to the people there. They're also not happy with having to deal with the political failure of our prime minister and our premier.

This is a political failure. When I met with Chief Na'Moks one of the things that he told me was that they had proposed an alternate route for Coastal GasLink and when you read the injunction it recognizes that the Wet'suwet'en people had asked Coastal GasLink to take another route, and they proposed another route, and Coastal GasLink said no it's too expensive we're not going to go that way we're going to go the way we want to go. And so they drove their pipeline through pristine territory, running right through the historic Kweese trail. This trail is thousands of years old, this trail has burial grounds on it, this trail has archaeological sites on it, this is where they do their cultural training for their young people, this is where they do their hunting and their trapping and their berry picking. This is where they built a healing centre, the Uni'stot'en healing centre, which is being attacked today. This is their territory, and these blockades that they have set up, they are asserting their sovereignty over their territory.

I want to talk a minute about the rule of law because we've heard this from the premier, about the rule of law and court injunction from the you know the colonial court system. The Wet'suwet'en have their law, they have the hereditary law. And in 1997 in the Delgamuukw decision the Supreme Court of Canada recognized the hereditary system and their laws. In that Supreme Court case it was the hereditary chiefs of the Wet'suwet'en and the Gitksan that took this case forward. There was not one elected

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band council member or chief from the colonial imposed Indian Act system. This court decision, the plaintiff in this Court decision, were the hereditary chiefs, that was who was represented and who was recognized by the Supreme Court of Canada. This was affirmed in the Tsilhqot'in decision. That it is the people who bring the case forward, it's the hereditary system that determines the land and title rights of First Nations. This land was never signed over. It was never surrendered. This is Wet'suwet'en territory and they are asserting rights to their sovereignty here.

I want to tell you that we cannot blame anybody who signed onto these agreements with these gas companies, because in all of these First Nations, in these reservation systems, the band councils that are part of the Indian Act system, they are dealing with poverty. They've been struggling with poverty since colonization. And they're given a choice, this pipeline's going through anyway, do you want the money or not? And we've heard with the Teck Resources mine, this huge oil sands project, the largest oil sands project that's being proposed in Alberta right now, that First Nations have signed onto that. I heard a chief on CBC say they're going to do it anyway, the regulator has never turned down one of these projects. So this isn't consent, they are conceding, they are conceding this is not consent. When you have communities in poverty and, you know, take the money or don't take the money. I can't blame the Haisla either, the Kitamaat people, they're the ones with the LNG facility going onto their territory. their land has been poisoned by Alcan. The Kitimat River was poisoned by the smelter there, their ooligan run is destroyed. Their salmon run is destroyed. The harbour, the Douglas channel, the end of the Douglas channel is poisoned. People have cancer in that community they need economic prosperity and they see that LNG is coming and it's going to be there or it's going to be somewhere else if do you want the money or not? That's their choice because they're ramming this stuff through.

I want to talk for a second about the economics of this situation because we're sold a bill of goods on this. We're told that this is good for the economy, we're told that this is good for the environment. I meet with people in the House of Commons, I'll meet with any lobbyists, I won't go to their receptions and drink their wine, but I met with the Canadian Association of Petroleum Producers this week and had a nice little debate with them in my office. Talked about the economics of this situation, they're talking about LNG replacing coal, and that it's gonna be a transition fuel, and by the end of my argument with them they conceded that LNG has as much of a greenhouse gas footprint as coal does. When you take it from the fracking, and the leaking of fracking, all the way to when you turn on your stove and you release a little methane before it lights up. That is damaging our climate as much as coal burning coal for electricity is. Methane is 80 times more potent as a greenhouse gas in the first 15 years it's released and in 100 years is 25 times more potent as a greenhouse gases CO2. It is a climate killer, it is not a solution. And in my little debate with the Canadian Association for Petroleum Producers they admitted that. I wish I had it on video.

I delivered letters to Justin Trudeau, and I sent a letter to John Horgan. I told them that the RCMP should stand down, that we shouldn't be pushing this project through. And Justin Trudeau said this is a provincial matter It's not our problem. I said you're responsible for the relationship with indigenous people, it's a nation to nation negotiation. British Columbia is not a nation. Canada is a nation and they need to be talking to the Wet'suwet'en people.

I want to mention a couple of other things about this LNG nonsense. (Continued page 6)

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They say that it's going to pay for hospitals and schools and whatnot. You know ten years ago we got 1.2 billion dollars in revenue from natural gas in this province. You know much we got last year? 108 million. And that is in spite the fact that production ramped up by 70 percent, so almost double the production, but we're getting ten percent of the royalties. Why that is? Because they're giving royalty breaks to the gas frackers because they're horizontal drilling. All the fracking is horizontal drilling! They're giving the resource away. The LNG plant, which is five foreign multinationals, have 5.4 billion dollars in tax breaks, including not paying the carbon tax, not paying PST, they're getting power from the Site C damn, which is another incident where First Nations, some of them signed on to an agreement because they conceded. Fourteen of them opposed the project, twelve of them ended up signing on because that was their only choice, was to get money. Two of those nations are still fighting in court, the West Moberly and the Prophet River. That dam is being built to provide hydropower to the fracking fields and to the LNG plant. The federal government has put \$250 million dollars into LNG Canada, five foreign multinationals, three of them are state-owned corporations from China, Korea, Malaysia, giving our resources away, giving them huge tax breaks, building a damaging dam and making ratepayers like you and me pay for it so that these folks can get to our resources for nothing.

We are being ripped off, the First Nations people are having their rights trampled over this. We're talking about the UN Declaration on the Rights of Indigenous People, what does that mean? What does it mean? Where is the respectful relationship here? This is... there are so many layers to this, that need to be undone. I got into a 10 minute debate on this because in December, I brought up a question of what was the government's response to the UN Human Rights office about the Site C damn. The UN has asked that the Site C damn be stopped. Stop construction until you have informed consent from the First Nations involved and they have not stopped. Since then the UN has written again and asked that the Coastal GasLink project be stopped until there's informed consent. And that the Trans Mountain be stopped until there's informed consent.

I got my ten minutes of debate in Parliament when I first got back after being up in Wet'suwet'en territory. I also asked the question on Thursday, where is this government on the nation to nation negotiation? Why don't they respect the rule of law? Why not?

This whole situation is disgusting. We stand in solidarity and support the Wet'suwet'en people, and all of those communities that are being destroyed in the fracking fields in northeastern British Columbia and those communities that are standing against the Trans Mountain expansion pipeline. We've got to keep on fighting folks. They are on the front line of this climate battle. They are on the front line of the defending the rights of Indigenous people. They are on the front line of the future of our children and grandchildren, and the future of their children and grandchildren. Thank you.

From Charley Angus NDP MP (Feb. 15, 2020)

Friends,

The railway blockades across the country have shaken up the political and business establishment in Canada. There are millions of opinions floating around Facebook/Twitter about the meaning of these protests. The media pundits seem absolutely shocked. Talking heads for the right-wing are denouncing these actions as mob rule, but none of them have a credible plan for defusing the situation. On the centre/left the focus has been on who is the legitimate voice of authority in the Wetsuweten lands. And as the Toronto Star pleaded, "There are growing calls for somebody to do something."

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My friends, we are witnessing an extraordinary moment in Canadian history.

If you spend any time in First Nation communities, you won't be surprised at this unprecedented challenge to the status quo. It's been brewing for a long time. And if you have the opportunity to talk with young people who are growing increasingly angry about political lip service on the environmental crisis, you'll see why the RCMP move against the Wetsuweten blockade touched off a perfect storm.

RULE OF LAW

First off, I will say that I have real concerns about the impacts on rail traffic in Canada by the blockades. But as I sat with St. Anne's Residential School survivors this week, they put the government's lines on the rule of law in perspective. "People are being inconvenienced," one of the elders said, "We First Nation people had our lives ruined, and nobody ever worried about what happened to us."

The fact that the survivors were in court yet again, to deal with a government that suppressed thousands of pages of police evidence and had their cases thrown out, says something about how Canada's notion of legal fairness doesn't seem to include Indigenous Canadians. You might think this is an argument of apples and oranges. First Nation people know better.

While the media were obsessing over the future of the LNG pipeline, the AFN was announcing that they are fed up with the federal government's obstruction on the human rights tribunal. The AFN is now suing Canada for \$10 billion for the ongoing damage being done to this generation of First Nation children. I can't remember ever reading an article from the National Post crowd about the abuse of rights of First Nation children and the refusal of government to respect their treaty and legal duties.

The establishment doesn't have a clue about why these protests have taken off so quickly. My gut feeling is that First Nation people are rising up across the country because they are tired of a status quo that overrides their rights and territories daily.

ENVIRONMENTAL RECKONING

It could have been the LNG pipeline. It could have been the approval of the Teck Frontier tar sands project. It could have been the building of TMX. A confrontation moment has been brewing in Canada for some time. People hear the words of the Trudeau government on getting serious about the environmental crisis, but they don't see any real action being taken.

Canada is a petrostate, and much of our national discourse remains focused on the needs of the oil industry. How many articles have you seen telling us that approving Teck Frontier is "win-win" while turning it down will lead to more western alienation? The mushy middle position is that the Liberal government promises to get to "net-zero" emissions someday, but year in, year out the emissions continue to rise.

I spoke to a young woman who is heading out to the protests this weekend. I asked what motivated her. She replied, "When I saw the convoy of protesters denouncing Greta Thunberg, I knew it was time to do something. It was the sight of all these grown men in big trucks, honking and attacking a teenager for speaking up on the environment that made me realize that my generation needed to push back."

I find this debate about workers versus the environment deeply troubling. When I was in Alberta, I met energy workers who are deeply committed to leading the transition to renewables and a more sustainable economy. But where is the government

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to champion those investments? We should not let Jason Kenney and his yellow jacket writers be seen as the voice of the working class. In reality, working families in the energy sector are being kept as hostages to further the interests of an out of date 20th-century economic vision. We can do better than this.

SO WHERE DOES CANADA GO FROM HERE?

The LNG issue has morphed into a nationwide showdown on First Nation rights and environmental action. Everyone seems to want to find a quick "solution." The reality is, this is a wake-up call. We need to get serious about the fundamental questions of Indigenous justice and environmental action.

The Greeks have a word – kairos –which means a time of crisis but also one of opportunity. My friends, this is a moment of Kairos. Stay confident. Be positive. This is a time of opportunity that could bring Canada forward to a more just place. As the song says, "There's something happening here..."

We're in this together,
Charlie

The myth of band councils as First Nations

By: **Doug George-Kanentiio** Feb. 24, 2020

In Canadian lore, the raconteurs of old spoke of La Chasse Galerie (the flying canoe) and among the Mohawk, the Raksothas (grandpas), told scary stories about the Flying Heads that roamed deep in the forests, but one of the most disturbing myths is the one in which Indian Act band councils are labelled as "First Nations."

They are not.

Band councils were created from the 1876 Indian Act and designed to undermine and replace centuries of traditional governments across Canada. They were, and are extremely limited in their authority and entirely subject to officials in the federal government.

Band councils are not sovereign, do not abide by ancestral law, have no definitive connection with traditional culture and govern nothing outside of their respective reserves. If they do have police services the laws that are imposed and enforced come from federal regulations and provincial statutes.

Under international law a band council has no substance, no meaning, no standing. They cannot enter into treaty or trade compacts with a nation, they cannot abide by a distinct Native justice system, they cannot create their own banking system, they cannot design their own homes, they cannot buck the social service apparatus which has strangled any attempt by Indigenous people to rise above their oppressive circumstances.

No law can be passed, enacted or enforce by the band councils without the express consent of the federal government. They are colonial entities imposed upon native peoples, whose only source of support is the money channelled to them from the provinces and Ottawa.

The band councils have been effective in one instance: they have served the federal government by eclipsing the Indigenous entities that once exercised active jurisdiction across Canada and for generations prior to contact.

Why call them "first nation" at all?

This term began in 1980 when the former National Indian Brotherhood was looking for a more jazzy name, one that would better reflect the political and social activism of that time. Rather than, rightfully, call itself the National Association of Indian Act Band Councils, the NIB went for "First Nations" when it knew this was inaccurate and misleading. But it was trendy and, they thought, would give them a sense of empowerment outside of Ottawa. (Continued next column)

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It did not.

The crippling dependency of the newly minted AFN upon federal dollars simply affirmed its status as an extension of the agents of suppression.

Among the Iroquois, the experience with the band councils was harsh and deadly. At Akwesasne, my home community, the Mohawk Nation Council oversaw the needs of the people with perfect adequacy.

But when Canadian officials stole 7,240 hectares of land from the Mohawk territory (the Dundee tract) the traditional leaders protested.

Further insult came about in May, 1899 when a contingent of RCMP invaded Akwesasne to impose the band council by force. When Jake Ice-Saiowisakeron came to the defence of the true chiefs he was shot and killed by Lt. Col. Sherwood, the commander of the Mountie platoon. The chiefs were taken to jail in Valleyfield, Que., where they were held without charge for a year while the federal government firmly placed the band council in control.

In a gross breach of law and custom, the federal government then empowered the band council (formerly the St. Regis Band Council but now the Mohawk Council of Akwesasne) to hold a referendum to have the stolen Dundee lands compensated for — but not returned — with the money to go to the band council and not the Mohawk Nation from whom it was taken.

So it was at the Six Nations Grand River territory (Ohsweken) when, in 1924, federal officials ordered the Mounties to invade their lands to replace the chiefs and clan mothers with a band council.

Chief Levi General-Deskaheh went to the League of Nations in 1923 asking for its members to compel Canada and Britain to abide by their treaties with native nations and refrain from their efforts to eradicate Indigenous governance using the band councils. The result was the expulsion of the traditional government, the confiscations of invaluable cultural patrimony and the threat that opposition to the band council would be met with overwhelming force.

To this day, the Iroquois have repeated our aspirations to return to the traditional systems. In every election for the band councils a very low percentage of potential voters bother to turn out and if the band councils did not have federal monetary support, they would be ejected.

What is needed to resolve the situation at Wet'suwet'en is the acknowledgment that they have a right to determine for themselves how they will be governed, along with the active exercise of unilateral jurisdiction over their ancestral lands.

In accordance with Articles 26 and 27 of the UN Declaration of the Rights of Indigenous Peoples, they can then begin to work out a resolution with the federal government based on mutual respect.

But let us begin by acknowledging the fact that band councils are not First Nations, while beginning the process of restoring our peoples to true national status. Repeal the Indian Act, reorganize the Assembly of First Nations, empower a restoration of ancestral government.

The Canadian people should rally for a return Indigenous governments that reflect the will of the people, the true First Nations of this continent.

Doug George-Kanentiio, Akwesasne Mohawk, is a co-founder of the Native American Journalists Association. He served as a member of the Board of Trustees for the National Museum of the American Indian.