

Canada's Justification for Depriving Indigenous Lands

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Abstract

This paper will explore how political economy in Canada— neoliberalism, globalization and modernization— harvests and fortifies societal, economic, political, and ideological powers, which downplays minority groups’ cultural heritages and contributes to redoubling the subjugation of the groups, especially Indigenous peoples. Through research and reference obtained particularly from Indigenous scholars, I will look into the truthful historical contexts, colonialism and genocide upon Indigenous peoples, and relate how the settler government, who continue to seize and hold the legitimacy of sovereignty, have achieved and promoted colonial normalcy. In this paper, I will discuss the meaning of losing land to Indigenous peoples and their cultures, and how Canada subverts Indigenous peoples’ self-determination through exploiting a considerable amount of Indigenous land and resources. This paper concludes with an emphasis on how geographical fragmentation of Indigenous peoples by the government’s plundering of the land engenders all issues and predicaments that Indigenous peoples repeatedly undergo without any hope of salvation.

Introduction

Article 7(2) of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states that “Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group” (United Nations, 2008). However, the Canadian government’s neoliberal economic system and state-centered approach, which deprives Indigenous land, shows concerted efforts and ideas to obliterate the fact that Indigenous peoples are the immemorial land owners of Turtle Island, now known as the

North America. Their traditions and governance are another form of valuable and intellectual knowledge gained throughout a long history. The government's denial and dismissal certainly violate the article of UNDRIP since the state has been engaging in a physical and cultural genocidal act upon Indigenous peoples from the colonial period. Specifically, the government's continuous control over Indigenous land propels not only power imbalance between Indigenous peoples and the Canadian government but also recurring colonialism that constantly attempts to extinguish Indigenous peoples in all aspects by restraining and depriving socio-economic and socio-political sovereignty.

The Meaning of Losing Land

The government encroaching on territories represents disenfranchisement of not only Indigenous peoples' resources and legal sovereignty but also their socio-economic or socio-political power in current society. The dominant federal and provincial laws on land impair the rights and leadership of Indigenous peoples, which ultimately shapes the perception of the public towards Indigenous peoples as insignificant and peripheral. Indigenous peoples are easily overlooked as one of the immigrant members in Canada rather than the original land owners of Canada, and they are more likely to be "disenfranchised, forbidden, prohibited, outlawed or precluded from the protective law of this country" (Maracle, 2008, p. 124). Lee Maracle (2008) expounds that from the time when the colonialists captured the territories, the Indigenous mode of living has been banned, such as medicines, foods, fishing, and hunting due to the modernization of the land that ultimately has driven the Indigenous population out of their territories. Maracle denotes that "the interests of the immigrants precede the interests of Indigenous residents" (2008, p. 119). Canada's promoted image and value of embracing immigrants except for Indigenous peoples under the state's dominant regulation increasingly

undermines Indigenous peoples' governing rights of the territories, which consequently excludes the need to reclaim their land ownership. The seemingly fair and friendly Canadian state, which has an open door policy to any migrants, deceives people into thinking that the Canadian government generously shares its land with others who desire to live in Canada, instead of perceiving that the settler government is continuously devastating the sovereignty and heritages of Indigenous peoples who have a reciprocal relationship with the land by offering the stolen lands to others.

Case Study: the Tsawwassen First Nation and the Final Agreement in 2009

Indigenous peoples thus have put an effort to retrieve their lands to prevent further socio-economic subjugation, yet excessive land extraction under the name of industrial and economic development also shows abusive land treaties and the false assumptions by the state. Lisa Monchalin (2016) greatly elucidates how Indigenous peoples' rights and claims for lands have been dismissed by the state. For instance, according to Monchalin (2016), The Indian Act forbade Indigenous peoples from gathering funds collectively to progress land claims from 1927 to 1951. In addition, the claims were also ignored by the federal and provincial governments since they have engrossed most of their time in flourishing the industrial development especially during the 1960s to 1970s. Monchalin (2016) specifically provides the example of the Tsawwassen First Nation Final Agreement implemented in 2009 and the process and decisions that came out of it. The Crown launched regional development around the Tsawwassen community without obtaining permission from the Tsawwassen First Nation in the 1980s and 1990s nor did it acknowledge their sovereignty or rights of the lands (Monchalin, 2016). The construction of a shipping container terminal extension in April, 1992 as part of this regional development also intruded on Indigenous territories, which led local farmers to complain about

the construction affecting the farmland; however, the farmers were unaware that “the true original owners were the Tsawwassen peoples” (Monchalin, 2016, p. 248). In other words, the farmers contended for their rights of conserving their own lands, failing to recognize the real owners of the lands. Besides, the construction of the ferry terminal and pathway before the Tsawwassen longhouse without consent also signifies the Crown and the government’s contempt for the Tsawwassen community’s jurisdiction upon their territories. The ruthless construction impoverished not only the residential environment of the Tsawwassen community but also their self-determination upon their lands because the “Euro-Canadian priorities...[have conducted] overarching agenda of assimilation...[and] the absorption of Indigenous peoples into the body politic” that is based on Western capitalistic values (Monchalin, 2016, p. 255). As Monchalin (2016) explains, while British Columbia solely paid \$69.80 per acre for the Tsawwassen First Nation’s lands, which the government sells at a higher price, the Tsawwassen community has been allotted only tiny lands with little ownership. Moreover, according to the treaties, the community will face reduction and removal of federal funding and tax exemption due to the community’s development projects on their own lands, such as constructing a large mall (Monchalin, 2016). Such systemic and economic obstruction forced on Indigenous peoples certainly contributes to their poverty as it takes away their lands and sovereignty, and colonialists and settlers, who took all of Indigenous peoples’ belongings, abrogate the responsibility of financial support for Indigenous peoples.

The Loss of Food Sovereignty

Continuous developments by the state also threaten Indigenous peoples’ food sovereignty. As Maracle explains, dwindling territories and environments deprive Indigenous peoples of their food and hunting and fishing rights. Indigenous peoples only hunt animals for their foodstuff,

which is never excessively consumed because Indigenous peoples “consider the impact of their decisions on all the plant and animal nations, in addition to the next seven generations” (Simpson, 2011, p. 113). Leanne Simpson (2011) also notes that their practice of hunting represents respectful attitudes towards all living creations, their cultural principles of sharing hunting grounds, and implicit and explicit peace among nations; and it is their “treaty as a relationship with both rights and responsibility [of the shared territory]” (p. 113). This is their way of preserving lands and animals, yet it is not valued or promoted by the Western neoliberal system and dominant regulations that expropriate Indigenous lands and resources. The rise of neoliberal values and systems restrain Indigenous peoples’ food sovereignty, and the hyper-capitalism assimilates Indigenous peoples into consumerism and the Western food culture. Jeff Corntassel and Tiffanie Hardbarger (2019) claim that neoliberalism, globalization, and the separation of Indigenous peoples from their homeland are a colonial root and act of deteriorating Indigenous food systems. Corntassel and Hardbarger further point out that the “private land ownership leads to massive clear-cutting on [Indigenous lands],” (2019, p. 108) and engenders the shortage of food and medicine in their lands. Taiaiake Alfred (1999) also criticizes the government’s privatizing traditional Indigenous territories and empowering corporations to commercialize fisheries and mining in the territories, which makes the Indigenous food system insecure. Those sufferings are correlated with diminishing values, knowledge and language of Indigenous peoples as the Indigenous population is displaced and confronted with the Western knowledge.

Values, Beliefs, Knowledge, and Language of Indigenous Peoples Abated by Loss of Lands

The dying cultural and social solidarity among Indigenous peoples should not be seen as spontaneous remission by contemporary globalization, but instead, the endangerment

should be acknowledged as a result of physical and cultural genocide by the country. Land itself represents one's history and tradition and encompasses a confluence of social factors that they have preserved, and land is also a ground for performing distinct social beliefs and values, knowledge and language. Yet, physical segregation by the state-centred policies and arbitrary land allotment ultimately strengthen "the colonial physical, social, and political boundaries designed to impede [Indigenous peoples'] actions to restore [their] nationhood" (Corntassel & Hardbarger, 2019, p. 6). Such separation contributes to the disconnect between Indigenous peoples and their cultural values that are based on interrelationship between land and family, language and norms. First of all, Corntassel and Hardbarger (2019) emphasize the need for land-based education for Indigenous peoples to prevent further extinction of communal values and beliefs. However, the geographical fragmentation of Indigenous population in fact disrupts everyday practices that will strengthen Indigenous nationhood and culture (Corntassel & Hardbarger, 2019). Moreover, the execution of cultural practices is challenged due to the influx of settlers and western-based educational settings that spread a Western worldview and knowledge: rationalism, individualism and capitalism. For example, the Indigenous worldview, "relationships of dependency," (Corntassel & Hardbarger, 2019, p. 98) is threatened especially in the family relationships since the state impacts everyday life and values independent and nuclear families; this removes the tradition of "togetherness" that bolsters family bonds among Indigenous peoples.

Family relationship is hence inevitable in advancing decolonization against systemic colonialism that separates Indigenous peoples from their lands and connection to inherent Indigenous traditions. Corntassel and Hardbarger (2019) signify the importance of land-based education by highlighting the importance of family members living together because family is

the agent and perpetuator of communal practices. By sharing and gathering, the family members will keep producing and remembering history and culture. Also, the family helps one another speak the same Indigenous dialect, not the language of the colonialists. When speaking the language of the colonialists, Indigenous peoples will be unconsciously influenced by Western values and knowledge; and this was a colonial strategy at residential schools for assimilation. The residential schools have brutally prohibited Indigenous ceremonial practices, such as songs, dances or rituals, and speaking one's native language in order to brainwash the young children. Separating the children from their parents, relatives and communities was also intended for erasing any traces of Indigenous cultural and spiritual beliefs (Corntassel & Hardbarger, 2019). Likewise, the continuous colonialism is sustained through fragmentation of Indigenous peoples and then implantation of the Western identity. Like Simpson's interpretation (2017), learning and speaking one's language and associating with family and homeland are key to resisting a sense of alienation and the colonizing force; hence, land is essential to conserve culture.

Neoliberal, Patriarchal and Assimilative Policies

Likewise, land and laws are deeply related with each other because the laws depend on who the land owner is. Since the colonialists pillaged the land of Indigenous peoples, their own legislation, justice system, structure, values and beliefs were also gone; inequalities based on class, race and gender permeated in Canada (Maracle & Kamboureli, 2015, p.92). The colonialists distorted and undervalued Indigenous peoples' historic and ongoing sovereignty and beliefs, which supported Indigenous women's governance and traditions of matriarchal society. Rather than respecting such existing beliefs and structure, "a foreign system ... has been imposed upon them without their consent" (Monchalin, 2016, p. 282). European colonialists' capitalistic ideology that is based on hierarchal order, individualism, profit-oriented system and

patriarchy was adopted in the land, and such power imbalance exceedingly brought the destruction of Indigenous order and cultural beliefs (Monchalin, 2016). Val Napoleon thus demonstrates that the Canadian government's unilateral act has continuously replaced the Indigenous peoples' horizontal relationship that consists of balance between "communities and matrilineal kinship groups [with] a vertical relationship [that constructs relationship between subordinates and superiors] among the state and [Indigenous peoples with] patrilineal memberships" (2019, p. 17); and this is one of the neoliberal systems that empowers specifically white male elites and lowers women and others by constituting superiority and inferiority. Napoleon (2019) observes that despite various orders and laws existing among diverse Indigenous peoples, the government's arbitrary displacement, especially through the Indian Act, has critically dismantled the structure of Indigenous societies: women's dignity and role as leaders and the impartial relation between women and men. The coercive implementation of Western laws and patriarchal concepts throughout the settlement ultimately have sabotaged Indigenous peoples' societal and legislative laws and their equity principles, and this constantly threatens Indigenous women's wellbeing and authority.

According to Monchalin (2016), Indigenous women have been subjugated to domestic, societal and sexual violence by not only white men but also by Indigenous men. Indigenous women were the leaders or the advisors of their family or their whole community before the colonial period, but with the Western patriarchal notion, they have been dehumanized and perceived as inferior. As Western women gained no authority to participate in electoral or political activities as voters or politicians, Indigenous women also lost their matriarchal authority and ceded to Indigenous men who were the new authority in charge of community since Western structure was ratified (Monchalin, 2016, p. 176). It is commonly known that the movement for

women's rights during 1960s and 1970s alleviated Western women's subordinate position and abated the patriarchal structure into more equality; likewise, despite constant oppression of Indigenous women, the argument for protecting and supporting Indigenous women and their rights have been steadily emphasized (Monchalin, 2016). Yet, Lee Maracle and Smaro Kamboureli (2015) reveal that such women's equal rights are conceptualized by the Western perspective, which is different from the Indigenous beliefs because in Indigenous beliefs, women do not need any protection. The belief of the Western state that it has an obligation to protect women from any form of abuse certainly disregards the understanding of Indigenous women's ruling position as "[a commander of] the economy of [Indigenous] nations, the pedagogy of the young, and the governance of the relationships among citizens" (Maracle & Kamboureli, 2015, p. 92). Maracle and Kamboureli further enlighten that the loss of land and territory rights precipitates and starts the Indigenous women's disenfranchisement of being authority figures and "mothers to determine their villages' wellness [which] destroyed the social fabric of [their] world" (2015, p. 99).

Encouragement of gender equality with opportunities of political participation was also controversial among Indigenous peoples. According to Glen Sean Coulthard (2014), the Assembly of First Nations, consisted of male members, was firstly opposed to the inclusion of Indigenous women in political debates, especially in the jurisdiction of land claims, because the Assembly of First Nations was concerned that the shift may cause transgression of the rules or framework. Additionally, the dominant endorsement of women's rights was also found dubious because it is reflective of Western individual rights, which will infringe the traditional collective and shared rights among Indigenous peoples. Coulthard pays attention to such tendencies and arguments because the "clash between the individual rights of Native women and the collective

rights of First Nations communities to recognition and self-determination” (2014, p. 84) may imply whether or not Indigenous peoples will retain patriarchal relations that embody male domination especially on reserve lands. Coulthard (2014) views the conflict as a sign of their own cultural and legislative destruction and echoes this disagreement as an outcome from the government’s intention of segregation, such as the imposition of Bill C-31, which removed Indigenous women from Indigenous communities. The physical segregation and patriarchal system among Indigenous peoples thus drives internal strife among Indigenous peoples that will further function as a tool for the annihilation of Indigenous traditions and laws.

The colonial goal for assimilating Indigenous peoples into Western culture is clearly evident in the discriminating state structure, policies, and forceful separation of Indigenous peoples, but such discrimination is subtle in the United Nations (UN). Corntassel (2007) indicates that the UN Permanent Forum on Indigenous Issues (PFII) and the UN Working Group on Indigenous Populations (WGIP) have been created for broadening the global forum of Indigenous peoples and movements against their injustices and deprivation of their land and rights by settler government. However, the UN’s approach and uncooperative attitude, like under-funding, have resulted in unresolved issues. First, the UN’s viewpoint of granting autonomy to Indigenous peoples on their traditional territories misinterprets the Indigenous peoples’ land rights. Corntassel (2007) distinguishes between self-determination and autonomy, receiving a permission from the state, because acquirement of territorial autonomy does not help Indigenous peoples reclaim their land. Second, according to Corntassel (2007), Indigenous peoples affirm the Canadian government’s genocide as an international violation against human rights in order to restore Indigenous lands back, yet the UN does not consider the Canadian government’s act and policies as a genocide upon Indigenous peoples; instead, the WGIP

Chairperson berated a member of the Saddle Lake First Nation for expressing the conduct of Canadian government as a genocide, and affirmed that as a conclusion of the review from 1974, there has not been any act of genocide practiced on Indigenous peoples in Canada. Cornthassel further explains that the power of existing UN Member States, such as Australia, New Zealand, Canada, and the United States, influencing the UN decision-making by sharing “the political unity, territorial integrity, and indeed the security” certainly interferes with and fails the Indigenous arguments of repeated genocide and exploited self-governance, land and Earth resources around the UN table (2007, p. 151). In spite of the initiation of International Declaration of Indigenous peoples from 1995, the UN has not completely accused settler governments’ constant infraction of Indigenous rights and security, but instead, the UN has seemingly taken sides with colonial states.

Despite the government’s assertion of negotiated agreements with Indigenous peoples, “neither the Canadian nor the United States government has ever kept its word with [Indigenous Peoples]” (Alfred, 1999, p. 122). The neoliberal economic system which emerged within the Western culture is now blindly adopted and followed by other countries as a successful market system for local and international economic development and success. Monetary and profit-based interests completely transpose each nation’s climate that highly pursues and values modernism. In fact, global diversity with diverse cultural and traditional identities has been reduced and homogenized by the imperial Western practice; and Indigenous peoples have thus been considerably affected by such neoliberal policies since the state has segregated the population arbitrarily, and neoliberal global concord threatens the Indigenous wellbeing. Indigenous peoples’ land and resources thus should be controlled by themselves because continuous social, economic and political amalgamation excludes and disapproves of Indigenous

peoples' values and social norms, and instead traps Indigenous peoples in a vicious circle by robbing them. Not only should Indigenous peoples protest against the injustices, but also all others should confront this brutal and immoral maltreatment to eliminate further colonialism that cultivates only one-sided benefit and justification of stealing and utilizing Indigenous legacy without consent; decolonization can also begin with the practice that “[connects] to the land, [Indigenous] stories and intelligences no matter how urban or destroyed [their] homelands have become” (Simpson, 2017, p. 173).

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