



Canada's Tibet

the killing of the Innu



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Foreword

In the tundra of the Labrador peninsula, a tragedy is being played out. An indigenous people suffers the highest suicide rate on earth as one of the world's most powerful nations occupies their land, takes their resources and seems hell-bent on transforming them into Euro-Canadians.

13,000 kilometres to the west, a world power occupies the land of a previously independent people. The purpose? Both to integrate a 'backward' population into the dominant society, and to control a strategic area and the resources it contains.

In comparing China's occupation of Tibet with Canada's treatment of the Innu, it should be stated clearly that the situation in the two countries is very different. China has imprisoned, tortured and killed thousands of Tibetans in its 40 year occupation; there is intense military repression and control; and any talk of Tibetan independence guarantees a long spell in prison at the very least. In contrast, Canada is not shooting or torturing the Innu; and although the police presence in Innu communities is sometimes oppressive, it is on nothing like the same scale as that of China. Furthermore, Canada has an independent judiciary and democratic institutions.

And yet... the long-term plan is similar for both countries: namely, the eventual absorption of a troublesome 'minority' into the larger population, thus opening up valuable land and resources for exploitation. And the Innu, like the Tibetans, are dying. They do not need to be shot – they are killing themselves, at a rate unsurpassed anywhere in the world. The Canadian government bears responsibility for this outrage but does nothing to avoid it – indeed, its actions are calculated to bring about exactly these conditions.

In April 1999 the UN's Human Rights Committee came to very similar conclusions. Describing the situation of indigenous people as 'the most pressing issue facing Canadians', the Committee condemned Canada for its practise of 'extinguishing' aboriginal people's rights.

No doubt many Canadians would be horrified to see their government compared with that of China. Yet what is happening to the Innu is horrifying, and urgently needs to be exposed to the gaze of world opinion. For if it is not, and Canada (like China) is allowed to do what it wishes in obscurity, the Innu (like the Tibetans) will continue to suffer the most appalling agony.

Introduction

One day in February...

One day in February 1992, six children in the Innu community of Davis Inlet in Labrador burned to death in a house fire. Almost a year later, six of their friends, depressed at the approaching anniversary of the tragedy and convinced that the ghost of a young Innu was telling them that they should end their own lives, barricaded themselves in an unheated shack in temperatures of -40° and tried to kill themselves by sniffing petrol. The local Innu policeman reached them in time and, with great presence of mind, videotaped their response as they were removed to safety. Then, to show the world the horrors of life in Utshimassits (as the Innu call Davis Inlet), he passed the tape on to a television station.



Over the next few days, his graphic pictures of wild-eyed children hurling themselves against the wall and screaming 'Leave me alone! I want to die!' shocked Canada and made Utshimassits, after years of official neglect, the focus of national and international media attention. Journalists and television crews suddenly converged on Davis Inlet from all over North America and Europe to try to discover how a supposedly 'modern' and enlightened country like Canada could produce such a vision of desolation and despair. They were scandalised by what they found.

Utshimassits is a community living in almost unimaginable squalor and disarray. Rows of battered wooden shacks, looking more like a Third World refugee camp than a 'western' village, line unmade roads that for most of the year are no more than sheets of dirty ice. Virtually none of the houses – except for the handful belonging to non-Innu professionals like the priest, schoolteachers and nurses – have running water or mains drainage. Sewage is simply thrown onto the ground, where it is eaten by dogs or trampled by the gangs of children who roam

the settlement – too frightened, often, to return home, where they may have to face drunken or abusive adults. These conditions are reflected in the appalling health and mortality statistics for Davis Inlet, where family breakdown, sexual abuse, drunkenness and alcohol-related disease, violence, accidents and self-harm have become endemic. In 1990, for instance, investigators found that between 80 and 85% of residents over 15 were alcoholic, and that half of these were intoxicated on a daily basis. As their report observed, 'the behaviour and appearance of the majority of Davis Inlet people are characteristically consistent with chronic alcoholic populations. The people appear to be physically older (by 10+ years) than they are...'

Alcohol is a major factor in the astonishingly high rates of both successful and attempted suicides: according to the Band Council's own figures, almost a third of all adults in the community tried to kill themselves (generally in alcohol-related incidents) in 1993. In the eight years since 1990 there have been eight successful suicides in Utshimassits – equivalent to a rate of

178 suicides per 100,000 population, compared to a Canadian rate of 14 per 100,000. This means that the Innu are almost 13 times more likely to kill themselves than the general population of Canada, and makes the Mushuau Innu of Utshimassits the most suicide-ridden people in the world.²

Tables 1 and 2 show the vast gulf between the life and death experiences of the Innu and of Canadians as a whole. During the last two decades, more than half of all deaths in Innu communities were of people aged under 30; this was the case for only 5% of Canadians. Conversely, while at least 80% of Canadian deaths were of people over 60, only a quarter of Innu deaths were in this age range – a range to which people are expected to live in 'modern' industrialised countries with liberal democratic traditions.

Infant mortality rates provide another measure of the chasm between the Innu and the rest of Canada. Table 2 shows that an

Innu child is between three and seven times more likely to die before the age of five than the average Canadian child. It should be noted, however, that there are also dramatic differences between the communities: the rate in Utshimassits, where there is no sewerage or household running water and the nearest hospital can only be reached by aeroplane, is more than twice that in Sheshatshiu, which does have these basic amenities and is within an hour's car journey of the hospital in Goose Bay.³

The catastrophe of Utshimassits is only the most extreme example of a process of cultural and social disintegration which affects every Innu community (and, to a greater or lesser extent, most other aboriginal Canadians as well). Why should people like the Innu be afflicted in this way? Since most of their current problems were rare or unknown before they were settled in government-built villages and exposed to intense Euro-Canadian contact, the answer must lie ultimately in their relationship with Canadian society...

Table 1 Age at Death
in Canada (1990) and Innu Communities (1975-95)

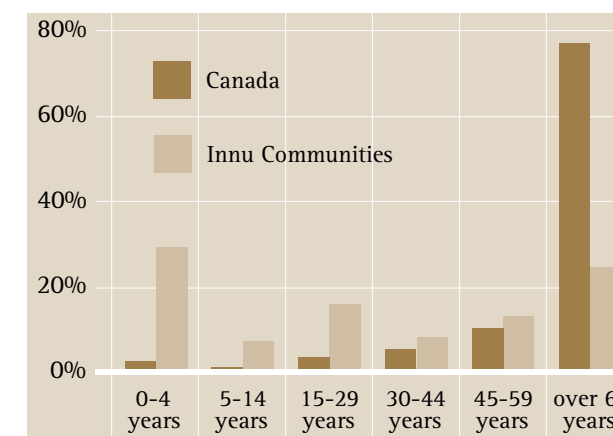
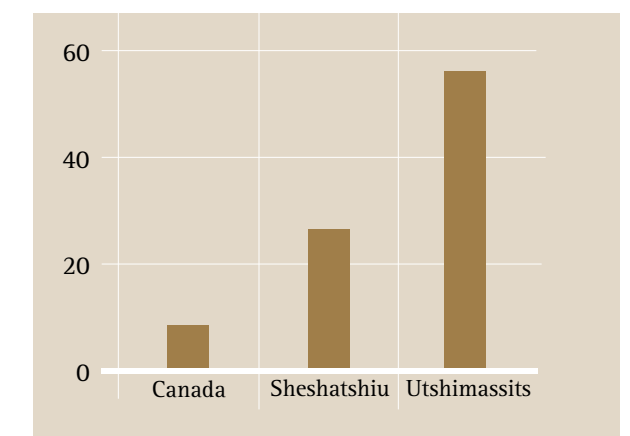


Table 2 Mortality Rates (per 1,000) for Infants 0-4 Years
in Canada (1990), Sheshatshiu (1983-94) and Utshimassits (1984-94)



Innu territory (Nitassinan) and communities





Introduction

The colonisation of the Innu – Britain starts, Canada accelerates

While conceding that some past policies have had negative effects, Canada is at pains to suggest that its current dealings with the Innu (and other 'First Nations') are scrupulously fair. For example, it has established procedures for negotiating land rights – including the provision of federal loans to induce the Innu to prepare a 'case' – and for assessing the likely environmental impact of large-scale developments in their homeland, all of which allow Canada to present itself as a liberal state dealing sympathetically with a disadvantaged 'minority'.

But this impression – while it has been largely successful in defusing international concern – is based on a fundamental distortion and misrepresentation of the Innu's situation. Unlike most non-native Canadians, they are not members of a culturally homogeneous national society who live in Canada and accept Canadian law because they, or their ancestors, chose to do so: they are a distinct people, with a profoundly different language, history and understanding of the universe, who – like other indigenous Americans – remain under colonial domination in a supposedly 'post-colonial' world. They have never signed away their land to Canada, and are considered 'Canadians' only because Canada has unilaterally asserted control over them and their territory. Their predicament is, in fact, part of the relentless five-centuries-old process of dispossession and destruction which has extended European (or Euro-Canadian and Euro-American) control over the whole of North America.

What makes the Innu's situation unique is that they have only felt the full impact of this process very recently, over the last 40 years or so. Until after the Second World War, in fact, a large part of their territory, Labrador, was not even claimed by Canada, but was considered part of the separate British colony of

Newfoundland. Only after Newfoundland joined the Canadian federation in 1949 did the large-scale invasion of the Innu's land, and the systematic disruption of their nomadic way of life, begin.

Our research shows that the problems of the Innu today stem largely from this process of colonialism, which has dramatically destabilised Innu society and caused deep psychological trauma.⁴ By depriving them of control over their own lives and land, subjecting them to alien institutions such as the judicial system, education, the church and the state, and opening their territory to logging, hydroelectric schemes, mining and military low-level flying, Canada is, in fact, denying the Innu many of their most basic human rights.



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Who are the Innu?

The 20,000 Innu – formerly referred to as Montagnais–Naskapi Indians, and not to be confused with their neighbours the Inuit, or Eskimo – are the indigenous people of most of the Labrador/Quebec peninsula. Their homeland, which they call Nitassinan, is a huge area of spruce and fir forest, lakes, rivers and rocky 'barrens'. Archaeological evidence suggests that they have lived there for at least 2,000 years, and some scholars believe that they are descended from the first human inhabitants of eastern Canada, who moved into the region around 8,000 years ago, at the end of the last Ice Age.⁵

Until the second half of the 20th century, the Innu lived as nomadic hunters. For most of the year, when the waterways were frozen and Nitassinan was thickly covered with snow, small, mobile bands of two or three families journeyed through the interior in search of game, walking on snowshoes and pulling their possessions on toboggans. Then, after the 'break-up' of the ice in May or June, they travelled by canoe to the coast or to a large inland lake to fish, trade, make and repair equipment and meet friends and relatives.

Fish, berries and several species of mammals – including bear, beaver and porcupine – are all important to the Innu, but at the heart of their way of life are the vast herds of caribou that migrate through Nitassinan every spring and autumn. Until recently, the caribou provided them not only with food but also with hides for clothing and tents and bones and antlers for tools and weapons, and it remains a central motif of their culture.

The spirit that owns the animals expects everybody to be treated equally. Once it starts to help, it wants to help everyone. All the children, the older people, old women. When it shares its animals it expects the leader of the camp to distribute the kill equally to every family. Then it's happy, because it is being treated respectfully.

Pien Penashue, Sheshatshiu⁶

Innu society

Innu culture places great emphasis on both mutual responsibility and individual autonomy. There are no institutions to enforce conformity, and a wide range of personal behaviour – in children, who are seldom punished or scolded, as well as among adults – is normally tolerated as long as it does not threaten the survival of the group. However, boasting, 'pushing yourself forward', overtly criticising others or acting in a domineering or aggressive way are considered deeply offensive. Every effort is made to avoid direct conflicts, but if they do erupt they are generally resolved not through the kind of ritualised confrontations found in Western law but by one or other party moving away.

The only accepted authority is that of the *utshimau* (first man), who, because of his hunting and shamanic skills, is tacitly acknowledged as the leader of a hunting camp. He has no real political power in a European sense, however, and no one else is obliged to follow him. The anthropologist Georg Henriksen, who in the 1960s worked extensively among a group of Mushuau Innu, reported that:

When there is doubt about which route to follow, or if the weather is making further progress difficult, the Naskapi usually stop to make a fire and discuss what to do over tea. The decision of the wotshimao (utshimau) is, in fact, a joint decision – the end result of the discussion.⁷

A good hunter is under immense pressure to provide both for those who have been less successful, and for people with no one to hunt for them. It is, above all, by acquiring food and then sharing it openhandedly with others that an Innu gains prestige and respect. Pien Penashue explains:

The old man is the leader. He grew up being taught by his parents, and he treats other people the same way. They know he always has everyone's best interests at heart... The old man takes the animal and distributes it to other people in the camp... So if, say, there are five families, and five caribou are killed, they would get one caribou each...⁸

Relations between the sexes were non-hierarchical and egalitarian in pre-settlement times. Men and women had different spheres, but both were autonomous within their own areas: men generally made decisions about hunting (although, even here, women could participate) while women usually

chose where and when to camp. Generally, as Henriksen observed, all of those affected by a decision, male and female, would be consulted before action was taken.

The strong emphasis on personal autonomy gave Innu women far greater freedom than their European counterparts: not only could they make significant decisions, but they were free to court the men they liked, to take on lovers in marriage and to divorce easily. This independence scandalised the first Jesuit missionaries to work among the Innu, who repeatedly tried to impose European standards by making Innu women subservient to their husbands.⁹

There is no doubt that some elements of this culture have been profoundly altered by the experience of the last 40 years. Canada's concerted efforts to end the nomadic life of the Innu and to assimilate them into Euro-Canadian society have modified the world view of even the most 'conservative' Innu. A wide range of national and global influences – new technologies, the mass media, and a host of imposed social and political institutions – have created deep rifts between different factions and between the generations and led to a general sense of psychological disorientation. Yet beneath the surface, many aspects of pre-settlement life still persist remarkably unchanged. The social codes of the nomadic Innu, for example, remain very much in evidence in the very different environment of the community. Leaders still find it excruciatingly difficult to behave like Euro-Canadian politicians by 'pushing themselves forward' and publicly speaking for others; teachers' aides and court workers dislike making judgments about children or clients; when animals are hunted and brought into the village, the meat is still often shared; and both partners in a marriage still generally enjoy a great degree of sexual freedom – even though it is accepted that the consequences can be painful.

Even those Innu who seem most at ease in the Euro-Canadian world, moreover, continue to assert their distinctiveness as a people, to resist *Akanishau* ('English speaker', i.e. white) encroachment on their land and to treasure the hunting life as something which is essential to their well-being and their identity. Rather than meekly following the 'inevitable' path of assimilation, most Innu in fact live in a state of constant flux and conflict, in which the battle between Innu and Euro-Canadian values and beliefs is fought out – within individuals, families and communities – on a more or less daily basis.



To the Innu, dreams are visions. To the white man, visions are hallucinations. Jimmy Nui, Davis Inlet¹⁰

We were educated too, but it wasn't the white society education we learned... Our fathers taught us and our grandfathers... Our teachers didn't have pens in their hands, they didn't refer to notes in books. They took us with them when they went hunting and taught how to kill animals... And we also learned to make what we needed to survive in the country, things like snowshoes, toboggans, sleighs, canoes, caribou scrapers... everything an Innu needs to hunt. Pien Penashue, Sheshatshiu¹¹

The Innu view of the world

Innu values are rooted in a complex cosmology which contrasts sharply with the Judaeo-Christian and scientific traditions of Euro-Canada. The Innu – like many other aboriginal peoples – believe that the universe is alive with potent spiritual forces which profoundly affect their lives. Recognising their power is as essential for survival as understanding the weather or the changing seasons.

The most important spirits are the 'Masters' of the animals, who control the caribou and other animals and who help the Innu by sharing their food with them. The Innu, in return, must scrupulously share the meat amongst themselves and demonstrate their respect by following certain rituals: the leg bones of the caribou, for example, must be carefully preserved, and the marrow mixed with fat to prepare a sacred meal called *mukushan*. Simply throwing them away is profoundly disrespectful to *kanipinikat sikueu* (the 'Master' of the caribou, and hence the most powerful of all the 'Masters'), who may show his anger by preventing the Innu from killing game, or even by making them ill.

The 'Masters' communicate with people in various ways, particularly through dreams. A hunter may dream that he has heard an animal singing outside his tent: when he wakes up, he plays the drum and sings the song himself, and will soon see a brilliant, fire-like vision in the centre of the drum, telling him where game can be found. Until recently (the last recorded occasion was in the late 1960s), a shaman could also hold a *kutshapatshikan*, or Shaking Tent, to question the Masters directly about why, for example, there was a shortage of game. Sitting inside a specially-constructed animal-hide tent, he used his power to summon the spirits to him; then, within a few minutes, as one elderly witness remembers:

The tent shook and swayed violently, and we heard a noise like rushing wind as the spirits entered. Then they all started

speaking in strange, inhuman voices – we couldn't understand them, but the shaman's spirit could understand and translate for him. Sometimes he wrestled with one of the Animal Masters, and then the tent shook even more, so hard that we thought it would fall down. Lizette Penashue, Sheshatshiu¹²

By the end of the *kutshapatshikan*, which could take hours to perform, the shaman was often exhausted or even comatose. When he was able to speak, he would explain what he had learned: which Animal Spirits were angry and why, and what they wanted the people to do to restore good relations and so ensure a plentiful supply of food.

Underlying every aspect of Innu culture is the belief that human beings should seek to understand and work with nature rather than trying to master or transform it. The behaviour not only of the Animal Masters but of spirits such as the *katshimeitshishu* – small, unpredictable beings who play tricks on unsuspecting Innu in the country – reinforces the need for humility towards the land, the animals and the elements.

From this perspective, periods of privation are accepted as a normal and integral part of life, rather than as aberrant phenomena which people should strive to banish permanently by attaining greater control over the 'natural world'. As a result, the Innu tend to face the most arduous ordeals with a stoicism that has astonished generations of European observers. The 17th century Jesuit missionary Paul Le Jeune, for example, reported: *I saw them in their hardships and labours suffer with cheerfulness... I found myself, with them, threatened with great suffering; they said to me, 'We shall be sometimes two days, sometimes three, without food, without eating, for lack of food; take courage, let thy soul be strong to endure suffering and hardship; keep thyself from being sad, otherwise thou wilt be sick; see how we do not cease to laugh, although we have little to eat'... They will endure all kinds of degradation and discomfort, and all kinds of trials and suffering very patiently.*¹³

Another characteristic of Innu culture – also noted by Le Jeune – was their lack of any central authority or received wisdom. Children did not learn a prescribed set of facts in a school, but rather by watching, listening to and imitating their parents and grandparents. Their values and world view are embodied in a rich oral tradition which can often vary, at least in detail, from one camp or even one family to another.

There is therefore no Innu equivalent of the Judaeo-Christian Genesis (or the scientific account which has largely supplanted it in western culture): instead of trying to reduce the origins and nature of the universe to a single, consistent narrative, they

accept and explain different aspects of experience through a wide range of stories which – at a purely literal level – can often seem contradictory. For example, the adventures of *Kuekuatsheu* (wolverine), a sly and cunning trickster figure, tend to dwell on the grotesque – unconstrained sexuality, flatulence, cheating and deception – and on the essential unpredictability of life, whereas the monster-slaying culture hero *Tshakapesh* generally features in uplifting tales that stress the importance of bravery and altruism. A third cycle of legends – which includes one of the most important Innu stories, The Man Who Married A Caribou – focuses on the loving and interdependent relationship between 'the people' and the 'Animal Masters'.



Myself, my identity, my own religion is in the country. I go to my own school there. There are medicines there that I know about. Out there I am a worker, a hunter, a fisherman, an environmentalist and a biologist.

Paul Pone, Sheshatshiu¹⁴

History

The first encounter between Innu and Europeans probably took place around the end of the 10th century, when the Vikings established a short-lived colony on the island of Newfoundland, close to the Canadian mainland. Some 500 years later, in 1497, John Cabot claimed the area for Henry VII of England, and in 1501 the Portuguese explorer Gaspar Corte-Real sailed along the coast and captured two shiploads of native people to be sold as slaves. His belief that Nitassinan was teeming with potential captives led to it being called Labrador, 'the source of labour material'. In fact, as the Portuguese soon discovered, the aboriginal population of northern Canada was relatively small, and – as in other parts of North America – European infections such as smallpox and measles rapidly depleted it by as much as 90%.¹⁵

Over the next century, the Innu's experience was much like that of other east coast peoples. As European fleets swarmed to the western Atlantic to exploit the rich fishing grounds off Newfoundland, and sailors began coming ashore to dry or process their catch, a thriving – and frequently quite amicable – trade quickly developed, with the 'Indians' eagerly bartering meat and animal skins for European tools and utensils. As early as the 1530s there are descriptions of Innu being invited aboard Basque ships not only to trade but to socialise: the sailors entertained them with cheese, almonds and raisins, and marvelled at their ability to pick up the Basque language. Their accounts are tinged with genuine admiration: a Basque from Fuentebarrabia, Clemente de Odeliza, described the Innu as 'extraordinarily capable and ingenious', and the historian Lope de Isasti wrote of them as 'real allies and friends'.

By the end of the 16th century, however, these informal, pragmatic contacts were diminishing and a new pattern of economic exploitation was taking shape. Between 1603 and 1620, England, France and the Netherlands all established permanent, government-backed settlements or trading posts in eastern North America. At the same time, they moved to regulate and control the (by now immensely profitable) fur trade which, more and more, was seen as the key to dominating the continent. As European competition intensified, native people were increasingly reduced to a simple, standardised role in one or other of the rival imperial machines. As long as they could provide furs and military assistance, they were tolerated; as soon as they stopped, they became surplus to requirements and were killed, pushed out of the way or neutralised by 'civilisation' in European-dominated settlements. This was the process that largely destroyed the Innu's New England relatives in the 17th century and exterminated their neighbours the Beothucks in the 19th century, but the Innu themselves were only marginally touched by it. In 1637, the Jesuit missionary Paul Le Jeune, convinced that 'not much ought to be hoped for from the

Savages as long as they are wanderers...' did try to establish a settlement where the Innu, 'living in houses that would be built for their use... [and] by this means becoming located... could be more easily instructed and won',¹⁶ but the experiment failed. With no effective means of keeping them in one place, families quickly tired of living under French control and drifted back to their 'savage' life.

What saved the Innu was European revulsion at the 'bleakness' and 'inhospitability' of their homeland, which the French explorer Jacques Cartier famously described as 'the land God gave to Cain'. Although traders and fishermen continued to visit – and even settle on – the coast, very few colonists were prepared to brave the rock-strewn landscape of the interior which, with its eight month sub-arctic winters, offered no potential for agriculture. As a result, Le Jeune's initiative was not supported by the powerful economic and military interests which, further south, promoted 'reducing the Indians to civilitie' as a means of opening their land to colonisation.

In fact, long after indigenous people had been driven from most of the rest of the continent, the Quebec/Labrador peninsula was still valued more for what the Innu could harvest from it than for the land itself. For some three centuries after Le Jeune, fur traders continued to extend their influence deeper and deeper into Nitassinan, encouraging the Innu not to 'settle down' but to follow a modified version of their own way of life, in which they hunted in the interior (which they call *nutshimit*) for most of the year and brought pelts to the trading posts in the summer to exchange for metal implements, guns, ammunition and staples such as flour, sugar and tea.

Although the fur trade ensured the immediate survival of the Innu by giving them a marginal place in the global economy, it also reduced their self-sufficiency. The trader, as ruthlessly and deliberately as any drug dealer, set out to transform his native



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suppliers into addicts: as John McLean of the Hudson's Bay Company, who worked with the Innu in the 1830s and 1840s, put it:

*As trading posts... are now established on their lands, I doubt not but 'artificial' wants will, in time, be created that may become as indispensable as their present real wants. All the arts of the trader are exercised to produce such a result, and those arts never fail of ultimate success. Even during the last two years of my management the demand for certain articles of European manufacture had greatly increased.*¹⁷

In practice, the Innu's experience of the fur trade varied widely. Some traders were petty dictators who pursued profit with ruthless inflexibility – in the mid-1840s, for instance, scores of Innu died of starvation when the trader Donald Henderson, dissatisfied with the number of furs they had brought in, refused to give them ammunition – while others developed a close personal relationship with their 'clients', even in some cases marrying native wives. Some groups were more difficult to reduce to dependence than others: the Mushuau Innu of northern Labrador proved particularly resistant to the 'arts of the trader'. As late as 1935, one trader

reported that, 'They are still... a most ingenious people and doubtless could, if it became necessary, subsist quite independently of outside aid.'¹⁸

The first part of the 20th century saw increasing encroachment on Innu land by non-Innu settlers and trappers. In 1927, the Judicial Committee of the Privy Council in London further extended colonial control by arbitrarily drawing a political border through the middle of Nitassinan. This eventually drove a wedge between members of the same families and regional groups, some of whom found themselves in francophone 'Quebec', a part of the Canadian confederation, while their relatives were in English-speaking 'Labrador', then part of the British self-governing colony of Newfoundland.

By the Second World War virtually all the Innu were, to some extent, involved in the fur trade and were increasingly under the influence of not only the traders but also the missionaries, officials and other non-native people whom they met at the trading posts. This left them vulnerable to pressure from the government when, more than 300 years after Le Jeune, it finally decided that they must be settled in permanent communities.

How did we get here?

One fact seems clear – civilisation is on the northward march, and for the Eskimo and Indian there is no escape. The last bridges of isolation were destroyed with the coming of the airplane and the radio. The only course now open, for there can be no turning back, is to fit him as soon as may be to take his full place as a citizen in our society. Walter Rockwood, Memorandum on General Policy in Respect to the Indians and Eskimos of Northern Labrador, 1955

A military ship came to old Davis Inlet about 30 years ago. It had many different flags. A priest and other people were all dressed up. We were told that a government person was on the ship and he wanted to meet with the Innu people. We were told he was a representative of the Queen. I don't know who he was. The priest was the interpreter. After the man finished his speech, we were told what he said, whoever he was. He said that before he came here he was told that the Innu people had everything – good housing, water and sewerage. Now he could see that this was not true. When he went back, he would tell the Queen what he had seen: that the Innu were still living in tents. The former chief told him that the Innu were very poor and that it was cold to live in tents. Kaniuekutat, Utshimassits¹⁹

In discussions about the Innu and their current predicament, there is seldom any mention of the process by which they were sedentarised between the mid-1950s and the mid-1970s. When asked about it, many of the Innu are themselves evasive and reserved, whilst the governments of Canada, Quebec and Newfoundland now like to couch their policies in the unexceptionable rhetoric of political correctness in preference to the overtly racist and authoritarian terms in which officials such as Walter Rockwood, Newfoundland's Director of Northern Labrador Affairs from about 1952 to 1964, justified it at the time.²⁰ It is, nonetheless, instructive to compare Innu and *Akanishau* understandings of what happened, because doing so throws into sharp relief the contrasting assumptions and beliefs of the two sides and illuminates many of the problems faced by Innu communities today.

From the authorities' viewpoint, sedentarisation was part of the same grand, historical process that had carried 'civilisation' across North America and was now poised to 'march' into the North. Several factors combined to convince them that this was the moment when the Innu, if they were to survive at all, must learn to accommodate themselves to a settled existence. The construction of the air base at Goose Bay during the Second World War had, for the first time, brought a substantial non-Innu community into the heart of Nitassinan, and interest in 'developing' the area further was given additional impetus by the decision of Newfoundland (which includes Labrador) to join the Canadian federation, after centuries of British rule, in 1949. Moreover, a cyclical dip in the caribou population during the 1930s, combined with a sharp drop in fur prices, had made the

Innu way of life seem increasingly difficult. The situation was further compounded by the rapid construction of industrial infrastructure such as the railway from Sept Iles to Schefferville to service the mines, the spur line to Esker for the Churchill Falls hydroelectric plant and the Hydro-Quebec dams and pulp mills on the North Shore of the Gulf of St. Lawrence.

Following long-established colonial precedents, the government set out to achieve two linked objectives: progressively to clear the Innu from their land so that it could be opened to non-native 'development', and to prepare them for their new circumstances with a simultaneous programme of 'economic rehabilitation.' Since hunting was not seen as real 'work', Walter Rockwood devoted a great deal of energy to trying to steer Innu towards what he considered 'productive' activity. This always involved some type of wage labour scheme – a sawmill, cod fisheries, trout pickling, work at the Goose Bay airport – or relocation to areas where there was a demand for labour, such as the mining communities of Schefferville and Wabush in western Labrador. As Rockwood wrote with great urgency in 1956, 'unless a strong positive approach is adopted *now* there is a danger that the Indians will become loafers whose only aim is to extract more and more handouts from the government; indeed there is grave danger that this stage has already been reached.'

Rockwood and his colleagues regarded trapping as a legitimate alternative to 'loafing' because, unlike hunting, it produced goods for sale rather than personal consumption, thus helping to draw the Innu into a cash-and-work economy and enabling them to qualify for unemployment benefit rather than the more

stigmatised (and less generous) welfare relief. From the start, then, the Provincial government saw not only sedentarisation itself but also its own work-creation and social assistance schemes as part of a long-term strategy to transform the Innu and assimilate them into Canadian society.²¹

In contrast with the official records, there is no single, unambiguous Innu understanding of sedentarisation and what it meant: their perception of what happened is embodied, as always, in a series of widely differing accounts reflecting the varied and often chaotic experiences of individuals and families. What is clear, however, is that the government made almost no attempt to explain the situation to all the Innu or to obtain their formal consent to settlement. As we have seen, in fact, Innu society possesses no institutions through which such consent could be given.

The hunting way of life, in which plans were always contingent and susceptible to being altered without warning by a change in the weather or the discovery of a new track, made a radical, long-term commitment to any particular course of action unthinkable. Moreover, although the church and the government sometimes 'recognised' an Innu man (usually a Christian convert who did not drink) as the 'chief' of a specific 'band', there was no tradition in Innu society of a formally-chosen permanent leader with the power to make decisions for others: even the most respected *utshimau* was selected by an oblique, informal process and only remained 'first man' so long as he could command a consensus.

Innu accounts of sedentarisation make it clear that the authorities put them under immense pressure to settle, dismissing any alternative as unrealistic and unacceptable. They were, in effect, treated as incompetent children, incapable of deciding what was in their own best interests; their stories are full of confusion and a sense of impotence. Some clearly believed the promise of a better life: one man, for instance, remembers: *We thought the government was doing a good job moving the community here in this island. We were told this island was a good spot. We didn't know there were going to be all kinds of problems. When we knew this it was already too late to do anything. Everyone thought we would get everything, like chairs, furnaces, and water, but it was just empty houses we got.*²² But even he, despite his high hopes, had no sense that this momentous change was something he had chosen: 'As far as we know,' he recalled, 'it just happened.' This comment is echoed by another member of the Davis Inlet community:

*When we were first told we would be moved to the island, I didn't like the idea... But no one said anything. We just moved.*²³

This compliance can, in part, be explained in terms of the tendency of Innu culture to strongly discourage people from

'pushing themselves forward' and aggressively voicing dissident opinions which could spark conflict. There is, however, ample evidence that the authorities, especially the church, used systematic intimidation to enforce sedentarisation. People who refused to settle and to send their children to school were told that they would lose the newly-introduced welfare payments, and there are numerous accounts of priests using their enormous authority – and sometimes even violence – to get their way. According to one Sheshatshiu woman:

*The priest would come to visit us where we were camped. He would ask the families to come and reside in the community... My mother says that the priest got really angry because there was no one living in the community. The Innu people were afraid of the priest. He controlled them and told them what to do. He Christianized them. The Innu would still be living in the country if it wasn't for the priest... The church was always filled up because the priest controlled the people. I never liked the priest telling us what to do.*²⁴

According to another woman in Sheshatshiu, at least one priest regularly 'almost kill[ed]' Innu who defied him – especially drunks – by 'beat[ing] them up with a long stick'.²⁵

A few families refused to yield to this pressure, accepting houses but continuing to spend much of the year in the country. Pien Penashue from Sheshatshiu, for instance, was convinced from the start that sedentarisation would be a disaster. He recalls: *I knew what would happen when the priest tried to persuade the Innu not to go into the country. He couldn't convince me to stay... in the community permanently, I could never allow that to happen to me and my family. I had to be very strong to say no, because I knew my life in the country was way better... The priest even ordered me to send Melvin [his youngest son] to school, but I didn't listen to him... I was more determined than they were. So Melvin didn't go to school and now he's all grown up.*²⁶

But most Innu, with no way to foresee what settlement would mean and reluctant to isolate themselves from the rest of the group, 'went along' – albeit unwillingly – with the authorities' plans. They were compelled not only by the government's demonstrable power and its explicit threats and bribes – for example, some housing contracts legally bound Innu families to remain in their houses for 10 years in order to receive title to them – but perhaps above all by its unshakeable assumption that change was inevitable and that there was simply no alternative.

In a culture based on accepting powerful external forces – rather than, like Europeans, trying to overcome or manipulate them – this argument must have seemed irresistible. Nevertheless, it is clear that sedentarisation is not something the Innu freely chose. This most dramatic change of all, from a nomadic way of life to settlement, went ahead without any meaningful consultation.²⁷



'Shame and confusion': life in the community

How much dust there is in their eyes, and how much trouble there will be to remove it that they may see the beautiful light of truth. I believe, nevertheless, that any one who knew their language perfectly, in order to give them good reasons promptly, would soon make them laugh at their own stupidity; for sometimes I have made them ashamed and confused, although I speak almost entirely... by signs. Father Paul Le Jeune ²⁸

To reduce the meaning of the word nutshimit to 'the bush' does not describe what it means to us. It is a place where we are at home. Daniel Ashini, Sheshatshiu ²⁹

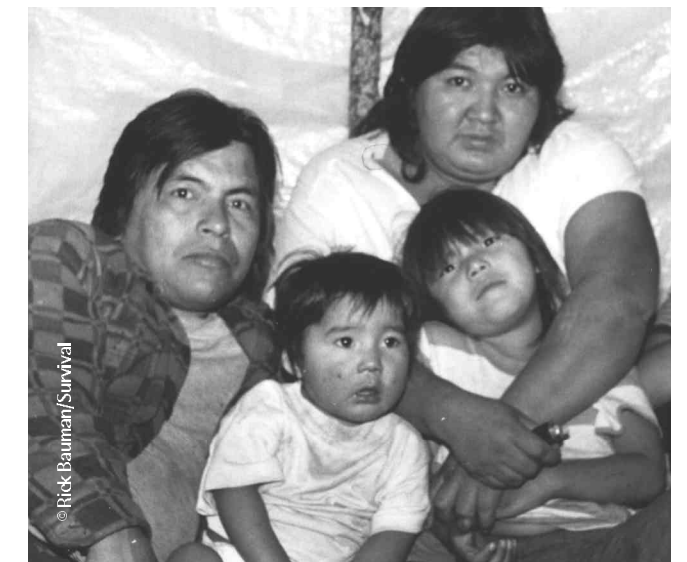
In the years immediately following settlement, the government made no attempt to conceal its hostility to the Innu way of life. Newfoundland wildlife officers rigorously imposed provincial hunting regulations, searching houses for game that had been taken 'illegally' on the Innu's own land and confiscating equipment. Children – and sometimes their parents and grandparents – were physically abused if they missed school to go into the country. One man, now in his thirties, remembers: *One time, the priest saw me and my grandfather returning from nutshimit in a canoe. He was really mad. He got hold of my ear and almost pulled it off. Then he took a paddle and beat my grandfather with it.* ³⁰

Over the last decade or so, the official attitude has become more muted. The authorities have established elected 'band councils' with limited powers of self-administration in Innu communities, and helped to fund a number of political bodies – such as Innu Nation in Labrador and Mamit Innuat in Quebec – to represent the Innu in their dealings with non-Innu political and commercial organisations. In some communities, the administration of the school has been devolved to the Band Council, and school attendance is less aggressively enforced.

Following a decision by the Supreme Court of Canada in 1990, restrictions on subsistence hunting and fishing by aboriginal people have been eased (although many Innu still feel intimidated about hunting in some areas). Under pressure from native communities, moreover, Canada has established the 'Outpost Programme' (now under Band Council control), which pays for families to fly to hunting camps in the interior.

But despite this apparently more liberal approach, the underlying thrust of the sedentarisation process remains unmistakable. For all the official rhetoric of 'self-government', the Innu still feel profoundly and increasingly powerless, and they still experience day-to-day life in the community as a relentless assault on their own culture, predicated on the assumption that the *Akanishau* way of life is superior and that they must adapt to it. Asked to describe growing up in the settlements, younger people time and again reply: 'It makes us feel ashamed of being Innu.' There is a general sense of futility and impotence in the face of an ever more powerful colonial presence, which progressively seems to close off every option except the path of assimilation.

It is important to examine in depth just how the institutions of community life convey this all-pervading sense that 'Innu-ness' is unacceptable and destined, whatever the Innu themselves feel, to be supplanted by a new identity as just one more 'First Nation' in the 'mosaic' which Canada claims to have become. ³¹



The Church

Even before sedentarisation started, many Innu had regular contact with Roman Catholic missionaries at the trading posts they visited every year. Most of them accepted baptism, and some became genuinely devout. Although some priests were more tolerant than others, almost all made it clear that they disapproved of Innu 'superstitions' and of practices such as shamanic drumming and the *kutshapatshikan* (Shaking Tent) which were integral to the hunting life.

In the pre-settlement era, some converted Innu dealt with this conflict in a typically non-confrontational way by dividing the world into two more or less disparate realities: *nutshimit*, where the Animal Masters and Innu beliefs remained dominant, and the trading post and the mission station, controlled by the *Akanishau* God. With sedentarisation, however, this uneasy equilibrium was destroyed. In the community, Innu spirituality was not only frowned upon, but also became increasingly detached from the way of life that gave it meaning. Practices like the *kutshapatshikan*, which embodied the profound relationship with caribou and other animals, simply withered away when food became the gift not of the 'Animal Masters' but of the government store.

The priests used their enormous influence to promote sedentarisation. A few, however, worried that the Innu might simply become 'drunken layabouts', encouraged them – sometimes even in defiance of provincial wildlife officers – to continue hunting, at least until some more 'productive'

Innu holding a church service in the country.

employment could be found for them. Today, except among a minority of older people, the church has lost much of its direct authority, but it continues to have a profound – if largely indirect – influence on the life of the community.

One crucial legacy stems from the mission schools, which were established before work began on building the villages themselves. The promise of a 'white education' was then used as an inducement to persuade families to settle, with the result that many children suddenly found themselves pitched into a frighteningly alien world where, especially in the early years, they were subjected to a regime of harsh and sometimes brutal discipline. Because the Innu are generally so reluctant to criticise, the tone of their stories about the priest may sound rather understated to *Akanishau* ears, but accounts like Napess Pone's – which is typical of the experience of hundreds of young Innu – are often delivered with a deep emotion that belies their apparent mildness:

*I remember Father Pearson abused me physically... [He] did not treat me too kindly. He used to beat me bad when I was going to school. This happened on many occasions.*³²

Most children were completely unprepared for this kind of treatment, and some Innu believe that it was at least partly responsible for the dramatic increase in domestic violence that has occurred in their own communities over the last three decades. According to Ben Andrew, an Innu who has researched the impact of the missionaries:

Our people never struck or threatened to strike their kids... before we first made contact with the white man. Striking or punishing kids was first introduced by the non-Innu people and Innu

*eventually adopted these actions towards kids... When the priests and nuns first taught the Innu children, they were very strict and enforced discipline when the Innu children misbehaved. That was the beginning of the Innu change of behaviour in disciplining their kids...*³³

Many Innu also trace another disturbing change in their own behaviour to the missionaries. There is overwhelming evidence of widespread and systematic child sexual abuse by priests and teachers over the last 40 years, and several have been convicted in the courts.

This has not only left hundreds of Innu traumatised, but also, since abused children often grow up into abusing adults, created a cycle of sexual abuse which has become endemic in many families. This trend of clerical abuse has continued right up to the present: a priest recently left one Innu community amidst accusations that he had abused a young girl.



Listening to Mass over the radio

The School

*The kids don't understand us these days when we use old Innu words... We think they have already entered into the Akanishau culture. That's why they don't understand us... They ask us 'What are you saying? What does that word mean?' And we can't translate into English because we don't understand English... I wonder what's going to happen in the future, when the kids don't understand us and we don't understand them. Next thing, our grandchildren will be putting words in our mouths.*³⁴
Kaniuekutat, Utshimassits

Perhaps the most fundamental goal of the Euro-Canadian officials and Catholic priests advocating the sedentarisation of the Innu in the post-war era was 'education'. Without it, they believed, all their efforts to 'civilise' the Innu into Western ways of behaving, working and seeing the world would be in vain. Some measure of the importance they attached to it can be gauged from the fact that the school in Davis Inlet was built some 14 years before the first houses.

The Roman Catholic schools in Innu communities reinforce the premises of the Euro-Canadian approach to the world. This is clearly apparent in the curriculum itself, which, with its emphasis on maths, science, computing and European languages, does not substantially differ from others in North America. Although some teaching is done through the medium of the Innu language, *Innu-aimun*, the school marginalises Innu

culture by using English or French, still second languages to the Innu, for most classes. As a result, it is becoming increasingly difficult for the children to think in the terms and categories of their parents and grandparents. The European languages are increasingly dominated by abstract terms and concepts which have no immediate connection to everyday experience, while *Innu-aimun* is a hunting language in which words must relate directly to concrete physical objects and to known actions and events. The subjects taught – English, mathematics, history, social studies, science and so on – present the children with a vision of the world that has little or no bearing on their own culture and experience.

While the school does pay lip-service to Innu knowledge by organising 'culture days', these events are only a sterile parody of Innu practices. In 1995, for example, one of the authors attended a 'culture day' at the Roman Catholic school in Sheshatshiu that was coordinated by a representative from the local Forestry department with the help of an Innu man who spoke very little English. The classroom session on Trapping and Furs was conducted entirely in English and made extensive use of a videotape showing pelts being sold 'at their true value' at an auction in a city. Such teaching can only undermine the Innu's very different understanding of the world and of their relationship with animals.

Unfortunately, even when instruction is more culturally sensitive and carried out in *Innu-aimun*, the very structure of classroom schooling makes it almost impossible for Innu





'Culture Day' at the school.

children to learn how to live successfully in *nutshimit*. To understand the power of the elements, the tracks of the animals, the techniques of killing and other skills requires accumulated experience of the country life, not a simulation of that experience in a classroom or in a specially-constructed tent outside the school. Knowledge of myths and legends and Animal Masters, sometimes imparted to children by older people who have been asked to participate, is patently out of context and abstract in a school building in the community, cut off from the world that gives it meaning. The Innu 'school', as many people remark, is in the country.

The destructive impact of the schools is exacerbated by the academic calendar, which follows the Canadian pattern. As a result, children are in session during the most important hunting seasons (the spring and autumn), which offer the best opportunity for children to learn the *nutshimit* life by accompanying their families to the country, and out of session during the summer, when black flies, mosquitoes and heat make the interior unpleasant and when, in consequence, the Innu tend to remain in the coastal settlements.

Although, by non-native standards, attendance is low – parents typically leave it up to the children themselves to decide whether or not they will go – virtually all young Innu are exposed to school for much of their childhood and adolescence. Aided by other powerful forces – notably television, which beams in images of an urban, non-native world which most of them have never seen in reality – it promotes an awareness of Euro-Canadian norms and aspirations which leaves many children feeling hopelessly inadequate. One young Innu recalls: *We were taught in school to be doctors, nurses, store managers, teachers, that's what we were taught in school, to be one of those people. I was never taught to be a hunter or to learn about my culture, I was never taught like that, it was always the white*

*culture that was focused in the school... I see a lot of kids that have failed in school... they feel so ashamed about not learning to speak English and then they will start drinking, they will drink and drink, and a lot of those people are still drinking because they are ashamed, they don't know how to write, how to speak the language.*³⁵

Or, as another leader puts it:

*School educated us about the Akanishau way of life and taught us to feel that our own way of life was inferior or not worth living.*³⁶

While failing to equip most young Innu to function successfully in Euro-Canadian society, the school effectively separates them from their own cultural roots. Ironically – given that most children feel deeply alienated and excluded from Canadian society – older people complain that the young have already lost their own culture and 'become *Akanishau*'. As Elizabeth Penashue of Sheshatshiu explained in 1996:

*The school here is very important. It has too much stuff inside it and Innu culture gets driven outside. Kids go to school every day, every day. But when they have reached 16 years, the kids will have lost everything. They will be just like white people. Me, I never have accidents in the country. I'm afraid that they will get lost and die or have accidents in the bush. Now, the little ones speak too much English. English is in the head. I'm not saying that English is unimportant. But some kids don't want to go to the country. They feel shame to say they are Innu. White teachers push too much for them to be like white people. Everything is white; school books are all white, animals in books are monkeys, whales, horses and cows.*³⁷

The result leaves most Innu children – as Father Le Jeune predicted more than 350 years ago – 'ashamed and confused', feeling that they belong fully in neither world.

The school system presents parents with a dilemma. *Akanishau* education is clearly important if they want their children to be able to deal effectively with Euro-Canadian society, but it is also in complete contradiction to the deepest Innu values. The overwhelming social, cultural and political pressure to remain in the community means that, even when the children are not attending school, families are reluctant to take them into the country for long periods. Instead of being offered the positive alternative of learning about *nutshimit* life, many children simply hang around the settlement, drifting into the kind of anti-social behaviour – drinking, gas-sniffing, vandalism – that so troubles older Innu.

Some teachers are prepared to admit that Innu children are healthier, happier, better-behaved and able to learn more in the country than at school, but these private misgivings have not given rise to a radical official questioning of the school system. Although formal control of the school in Sheshatshiu was devolved to the Band Council in 1997, this is little more than a cosmetic change which leaves it still firmly locked into an essentially Canadian curriculum and timetable. The widespread liberal assumption that 'education' (i.e. western education) is intrinsically good effectively immunises the schools against the kind of criticism which might lead to genuine reform and a less culturally-destructive approach.



The best way to destroy a culture is to train its children in another culture.

Pien Penashue, Sheshatshiu³⁸



Collecting water from a communal tap, Utshimassits.

The health service

When a person gets sick, he remembers the medicinal uses of different types of tree and that's what he looks for. Then he cuts it down, brings it back to the camp, where an old woman prepares it, because she has the necessary knowledge. The little tamarack, and spruce and all sorts of willow, they all have medicine in them. The ptarmigan eats the seeds of one type of willow that has medicinal uses. And the same with the sap from fir trees, you use that when a person has a sore chest cold, or when he cuts himself with an axe or knife, he uses the sap to close the wound... We didn't have any white man's medicines back then. We treated ourselves with all the medicines we found on the land. But now, that's disappearing. The Innu seem to be giving it up. Matthew Penashue, Sheshatshiu³⁹

The Innu are sick and dying because of a well-documented syndrome of collective ill-health brought on by the enforced dependency and attempted acculturation of an entire people.

Ben Andrew and Peter Sarsfield⁴⁰

Health care was a prime rationale for the sedentarisation of the Innu. The Euro-Canadian authorities – most notably Dr. Harry Paddon of the Grenfell Association, who established the hospital at North West River – believed that without access to the benefits

of Western medicine, the Innu would suffer from epidemics and premature death. Yet the sedentarisation of the Innu has corresponded not with an improvement in their health, but a marked deterioration.

Although no detailed comparative statistics have been drawn up, it is obvious to health workers that the Innu suffer from very pressing health problems that far surpass those experienced in other parts of Canada. For example, as mentioned earlier, the Utshimassits Innu suffer the highest rate of suicide in the world, and rates of infant deaths and alcohol-related deaths are way above those seen almost anywhere else in North America. Diabetes, heart and respiratory disorders and accidents are also rife. This situation receives almost no serious attention within Canada: a recent Canadian textbook on aboriginal health contains only two passing references to the Innu.⁴¹

Why has the health of the Innu deteriorated so dramatically since sedentarisation? The Euro-Canadian medical establishment tends to answer in terms of the individual patient. Almost all health workers, for example, identify diet as a crucial factor, saying that Innu make 'bad food choices' in the community, consuming large amounts of soft drinks, crisps, sweets and canned and processed foods (although this criticism is often qualified with an acknowledgment that the local stores have a bias towards 'junk' foods). Meals tend to be irregular,

Since we have clinics, we are always sick.

Manikinet, Sheshatshiu⁴²

especially when parents have been drinking, and teachers complain that children are ill-prepared for school because of inadequate or inappropriate food.

Although health professionals admit that, in Utshimassits especially, the situation is exacerbated by poor physical conditions – the lack of running water and flush toilets, inadequate rubbish collection and overcrowded houses – they also tend to explain most health problems in terms of the 'ignorance' or 'irresponsibility' of the Innu themselves. Several factors are often singled out for particular concern: the Innu's 'poor personal hygiene'; their inability or unwillingness to teach their children basic safety requirements; their lack of 'coping skills'; and their alleged 'sexual promiscuity'. Physicians and nurses regularly complain of Innu missing appointments and failing to comply with drug regimens.

The Innu, however, tend to interpret their health problems in a very different way, and see the issue of health in a much broader context. Unlike practitioners of western medicine, with its strong emphasis on treating the individual patient, they are reluctant to separate their personal health from the wider ecology.

In fact the *nutshimit* life assumes a close correspondence between the environment, the person and both individual and collective well-being. As anthropologists who have spent long periods of time in the country with Innu have testified, there is much pride and celebration in the Innu hunting life and the identity that develops around it.⁴³ Innu acclaim each other in the country for their hunting, fishing, trapping, cooking, tent-making and child-rearing skills, and for their ability to live in equilibrium with the Animal Masters and other spiritual forces. It is only to be expected, therefore, that people will suffer if their social life is ruptured and their environment damaged and, although painful, it is therefore not surprising that there have been so many premature fatalities from alcohol, disease and accidents since sedentarisation.

Many Innu understand the appalling rates of attempted and successful suicides in their communities in this context, seeing them as symptoms of their loss of control over their own lives. As Jean-Charles Pietacho, of the Innu community of Ekuantshit (Mingan) in Quebec, says, 'suicide is the ultimate denunciation of the absence of choice for an individual or a community.'⁴⁴

The contrast between the Innu view of health and that promoted by Western medicine is vividly illustrated by the reactions of the people in the two communities to the 'development' of their land. Activities such as logging, mining, hydroelectric projects and low level flying, the Innu believe, damage health not only directly by pollution, but also by disrupting the wider ecological balance and causing changes to the animal population. This, in turn, erodes the *nutshimit* life, thus undermining the only 'healthy' route out of the increasingly 'unhealthy' world of the communities. Additionally, however, industrial development offers the Innu employment opportunities – albeit at the lowest levels – in commercial enterprises that suck them further into the cash economy of Canada. As a result, many Innu believe, problems of alcohol abuse and ill health can only get worse. As Patrick Andrew of Utshimassits remarked:

*People will drink heavy. They will bring booze back into the community especially. This will end in drowning accidents. They will spend their money in a town and nothing will be brought to their families. Diseases will destroy the community.*⁴⁵

Almost all Innu, whether they have grown up in the community or not, see the *nutshimit* life, where people are active and purposeful, as healthy and preventative of illness, while believing that the settlement life, shorn of any cultural meaning or practical aim and involving a continuous round of boredom and inebriation in unhygienic and overcrowded conditions, inevitably leads to sickness.

This view is borne out not only by anecdotal evidence but also by research. A study in 1984, for example, found that a movement among the Innu in Sheshatshiu to return to the country for as much as seven months of each year led to a dramatic improvement in health:

*Alcohol abuse suddenly stops. A combination of improved diet, a rigorous lifestyle and the stable emotional and social environment offered by a functioning Innu society, make for a startling contrast to life in the villages.*⁴⁶

Although health workers, like teachers, will sometimes privately acknowledge that the Innu are fitter, happier and more fulfilled in the country than in the community, few of them are prepared to question the 'rightness' or 'inevitability' of the sedentarisation policy or their own role – however unwitting – in undermining Innu well-being.

In my young days, there were no laws to be broken. I used to live lawless. We didn't need these laws... My grandfather's belief was that whenever people needed something, give them something. Someday you might not have enough and someone else would help you. This was our law. Kanikuen, Sheshatshiu⁴⁷

When we go to jail, the RCMP call us bad names. They don't respect us, they abuse us and treat us like dogs or animals. They have put all these regulations on us, arrest us, bring us to court and send us to jail for years.

Group discussion at Sheshatshiu workshop⁴⁸

I think the RCMP shouldn't be allowed to come into Sheshatshiu because they don't know the culture and traditional way of life of the Innu. We don't understand the white legal system. Innu should have their own legal system. Innu go to court and shouldn't be there because they don't have a clue about how the justice system works. This is not for the Innu. It's for the white people. We were here long before the lawyers.

Mashen, Sheshatshiu⁴⁹

The Law

The confinement of the Innu in permanent villages made it impossible for them to resolve disputes, as they had done in the past, by one party simply moving away. Simultaneously they found themselves, for the first time, under the direct authority of the Canadian legal system, which quickly became the ultimate arbiter of conflicts both within the community and between the Innu and the Canadian state. The law defined 'crime' for them so that activities and forms of conduct which were regarded tolerantly suddenly became infractions of a set of rules invented by non-Innu. These rules also provided procedures for dealing with 'crime' through the courts, as well as remedies, retribution and punishment.

It is clear from our research and from many testimonies that the Innu experience the imposition of an alien legal system as profoundly oppressive. To begin with, they feel that in disputes between Innu and non-Innu, the police and the courts systematically favour the *Akanishau*. Their widespread perception that the law protects them less effectively than non-Innu is exacerbated by the often lacklustre performance of the Legal Aid lawyers appointed to represent Innu defendants. We have observed several recent cases, for example, in which the lawyer supposedly defending Innu from Sheshatshiu has consistently demonstrated little or no understanding of their lives, seldom visiting the community and generally meeting his clients for the first time when they arrive in court.

As well as resenting the law's intrusion into activities which they regard as essential and legitimate, such as hunting and fishing, Innu find the whole apparatus of police, courts and jails

intrusive, frightening and bewildering. The difficulty of translating legal concepts, often derived from Latin, into the very different cultural terms of *Innu-aimun* defeats even the most gifted interpreter. As the contributors to a group discussion on the law reported:

*The police should explain to the Innu about the laws, because nobody really understands them. Even when there is an interpreter there, he or she has a difficult time with the two different languages. They try to translate, but they can't understand how some of the words translate. We don't have any words for a lot of legal things. We as Innu don't know how to say these difficult words in English. We try to say it in an easy way that we can understand. When a crown prosecutor or a judge asks a question to the accused, wanting him or her to explain it better, sometimes the accused doesn't know how to. These things are hard for us as Innu. These questions take a long time to find the answer. But it is easy for them, because they have it all in English. They can say whatever they want because they speak English.*⁵⁰

Even more fundamentally, the legal system poses a direct challenge to many of the most basic tenets of Innu culture. As we have seen, Innu society is egalitarian, consensual, non-confrontational, non-judgmental and tolerant of a wide range of personal behaviour.⁵¹ Innu are often reluctant to classify people, events or ideas as absolutely 'good' or 'bad', 'right' or 'wrong', because these rigid categories bear little relation to their perception of the universe. The requirement for a defendant to plead 'guilty' or 'not guilty' thus seems absurd: human beings are not seen as fixed and unalterable individuals who can be expected always to act in the same way and to take full responsibility for any lapses, but as part of a much wider and more fluid social, natural and spiritual reality which may influence their behaviour. This means that Innu tend to tolerate



Protest outside Goose Bay air base.

much 'aberrant' behaviour, such as drunkenness (and what may follow from it), seeing it as a symptom of a more general malaise rather than as a 'crime' to be dealt with by punishing a particular 'guilty' person.

This point of view was given eloquent expression by Daniel Ashini when he appeared in court on behalf of an Innu defendant called Shinepestis:

Shinepestis lives in a world of differences from Euro-Canadians. We know that because all Innu share Shinepestis' experiences. The Innu experience is a collective one and it has little to do with genetic similarities or race and everything to do with similarity of meaning and feeling...

We ask you to look [at him] again... Accept that he is Innu and that to be Innu means he has learned to live with pain and in reacting to his own hurt he has caused more pain for those he cares most about. We want to stop this pain from spreading even further. We judge Shinepestis as no different from the rest of us. He is our equal and we judge him to be a worthwhile human being. We want for him and ourselves what he wants, to be a whole, healthy being. As a community of Innu, we accept our collective responsibility to have Shinepestis live among us, to receive caring and support from us and to show us caring and support. Shinepestis will be accepted back with us not

in spite of what he did but because we need him to be a part of our healing.

This collision of world views is particularly acute in the sensitive area of family breakdown and child sexual abuse. Social workers, bound by provincial laws such as the Child Welfare Act, are legally obliged to report cases of abuse to the police, who in turn must then institute court proceedings against the alleged abuser. While, from the Canadian perspective, this seems unquestionably to be in the best interests of the child, it forces Innu to surrender control over some of the most intimate and painful aspects of their lives to a public, culturally alien and adversarial process which is ultimately adjudicated by a non-Innu. At the same time, it prevents them from developing their own, more community-based response to a problem which they see as a function not of individual wickedness but of the social disruption wrought by sedentarisation.

The Canadian state, then, is forcing the Innu to submit to a justice system which they find intrusive, terrifying and incomprehensible and which is conducted in an abstract language that means very little to them. By consistently undermining their world view and their understanding of human nature, it powerfully contributes, like the school and other institutions, to the destruction of their culture.

Political Authority: State, Province, Band Councils and Innu Nation

Just as sedentarisation subjected the Innu to Canadian law, so it also forced them into a permanent political relationship with the federal and provincial governments. To begin with, the Provincial Department of Northern Labrador Affairs exerted direct control over the Innu communities, but by the 1970s the spread of more 'enlightened' attitudes, certain Canadian Supreme Court cases and a growing global concern for the rights of minorities began to make this seem politically unsustainable. Convinced that it had to elicit, rather than simply assume, Innu consent to the development of Labrador, the government funded – in the unexceptionable name of 'self-determination' – an elected 'Band Council' in each of the newly-established villages, and a province-wide organisation, now known as 'Innu Nation', to represent the communities collectively.

While at one level these bodies, creatively adapted by the new Innu leadership, have become vital to the protection of Innu interests, they have also led to deep-rooted problems. To begin with, they are almost totally dependent on funding from the Canadian government in order to exist and operate. As their primary function at present is to represent the Innu in Comprehensive Land Claims negotiations in which Canada (and Newfoundland) are the antagonists, they are rendered highly vulnerable to the threats, pressures and intimidations which Canada (and Newfoundland) have not been shy about using to encourage what is euphemistically called 'progress towards the resolution of claims'. The establishment of two separate Innu political bodies, Innu Nation and Mamit Innuat, has also created gulfs between the Labrador villages on the one hand and their relatives in Quebec on the other, since they are dealt with by the governments entirely separately.

Although missionaries had already made some attempts to develop some kind of long-term authority by promoting certain individuals as 'chiefs', the idea of electing leaders remains profoundly foreign and generates intense animosities, especially between the few officials (who have unprecedented amounts of money at their disposal) and the many who feel 'spoken for'. It also exacerbates the widening rift between old and young. In the past, the *utshimau* was generally an older – or at least mature – man who had developed the necessary skills through long experience of the *nutshimit* life. Today, however, the prime qualifications for leadership are a mastery of English or French and an understanding of Euro-Canadian institutions, which means that almost all the key posts are occupied by

younger people who have been through the school system and that, consequently, older people often feel excluded. As the 70 year old Kaniueketat put it:

I really blame the young leaders, they don't know what to say to the white man and we elders are never invited to meetings... I told my nephew that and he said, 'Don't stop us where you were, don't take us back into the past.' And I said to him, 'You've never seen the past. Take us with you so we can help, you are not as strong as we are, we have seen more... You grew up in the community with the houses.' That's what I said to him. But he never said anything back to me.⁵²

For their part, many of the younger leaders express both guilt and hurt puzzlement when they talk about the old people:

We need to respect our elders because we have neglected them for the last few years. We did not bother to listen to them. I think they have stopped talking to us. We need to respect what they say about issues in the community, what they teach us about how to do things like sweat lodges and how to treat the animals. They have so much knowledge that we need to learn. We need to act fast on this one. We have only a small number of elders in the community.⁵³

As well as subjecting the leaders to intense personal and political stress at home, the system also hampers them by forcing them to negotiate with the outside world on exclusively Euro-Canadian terms. Most meetings and correspondence are conducted in English or French, second languages to the Innu, and are guided by a protocol and legal framework formulated by the Canadian state. Even before negotiations begin, this structure demands that, whatever the details of the final settlement, it will conform to European rather than Innu ideas of sovereignty and land use. This system fatally disadvantages the Innu in their already grossly unequal relationship with Canada. It means that they can only formally express their views on the crucial issues facing them – land, development and autonomy – through the foreign institutions of Euro-Canada. They are required, in effect, to abandon their most potent bargaining position and many of their most fundamental beliefs and attitudes as a precondition for entering into negotiations.



Peter Penashue, then President of the Innu Nation, talks to the press; 1995.

One of the hardest things that I find in being a leader is that I have a lot of responsibilities for the people. As a leader you have to live on both sides, both the Innu and the non-native way. You have to follow the white man's way of living; you have to be able to understand their ways. It is really hard for me as a leader. You have to choose which path you will go for the people. Because people depend on you a lot, you want to take the steps towards what the people want, but the government also pressures me to do things their way. It is dividing the leaders not in the sense that there is division amongst the leaders, but dividing us personally.

Katie Rich⁵⁴

'From all sides': the invasion of Innu land

The assault on the Innu comes not simply from sedentarisation itself, with its audacious attempt to transform their inner world by social engineering, but also from a parallel invasion of the land on which their way of life depends.

Hydroelectric projects

We are extremely frustrated with the refusal of Brian Tobin [Newfoundland's Premier] and Lucien Bouchard [Quebec's Premier] to include the Innu in their so-called preliminary discussions about the Lower Churchill project. We are tired of being lied to, tired of being misled and tired of having our rights ignored. The Innu will take whatever actions are necessary to prevent Newfoundland and Quebec from entering into any contracts regarding the Lower Churchill or other hydro developments in our territory without our consent. Daniel Ashini⁵⁵

One of the most significant landmarks for the Innu was *Patshetshunau* ('Steam rising'), an enormous waterfall, taller than Horseshoe Falls at Niagara, which could be seen and heard from more than 10 miles away. In 1972, without consulting the Innu, the government reduced it to a trickle by creating the Churchill Falls hydroelectric complex.

As well as diverting several major watersheds and thus diminishing the flow of many important rivers, the project involved flooding over 4,130 km² of key Innu hunting territory. This resulted in the loss not only of Innu trapping and hunting grounds, but also of birth- and burial-sites, which have great value and meaning for the Innu. The main Innu thoroughfare leading eastward from Meshikimau was deprived of water. By reducing the flow of the rivers and drastically altering the habitat for the fish and animals, the project has disrupted a vast area, stretching far beyond the limits of the reservoir itself.

Nitassinan is now threatened by further hydroelectric projects, especially the expansion of the initial Churchill Falls project to the Lower Churchill River. In 1998 the Premiers of Quebec and Newfoundland announced that the two provincial utility companies were negotiating to conclude an agreement to construct the Lower Churchill project.

This is in the heart of Innu hunting territory. If built, the project will be the second largest hydro-electric generating station in the world. The \$12 billion complex and related infrastructure will be able to generate up to 4,200 megawatts of electricity. The bulk of the power will be sold across North America. Two dams will be built on the Lower Churchill River, two rivers extensively used by the Innu (the Romaine and the St. Jean) will be diverted, and a 1,100km high-voltage power line will bring power to Newfoundland Island. Two more power lines will link northern and southern Quebec, further fragmenting Nitassinan with roads and power corridors. As well as all this, the existing Churchill Falls complex will be boosted by two 500 megawatt turbines.

The authorities in Quebec and Newfoundland stubbornly refused to consult the Innu before the pact was signed by the two Premiers on 9th March 1998. The Innu showed the folly of this approach by disrupting the signing ceremony and turning it into a PR fiasco. Yet even a year later there had been little real consultation. 'They continue to hold private discussions to advance this project... Without the Innu, there will be no project, so without the Innu, there should be no meetings,' said Daniel Ashini in March 1999. 'Both Premiers must realize that the Lower Churchill Project affects the heartland of the Innu people.'



Military training

After more than 10 years of hard opposition to the training, we are confronted with more not less training. It's obvious that our culture, thousands of years of occupation in the Quebec-Labrador peninsula, and Aboriginal rights mean very little to the Canadian government. I don't know how we can continue to hunt, trap, and fish inside the Low Level Training Area with all these flights and a new bombing range. Our land is being turned into a military wasteland and there's nothing we can do to stop it. This land is Innu and Inuit land. It does not belong to the Newfoundland government or to Canada. We never gave it to them, and we continue to use it. But it makes our lives very difficult when there is more low-level flying, more fishing camps, and more mining without our consent. The companies who come here are parties with the governments in stealing land from the Innu people. Daniel Ashini⁵⁶

Since 1979, Canada has permitted the air base at Goose Bay, originally built during the Second World War, to be used by NATO air forces for low-level flight training, air-defence exercises and bombing practice. A bombing range at Minainipi, and targets at Seal Lake and other areas favoured by Innu for Spring hunting, are also used as part of the exercises. Since low-level flight training was initiated in 1979, the annual number of sorties has increased more than 2,000%, from 274 in 1979 to 6,558 in 1996, with a peak of 7,355 in 1992. These flights often skim the ground at no more than 100 feet. Innu objections to low-level flying have continually been

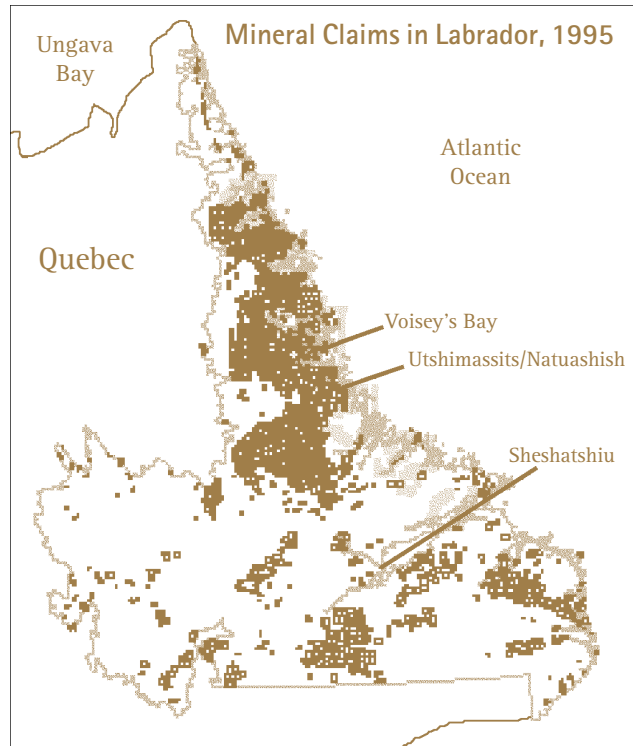
overruled, and in 1996 the Canadian government signed agreements permitting an increase in the number of sorties to 18,000 per year, with an expansion in the area used. In 1997, the British RAF announced an increase in its use of the training facilities at Goose Bay.

The low-level flying carries the disruptive impact of the *Akanishau* world deep into the heart of *Nutshimit*, the last sanctuary where the Innu are free to be themselves and to practise their own way of life. (It is important to note that the areas overflowed are precisely the areas most used by the Innu – the lakes, rivers and valleys). The Innu report a wide range of disturbing physical effects, including loud screeching noises and deafening booms, which can be terrifying, particularly for children and the elderly. As a result, some people have avoided altogether areas that are likely to be overflowed. (In 1998, for the first time, no Innu reported their hunting camps being overflowed – a welcome sign that military attitudes may be changing). The Innu also believe that low-level flying has had a marked impact on wildlife, reducing the numbers and altering the behaviour of key species such as caribou and beaver.⁵⁷

The low-level flying is a particularly blatant violation of the *Nutshimit* life. It not only disrupts hunting activities, it also intrudes upon the relationship of the Innu with their environment. This point is not grasped – or at least not acknowledged – by the authorities, who tend to think that the community is the centre of the Innu world and that the country is 'uninhabited' and therefore available for use by Canada and her allies.



Mining at Voisey's Bay



In 1994 the world's largest deposit of nickel was discovered about 75 kilometres north of Utshimassits at Voisey's Bay – known to the Innu as *Kaupiskatish-shipis* or *Eimish* – and the area has now become the focus of a multi-billion dollar mining project. Needless to say, the Innu were not consulted before exploration started, even though, like Lake Meshikimau, *Eimish* is prime hunting and fishing territory and rich in cultural and personal associations. Many Innu were born in the area and have relatives buried there.

In February 1995, Innu Nation served an eviction notice on Archean Resources and Diamond Fields, two of the companies involved in establishing the mine, and local Innu then protested at the site, but preparations for mining continued unchecked. The Innu Nation Task Force on Mining Activities summarised the feelings of people surveyed in the two communities as follows: *Some people talked about it [mining at Kaupiskatish-shipis] as Innu culture being destroyed. Others said it would be lost and still others described it as the culture eventually disappearing. Some thought the consequences of this could be fatal. A number worried about the future of the Innu. They said the future of their children and generations to come was very uncertain. Some thought their grandchildren would be lost like other native children across Canada who have lost their language and their culture, and who don't know their ancestry. They were worried that their children would no longer think of themselves as Innu, and think like white men.*⁵⁸

As well as being concerned about the devastating cultural impact, the Innu pointed out that mining would cause immense environmental damage, polluting air, land and water and destroying an area where they had previously hunted.

By 1996 a total of 250,000 claims had been staked on large tracts of Innu land.⁵⁹ Since the Voisey's Bay find, another company has started exploration at Pants Lake, south west of Utshimassits. Another set of claims is located in Quebec near the Nipissis River, a tributary of the Moisie River, the most prolific salmon spawning river in North America. Clearly if mines are developed not just at Voisey's Bay but at other sites across the region as well, the whole intricate ecology of Nitassinan, and the way of life that it has supported for thousands of years, could be fatally disrupted.

The staking of claims on Innu land is encouraged by the process of 'map-staking'. For a refundable fee of \$240, individuals and companies can claim 500 square foot plots of land without ever physically going to Nitassinan. All they need do is place a pin on a map. If they end up working their claim, all but \$5 of their payment is returned to them. As the map (above left) shows, one consequence of this procedure is that virtually all of the land around Utshimassits and Natuashish, where the present community of Davis Inlet is hoping to relocate in the near future, has been 'claimed'.



Roads and communications: the Trans-Labrador Highway and other developments

Perhaps the greatest current threat to the Innu's land is the planned extension and improvement of the Trans-Labrador Highway. In April 1997 it was suddenly announced that, as a result of secret lobbying, \$340 million of federal funds would be made available for upgrading the current dirt track running between Churchill Falls and Goose Bay, and then continuing the road from Goose Bay to the southern Labrador coast.

The final phase of the scheme would cut through the heartland of Nitassinan, including the *Akamiuapishku* (Mealy Mountains), home to the Mealy Mountain caribou herd and a vital hunting and camping area for the Innu. *Akamiuapishku* is the site of numerous Innu graves, and it has a special significance because many *kutshapatshikan* (Shaking Tents) and *mukushan* feasts

were held there. This development would give non-Innu far greater access to prime Innu hunting territory and pave the way for rapid and intensive industrialisation, especially the logging of the abundant spruce forests along the proposed route. Indeed, many fear the real reason behind the project is to give logging companies access to the virgin forests of S. E. Labrador.

Innu Nation has had more luck in trying to halt development of a snowmobile trail which would link Goose Bay with the southern Labrador community of Cartwright. The 250 kilometre trail (already partly constructed) was proposed without any consultation with the Innu. The trail would lead to increased hunting activities and cabin construction by non-Innu, and consequently to widespread environmental degradation.

The Innu took the matter to court, and in March 1997 succeeded in getting an injunction placed upon it. The original proposal, which would (like the trans-Labrador Highway) have cut through the Mealy Mountains, was changed. The project is currently suspended, although the Innu remain vigilant.

Defying the 'inevitable': the Innu resistance

Despite this seemingly never-ending succession of projects, the Innu have not simply accepted their fate passively. Since the beginning of the 1980s, they have engaged in a number of protests which, perhaps more than anything else, are evidence of their deep-seated desire to hold onto their land and determine their own future. Amongst them are:

- As long ago as 1984, the Innu formed the 'Innu campaign against the militarization of Ntesinan' to protest about the low-flying being carried out over their heads. Two years later they issued a press release opposing the Newfoundland government's decision to allow the hunting of caribou by white sports hunters. '[This] initiative by this government which is governing our land against our wishes is particularly abhorrent... We are seeing a string of decisions being made by remote and alien governments about our land.'

- In 1987, protests were organised against the imposition of government restrictions on the Innu's hunting. A press release from the community of Sheshatshiu stated: 'Members of the Innu community of Sheshatshiu are presently hunting caribou in the Mealy Mountains in defiance of government hunting restrictions... Innu elders say they are willing to be arrested as part of their efforts to regain control over their land... David Nuke, an Innu leader speaking on behalf of the hunting families, said: "We have been hunting, trapping and fishing on this land for thousands of years. And all of a sudden, some strange government comes in here, invades our land, and tells us we have to stop doing all this. We are a distinct people who have the right to pursue our age-old way of life."'

- Between 1988 and 1990, Innu from across Nitassinan set up a series of camps at the end of the Goose Bay runway to stop the base's operation. The runway was also repeatedly occupied. Many Innu were arrested and imprisoned.

- 1990 saw a 'Freedom for Nitassinan' walk across four provinces, finishing in Ottawa. Also in that year, the Innu of Sheshatshiu took over the community school to highlight their lack of control over their childrens' education.

- In 1991, 10 Innu families occupied a logging road being constructed on their land. In a statement they said: 'This is an issue of basic justice. The Innu have never ceded their lands or signed any treaties. We sit down at the comprehensive claims

negotiating table with government, and while we negotiate they sell off our forests, carve the land with roads and highways, flood our land, poison our fish.' The road was abandoned.

- In 1992, Innu Nation removed the electricity meters from Sheshatshiu homes and sent them back to Newfoundland and Labrador Hydro in protest at the flooding of their land by both the existing Churchill Falls hydro-electric scheme and the proposed Lower Churchill dam. 'This power and future power is produced at our expense; it is you who owes us restitution. So your meters are being replaced. Our community, backed by the elders, has made this decision,' said Peter Penashue, then President of Innu Nation.

- In protest at the treatment of Innu defendants by Judge Hyslop in Utshimassits in 1993, then-Chief Katie Rich evicted the court. The community successfully resisted the reimposition of Canadian justice for one and a half years until the province pulled out of land claim negotiations, saying they would not resume again until the court was allowed to return.

- In 1994, Innu representatives travelled to the UN in Geneva to give evidence about their plight to the Human Rights Commission.

- In 1995, shortly after the discovery of the Voisey's Bay nickel deposit, Innu families set up camp at the mine site to block its 'development'. Simeon Tshakapesh, then-Chief of Utshimassits, said, 'If exploration and development of our land continues, we will lose everything. The company is talking about jobs and opportunities, but we are talking about our land, our rights and our way of life.' That same year, Innu occupied the British and Dutch consulates in Toronto to draw attention to the continuing use of their land for low-level flying.

- In 1998, more than 100 Innu from Labrador and Quebec successfully blocked a press conference planned by Premier Tobin of Newfoundland and Premier Bouchard of Quebec to announce their agreement on the Lower Churchill project.





'It's yours if you'll give it to me': how Canada negotiates its occupation

For a minute imagine this... You live in a very fine home, with all the comforts to meet your needs. But I move into your home, and I start selling off your furniture and belongings. I receive, say, \$1,000 for the sale and give you one dollar. I tell you how you should live in your house. I tell you what you should think about. I tell you how you should feel and respond to things and when you do act I use my values to judge your actions. I tell you that it is now my house. After a while I suggest that maybe we could 'negotiate' some changes to this arrangement, but it will remain my house and I am in control. The home is of course our homeland Nitassinan and it is Euro-Canadians who have moved in and taken over. We don't have to imagine this: we live this experience. Daniel Ashini⁶⁰

Although Canada acknowledges that, in the past, aboriginal people suffered some injustice, it claims that the current framework, both for negotiating the land rights of indigenous communities and for ensuring the protection of the environment, is eminently fair and reasonable. In reality, these two crucial areas are perhaps the most outrageous examples of how Canada loads the dice against the Innu – and other 'First Nations' – and forces them to collude in the destruction of their cultures and the violation of their human rights. It is important, therefore, to examine them in some detail:

The Comprehensive Claims Policy

The Comprehensive Claims policy came about as a result of a major change in Canadian policy towards those native people who, like the Innu, had not given up land through treaties. In 1973, the then-Prime Minister Pierre-Elliott Trudeau explicitly rejected the suggestion that indigenous people in Canada had any individual or collective rights beyond those of Euro-Canadian settlers. Before the year was out, however, a court case in British Columbia (Calder et al v. Regina) had forced the Canadian government to concede that it could not arbitrarily take the lands of indigenous peoples without making a formal agreement with them.

As a result of this Court decision, Canada announced a new treaty-making process – something it had previously abandoned in 1921. This was called the Comprehensive Land Claims Policy. It sought to resolve all outstanding land claims, thereby guaranteeing an orderly and legitimate dispossession of natives of most of their lands. As it now operates, the paramount objective of the Comprehensive Claims policy is to bring about a 'final' settlement of outstanding land disputes between indigenous people and the federal government. Although the exact conditions agreed vary from case to case, Canada makes it clear from the start that it is a one-way process, in which the only acceptable outcome is for the 'First Nation' concerned to cede its 'aboriginal right' to the bulk of its territory in return for cash compensation and other benefits. This is spelled out in the Comprehensive Land Claims policy document, which states that

‘the aboriginal rights to be *released* in the claims process are... those related to the use of and title to land and resources’ (our italics).⁶¹ From the outset, in other words, aboriginal negotiators know that Canada will not allow them the option of *retaining* their land: the only point at issue is the terms on which they *part* with it. There is also a rather insulting presumption that it is the original inhabitants of the land who are making a ‘claim’ on Canada, and not vice-versa.

It is worth pointing out that in this respect Canada lags far behind many ‘Third World’ countries which have long-established procedures for recognising Indian land ownership. In Colombia, for example, indigenous peoples have been able to secure title to their territory for more than 100 years. There is no presumption on the part of the government that the Indians first have to give up their rights to most of their land before they can get title to any part of it.

The onus for initiating the Comprehensive Claims process rests squarely on the ‘First Nation’, which has to start by petitioning the government for the right to make a ‘claim’. If the claim is recognised and approved by the federal and provincial governments, the natives can then apply for federal loans – deductible from any compensation subsequently agreed – to research, develop and negotiate their claim. Because the process is funded by the antagonists of the ‘First Nation’, groups like the Innu are highly vulnerable to having their funds cut off altogether if they do not agree to the terms, conditions and procedures that Canada sets out.

The scope of a ‘claim’ is limited by a whole range of restrictions. Non-natives who have acquired land in a disputed area are considered to have equal rights to it, and there is no provision for questioning how they came by it or the legal validity of their title. The cabins, cottages and fishing camps of settlers within the land ‘claim’ area in Nitassinan are thus protected by the government. The process also guarantees rights of access through a claims area (along the Trans-Labrador Highway, for example) and safeguards the interests of individuals and companies such as Inco (which controls Voisey’s Bay mine) who have ‘bought’ subsurface mineral rights. In the eyes of the authorities, it seems, paying \$240 for the subsurface rights to a plot of land in Nitassinan currently gives you a legal ‘claim’ equal to that enjoyed by the people who have lived there for thousands of years.

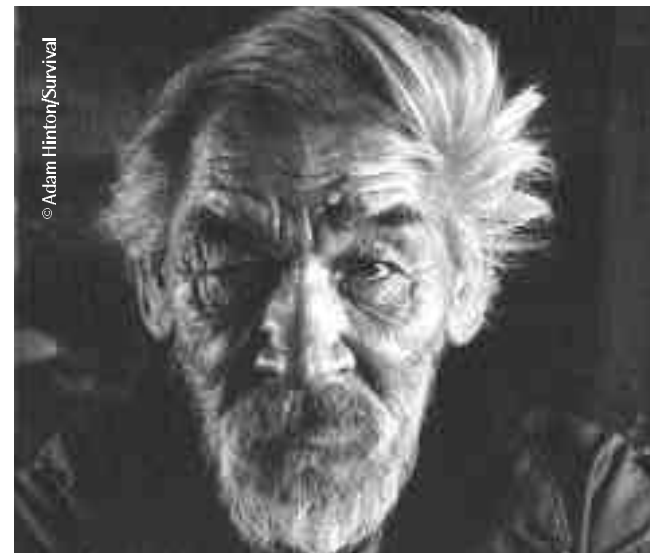
Since the Labrador Innu entered Comprehensive Claims negotiations in 1991 (14 years after they had first filed their claim), they have been kept under continuous pressure to adopt a ‘constructive’ approach and settle as quickly as possible. Non-native supporters, as well as opponents, have warned them that

Canada’s and – particularly – Newfoundland’s patience is wearing thin, and that they should take what is on offer now or risk having to accept a worse deal later.

This argument – which is strikingly similar to the tactics used to force aboriginal land cessions in the 19th century – is lent additional weight by the authorities’ refusal to suspend economic ‘development’ pending the outcome of the Innu’s claim. The provincial government’s Newfoundland Minerals Act, for instance, does not even mention native people or land claims: it simply assumes that resources are there for the taking, and that the rights of the people who have lived there since time immemorial are so tenuous that they pose no legal or moral obstacle. By encouraging mineral exploration and ‘development’ while Comprehensive Claims negotiations are still going on – thereby effectively transferring ‘ownership’ of large areas of Nitassinan to non-Innu before the land claim has been resolved – the authorities are further undermining the Innu’s already perilously weak position at the bargaining table.

If, despite all these pressures, the Innu are still ‘recalcitrant’ (in that they try to assert their rights), the government can threaten to break off negotiations altogether. This was the strategy used by Newfoundland’s Minister of Justice, Ed Roberts, when, at the end of 1993, Chief Katie Rich evicted from Utshimassits a provincial court judge whose insensitivity and racism had outraged the community. Roberts decided to ‘seek a political solution’ by suspending ‘a number of negotiations that I believe are very important to the Innu’ – including the relocation of the Davis Inlet community to a new village on the mainland – ‘until the Innu acknowledge the rule of law.’⁶²

He failed, however, to explain how the Canadian criminal code could be binding on the Innu when claims to their land, and hence autonomous jurisdiction, are still unresolved.



Environmental Impact Assessments

There will be no fish, caribou, ducks, geese at Eimish [Kaupiskatish-shipsis] after the mining starts. The bear is different. The bear is like the white man, but he can't live with them in the winter. He will walk around in the Eimish camp. He will eat at the white man's table because the Akanishau has killed the fish in the river. The white people will keep the baby animals for pets and these animals will starve – they will not know how to hunt for themselves. Take for example the goose that was seen at Black Ash. It was lost and didn't know its migration route. Even the moose – he is the brother of the Akanishau. He will walk on the streets of Eimish with a tie. The Akanishau has three friends – bear, moose and raven, but he can't be friends with the squirrel because it steals from them. The smog from the milling plant will kill the plants and animals. And it will float into our community. We will not see the smog – it will slowly kill the animals and us. They will probably not just drill in one place – they will drill all around us. The wildlife officer will know when he can't find any animals. He will blame us for the lack of them but he will not think about the drilling.

Edward Piwas, Utshimassits⁶³

Whereas projects such as Churchill Falls went ahead without any consultation or environmental review – the land was simply appropriated – the federal and provincial governments have now established Environmental Impact Assessment (EIA) processes to consider the likely social and ecological consequences of the industrialisation of native land. In theory, at least, final permission for any proposed development will only be given if and when the required scientific and sociological studies have shown that the effects will be ‘acceptable’.

The research recently completed into the impact of the Voisey’s Bay mine (which, along with the Lower Churchill hydroelectric complex, is the most far-reaching environmental issue currently facing the Innu) clearly demonstrates the shortcomings of the EIA system and its bias against indigenous people.

To begin with, by its very nature it assumes that Canada already has the right to adjudicate over Nitassinan, and therefore effectively reduces the Innu to onlookers (or, at best, ‘advisors’) in the processes shaping their lives and their future. Although they are encouraged, like other groups in Labrador, to participate in the various EIA studies, they ultimately have no authority to determine what will happen to them, their children or their land. Canada is seen to be attending to the environmental concerns of native peoples through a process involving all ‘stakeholders’,

whilst at the same time deflecting and obscuring the more fundamental question of their land rights. It would appear, in fact, that the main purpose of the EIA is to legitimize mining and other industrial projects which progressively erode the Innu land base: under the Comprehensive Land Claims procedure, the ‘owners’ of mines and other industrial operations suddenly acquire, as if by magic, a greater ‘right’ to Innu land than the Innu themselves.

A second problem is that, like most other EIAs, the Voisey’s Bay impact assessment was largely conducted after the fact. The sites had already been identified, drilling had begun, workers and managers had been employed, the provincial and federal governments had promoted the enterprise and millions of dollars had been invested. Even before the EIA had been completed, new explorations had begun and by 1998 almost 200 people were working at the site. Moreover, the Environmental Impact Statement is prepared by the proponent of the project – the Voisey’s Bay Nickel Company – and the entire process is funded by the federal and provincial governments.

Because it is based on a European scientific approach to the environment, the EIA also poses a direct challenge to the Innu’s most cherished beliefs. This was dramatically shown at a meeting in 1996 – called by Innu Nation but funded by the mining company – to discuss how to respond to the EIA. It was attended by Innu Nation officials, invited non-Innu ‘experts’ and *Tshenut* (elders) and conducted in English, with interpreters providing translation into *Innu-aimun* for the *Tshenut*.

It soon became clear that the *Tshenut* did not share the non-Innu distinction between the mine itself and the EIA ‘process’, viewing the project and its likely impact in the broadest possible terms – environmental, cultural, psychological. Moreover, there are simply no *Innu-aimun* equivalents for scientific concepts and for technical jargon such as ‘process’ and ‘work-scoping’, making the translators’ job almost impossible. The problem intensified as the proceedings became increasingly dominated by the non-Innu experts, one of whom, at one point, spoke of the need to ‘functionally de-link the deliverables’. This impenetrable verbosity was in stark contrast to the silence of the Innu, particularly the *Tshenut*, who sat patiently for two days before finally being asked for their views. Akat Piwas was the first to speak:

What the Innu say should not be translated into Western science. It should be taken in the context of what is being said. We have no real information on Voisey’s Bay. There are stories told by Innu of water that is polluted flowing into Voisey’s Bay as well as other negative impacts. This needs to get out and be shared. The impacts on the land as expressed by Innu people have to be brought out.



Why does Canada claim it owns Innu land?

On what basis, ultimately, does Canada justify its right to exercise control over the Innu (and other aboriginal people) and their land? Since mechanisms such as the Comprehensive Land Claims and Environmental Impact Assessment simply assume Canadian sovereignty, they neatly pre-empt this fundamental question. It is important, therefore, briefly to examine the basis of Canada's 'legitimacy'.

The evolution of colonial policy

Like other nation states in the western hemisphere, Canada ultimately derives its claim to jurisdiction over the territory and people within its borders from the assertion of sovereignty made by European colonial powers – in this case Britain – in the centuries following the 'discovery' of America. This assertion was invariably based on the assumption that non-Christian and non-European peoples were in some way inferior to Europeans and should not enjoy the same legal and political rights. As 'Christian princes', therefore, English and other European monarchs believed that they had a – literally – God-given right to extend their dominion over the lands and persons of any 'heathens' that their agents 'discovered'.

Most of the colonial powers nonetheless accepted – at least in theory – that the native inhabitants did have some rights, subject to the supreme sovereignty of the European ruler. There were furious debates, however, about what exactly they were. As a rule, English colonists tended to believe that the more 'civilised' (i.e. like Europeans) native people were, the stronger their claim

to ownership of the land. The idea that a people's title to its land depended, in effect, on its level of 'civilisation' was frequently invoked to justify the expansion of the English colonies in America, and subsequently became enshrined as a principle of international law. As the influential 18th century legal theorist Emmerich de Vattel put it:

*While the conquest of the civilised Empires of Peru and Mexico was a notorious usurpation, the establishment of various colonies upon the continent of North America might, if done within just limits, have been entirely lawful. The peoples of those vast tracts of land rather roamed over them than inhabited them.*⁶⁵

Native people, of course, did not view the seizure of their land in the same light, with the result that there was almost continuous friction between Indians and settlers along 'the frontier'. In 1763, in an attempt to 'pacify' the Indians, the British Crown issued a Royal Proclamation which fixed a firm frontier between the colonies and 'Indian Country' and stipulated that further territory could be acquired only by the Crown and with the full consent of the tribes concerned. All lands which had not been 'ceded to, or purchased by us, are reserved to [the Indians].'

This Proclamation, and the mechanism it established for acquiring native land, became the theoretical cornerstone of 'Indian policy' in both Canada and the United States. From the beginning, however, there was some question about the precise nature of the Indians' rights and their relationship with the 'sovereign' power. For example, in the USA during the 1830s (a time of unprecedented national expansion), the US Chief Justice John Marshall tried to resolve this issue in a series of celebrated legal decisions. Although, in his view, tribes were 'completely under the sovereignty and dominion of the United States', they still had 'a legal as well as a just claim to retain possession [of the land] and to use it according to their own discretion.' They were, in effect, 'domestic dependent nations, who... had always

Dominic Pokue, also silent and patient for two days, offered his own perspective:

Tshenut care that their children and grandchildren will have land to sustain them. The area is close to the hearts of the Utshimassits people, but this will be no factor in the decision-making arena of the government. It's crazy for us to pretend otherwise. The project has already started. The project is here and that's a fact. It is important to collect information and have on record the opinions of Tshenut and put this on paper. But let's not pretend that there is no mine. Already wildlife is being affected, but white people don't see it and this is going to be rammed down our throats no matter what we say.

Akat Piwas then continued:

Dominic is right. There is a place where Innu people used to get arctic char when they were hungry. Now they don't go there any more. This may be because they think that oil and lubricants have contaminated the water. In spring, people went to an area near Voisey's Bay and found a decline in the wildlife. There were no black bear, porcupine or other animals. Before there was a lot to be hunted. This will not happen when the mine is in place. I can predict myself what will happen to the Innu without going through all of these studies that we are talking about today.

There will be a loss of culture. Young people will not know their way of life.

For the *Tshenut* the signs were ominous: they knew from their own experience and observations that the habitats of the wildlife were already threatened. But their insights were simply marginalised and ignored by an EIA process wedded to western scientific concepts and to its own abstract and obfuscating jargon.

Like the Comprehensive Claims process, then, the EIA presents the Innu with a virtual *fait accompli*, and puts them in a double bind. If they refuse to participate, they run the risk of being ignored by the developers, losing out on possible compensation and being seen as 'awkward'; if they try to participate, they are drawn into a process which undermines their culture and validates Canada's claims to control over their lives.⁶⁴

In April 1999 the Voisey's Bay Environmental Assessment Panel delivered its report. Amongst its recommendations were that the mine should go ahead only once the Innu (and Inuit) had signed land claims agreements with the federal and provincial governments. The authorities' response to this will be a major test of their attitude to the Innu's land rights.



been considered distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial... The settled doctrine of the Law of Nations is, that a weaker power does not surrender its independence, its rights of self-government, by associating with a stronger, and taking its protection.'

Although Marshall's decision has often been ignored in practice (as it was by the President of the time), it remains the single most important enunciation of the status of 'Indian tribes' within the United States. It has been upheld in a number of successful court cases including, recently, a number of claims by eastern Indians for restitution of land.

In Canada, by contrast, there has never been a categorical, generally-accepted definition of the relationship between indigenous communities and the Canadian state. In the late 19th and early 20th centuries, the Crown made a series of treaties with native groups, 'extinguishing' their title to around half of present-day Canada, but just what was being 'extinguished' was never authoritatively defined. It is clear, however, both from the provisions of the treaties and from the terms in which they were explained to the Indians, that the Canadian government's view of native rights fell far short of Chief Justice Marshall's. In 1871, for instance, Lieutenant-Governor Archibald told a group of Ojibway and Swampy Cree: *Your Great Mother [Queen Victoria] wishes the good of all races under her sway. She wishes her red children to be happy and contented. She wishes them to live in comfort. She would like*

*them to adopt the habits of the whites, to till land and raise food, and store it up against a time of want... Your Great Mother, therefore, will lay aside for you 'lots' of land to be used by you and your children forever.*⁶⁶

The logic of this argument is unmistakable: for Canada, the 'Indians' are not 'distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil', but 'children' whose only hope of being 'happy and contented' is to 'adopt the habits of the whites'. Because, as hunters, they were 'at a lower level of civilisation' than Europeans and thus did not use the land effectively, their title was so tenuous and insubstantial that, if necessary, Canada could – legitimately – simply usurp it. Archibald made this point – which clearly contravenes the Proclamation of 1763 – quite explicitly during the negotiations for a later treaty:

*We told them [the Indians] that if they wished it or not, immigrants would come in and fill up the country, that every year from this one twice as many in number as their whole people there assembled would pour into the Province and in a little while spread all over it, and that now was the time for them to come to an arrangement that would secure homes and annuities for themselves and their children... If they thought it better to have no treaty at all, they might do without one, but as they must make up their minds if there was to be a treaty, it must be on the basis like that offered.*⁶⁷

At the same time, a series of other measures reinforced the perception that 'Indians' were inferior, childlike creatures who

must be protected both from themselves and from unscrupulous Euro-Canadians. Various Indian Acts heavily restricted the rights of native people: not only could they not vote, they were not allowed to build houses or cultivate land without official permission. The only way to escape from this stultifying existence was by 'enfranchising', which meant demonstrating that you had 'attained' a sufficient 'degree of civilisation' to surrender your membership of an 'Indian band' – in effect, to cease to be Indian – and to live as an ordinary Canadian citizen. In order to hasten the 'civilising' process, native religious ceremonies were discouraged or banned and Indian children were sent to boarding schools where they were often beaten for speaking their own languages.

The belief that native people should be forcibly 'civilised' and assimilated for their own good seemed, in the climate of the late 19th and early 20th centuries, entirely unexceptionable. For hundreds of years, Europeans had justified their imperial adventures by claiming that they were 'saving' benighted 'savages', an idea given added intellectual credibility by the new disciplines of social science. In 1871, for instance, Edward B. Tylor, one of the founders of anthropology, defined Progress as: *...movement along a measured line from grade to grade of actual savagery, barbarism, and civilisation... The savage state in some measure represents an early condition of mankind, out of which the higher culture has gradually been developed or evolved...*⁶⁸

By helping 'Indians' out of their 'savage state', therefore, one was only hastening their steps along a path which they were already destined to follow. As recently as the 1930s and 1940s, anthropologists regularly, and unapologetically, referred to people like the Innu as 'savages'.

But in the decades following the Second World War, this kind of attitude became difficult to sustain. With the dismantling of the European empires, 'advanced' countries increasingly justified their behaviour in terms not of their own self-evident racial or cultural 'superiority', but of their respect for international law and human rights. Since Canada (in common with the US and other nation states in the western hemisphere) did not withdraw from colonised aboriginal lands – to do so would have been to cease to exist as a nation state – it decided to solve the 'Indian problem' by, in effect, abolishing the 'Indian'. In 1969, the new Liberal government of Pierre Trudeau, committed to creating a 'Just Society', proposed ending the special status of native people and encouraging their 'full, free and non-discriminatory participation' in Canadian life. 'Aboriginal right' would no longer be recognised, and the treaty relationship would be ended, because 'it's inconceivable... that in a given society one section of the society have a treaty with another section of the society'



Intense native opposition finally forced Mr. Trudeau and his Minister of Indian Affairs and Northern Development, Jean Chrétien, to back down. Since then, successive governments have repeatedly proclaimed their commitment to put the bigotry and racism of the past behind them and to forge a new relationship with 'First Nations' based on 'partnership' and a respect for 'aboriginal rights'. The recent report of the Royal Commission on Aboriginal Peoples, published in 1996, speaks of the need for 'opening the door' to more 'participation' by native people:

*Aboriginal peoples anticipate and desire a process for continuing the historical work of Confederation. Their goal is not to undo the Canadian federation; their goal is to complete it. It is well known that the Aboriginal peoples in whose ancient homelands Canada was created have not had the opportunity to participate in creating Canada's federal union; they seek now a just accommodation within it.*⁶⁹

This kind of anodyne rhetoric, and the apparent fairness of mechanisms such as the Comprehensive Land Claims process,





have allowed Canada to present itself as a born-again modern state with a new, positive approach to relations with 'its' indigenous people. A series of court cases over the last three decades, however, suggests that – for all the success of its public relations – its underlying attitude remains unchanged.

Two recent suits, in particular, go right to the heart of the issue. In the 1990 Delgamuukw case, the court considered what rights the Gitksan and Wet'suwet'en peoples of British Columbia had to the land they had occupied prior to European contact. After much deliberation, it decided that they had no rights at all, not because their title had been 'extinguished' but because before contact they had merely survived through biological instinct, 'eking out an aboriginal way of life'.

This decision built on the earlier Baker Lake case, brought by an Inuit community in 1979, in which it was ruled that native people could legitimately claim 'aboriginal rights' only if they could demonstrate that they and their ancestors belonged to an 'organised society'. Baker Lake, in turn, relied on a 1919 precedent in British colonial law – In re: Southern Rhodesia (1919) AC 210 (PC). This decision differentiated between societies whose levels of organisation are 'so low' on the scale of 'civilisation' that they may not have any legal rights, and those whose legal conceptions are similar to those of

the British.⁷⁰ As the anthropologist Michael Asch points out, these decisions show that Canada actually founds its claim to sovereignty on the concept of *terra nullius*. This doctrine – that the people inhabiting the land at the time of contact were so 'primitive' that they had no significant rights – is based on precisely the same assumption of cultural inferiority that underlay the treaty-making process.⁷¹ Indeed, it is arguable that native people today actually enjoy *less* protection than they did in the 19th century, because the continuing refusal of the courts to give an authoritative definition of 'aboriginal rights' allows the government and commercial interests to plunder indigenous land and resources almost without impediment.

Canada's assumption of sovereignty over the Innu and other native people is therefore founded directly on discredited, racist theories of progress and 'civilisation'. Such ideas, if explicitly stated, would rightly be viewed both as unacceptable by the world community – of which Canada presents itself as such a conscientious member – and as invalid under international law. Yet they are the bedrock of Canada's modern-day treatment of native people.

The recent Supreme Court ruling that resulted from the Delgamuukw appeal in December 1997 has done little to improve this situation. Although some extensions of aboriginal

rights were brought about by the decision, these were accompanied by statements affirming the perpetual inferiority of such rights within Canada. 'Aboriginal title', for example, was continually counterposed to (Canadian) 'sovereignty' and predictably found to be inferior, and furthermore a 'burden' on the Crown's 'underlying title'. The court in that case spelled out what 'aboriginal title' consists of, how it can be ascertained and what procedures governments must follow in order to extinguish it. Although oral histories may now be used to establish aboriginal title, this title is still hedged around with restrictions which weaken it enormously.

For example, if the community wants to use their land in some way judged to be 'irreconcilable' with their historic attachment to it, their title will be extinguished. Rights to such uses of the lands are primarily reserved for non-natives: both the federal and provincial governments may 'infringe' aboriginal rights to the land under 'aboriginal title'. The development of agriculture,

forestry and mining and general economic development, as well as the building of infrastructure and the settlement of foreign populations, are all listed as objectives which can be used to 'infringe' aboriginal rights. The limitations and 'infringements' placed upon this title, so magnanimously unveiled by the court, are so severe that they virtually negate the 'title' itself. In effect, what this amounts to is the creation of a lesser category of citizenship. Natives are fixed in a 'traditional' world in which any movements they make towards activities that have been monopolised by non-native developers will be countered by removal of their 'aboriginal title'.

Of course, what these rules and regulations ultimately rest on is the assertion of Crown sovereignty. This is treated as an absolute imperative. All of the rights that natives have are only those which the Crown or its representatives, such as the court, invent and then confer. As far as Canada is concerned, natives have no recourse to any rights beyond its own sovereignty.

Canada and international law

Canada's treatment of the Innu violates several conventions of international law, including specific agreements on the human rights of indigenous people. The most important international law on aboriginal rights, International Labour Organisation (ILO) Convention 169, emphasises the right of indigenous people to control their lives and to maintain their own identities, languages and religion.⁷²

The convention makes clear that indigenous peoples should have far greater autonomy than Canada has allowed the Innu. It draws particular attention to the need to respect the special relationship between native people and their land, which it recognises as absolutely crucial to their cultural integrity. Canada, by contrast, shows nothing but contempt for this relationship and seems bent on destroying it by adopting policies such as sedentarisation and the promotion of industrial development.

In view of the way Canada has treated the Innu and other native people, it is not surprising that it has not ratified or implemented instruments of international law such as ILO Convention 169. As a recent Assembly of First Nations report on the relocation of Utshimassits noted, 'the federal and Newfoundland governments have repeatedly failed to meet even the most minimum human rights standards in relation to the Mushuau Innu.'⁷³

Specifically, the Canadian government is violating the Innu's right to:

- **Their land.**

Article 14 of ILO Convention 169 states: 'The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised... Governments shall take steps to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.' In 1997, the UN Committee monitoring the Convention on the Elimination of All Forms of Racial Discrimination (which Canada has ratified) stated: '... the Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands... and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return these lands and territories.'⁷⁴

- **Their right to decide for themselves how they wish to live.**

Article 1 of the International Covenant on Civil and Political Rights (also ratified by Canada) states: 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.'

- **Maintain their distinct culture.**

Article 27 of the International Covenant on Civil and Political Rights states: 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture...'

What do the Innu want?

The most serious argument against the Innu – advanced by friends as well as opponents – is that, whatever their theoretical rights, in practice they are doomed: the forces ranged against them are just too great. This, in turn, stems from a long European tradition of seeing indigenous peoples as ‘anachronistic’ and their demise as therefore ‘inevitable’.

In a sense, the Innu’s predicament is no different from that of hundreds of other indigenous peoples around the world, who face the desperately difficult problem of how to reconcile two very different ways of living – their own, and that of ‘the West’. Contrary to what many people believe, there is no preordained outcome to this conflict. A glance around the globe reveals many indigenous peoples who have successfully kept their identity, while at the same time adopting those aspects of the dominant culture which are of use to them.

So why is it that some indigenous peoples can survive this crisis, whilst others seem to disintegrate? The answer can be summed up in one word – control. Where an aboriginal people are in control of the process of interaction with the outside, they stand a good chance of survival. But where this process is out of their control, and they are instead under continual assault by a more powerful society, their position is much weaker.

How, then, to ensure that the Innu are in control of their fate? Again, the answer lies in one word – land. If the Innu had control over their land and what happens on it, they would have the time and the space to adapt to outside society at their own pace and in the manner of their choosing.

The Innu, however, are not given that option. Instead, they are under continual assault by the Canadian state. They live in communities which offer them nothing, where their children are educated in another culture and where life is a daily grind of drink and despair. And when they escape to the country, which should be the haven where they can find some peace, they find intrusion over every hill – mines, bombing ranges, lakes flooded, rivers dammed. And this process is accelerating, putting them under continual pressure to settle for just some of their land while there is still some left to hold on to.

Furthermore, when Canada does agree to ‘negotiate’ the Innu’s ‘land claim’, it does so only on its own terms, in forums totally alien to the Innu, and it will only accept a ‘solution’ that falls

within certain narrowly defined criteria. The negotiation process itself prides the Innu away from their homes and culture, forces them to rely on government funds and plunges their leaders into an endless whirl of meetings in far-away cities.

Faced with this onslaught, it is not surprising that the Innu have mixed responses to the question of what tactics to adopt in order to maintain their distinct identity. Anyone who spends time in an Innu community will hear a wide range of opinions, from ‘the Innu are finished: it’s useless to pretend otherwise’ to ‘we shouldn’t be negotiating with Canada over Nitassinan: who are they to make us ‘claim’ our own land?’

There is, however, one common line on which most agree: **that all industrial ‘development’ projects in Nitassinan should be suspended until the Innu’s land claim has been resolved.** For Canada’s insistence on pushing ahead with a continual series of mega-projects – the Trans-Labrador road, the Voisey’s Bay mine, the Lower Churchill Falls hydro-electric scheme, the military low-flying – reveals a deep, underlying contempt for the Innu: such events would never be allowed if the Innu were not Indians but whites.

The authors believe that the above proposal is not only reasonable, but also that nothing less will satisfy Canada’s obligations under international law.



Solutions

‘Most elders and many younger people spoke of how the land claims process is upside down. They felt the governments should be the ones ‘claiming’ the land, coming to us to ask us for land. They pointed out how the Innu have never signed a treaty to sell or surrender their land. Elders spoke of their childhood when they would walk vast distances throughout Nitassinan, and how they never saw government or non-Innu people live on or occupy these lands. Many were incredulous at the process through which governments came to claim Nitassinan as Crown Lands. Many felt that the government should prove its title or rights to the land. They thought that non-Innu simply moving into Innu Lands was not sufficient grounds to acquire legitimate title to the land. Because the Innu had welcomed non-Innu and were willing to share the land, did not mean they had surrendered ownership.’

Extract from ‘Money doesn’t last, the land is forever’: Innu Nation community consultation on land rights negotiations, final report (July 1998)

For Canada both to salvage its international reputation, and finally to treat the Innu with honour and fairness, the following steps need to be taken:

- All industrial ‘development’ projects on Innu land must be suspended until the right of the Innu to the ownership of their land and resources has been recognised and accepted by Canada.
- The Comprehensive Claims policy must be amended so that native people can hold on to their land if they want to do so (rather than be forced to give most of it up) and can therefore determine how their land is used.
- Canada must recognise and accept the right of the Innu to take back control over their lives and the institutions which affect them.



The government just moved into this land. This is how the Newfoundland government laid title to our land and tried to claim it as their own. They said they had a legitimate title, because they claimed it, even though we never provided that. Our people who hunted on that land never said, 'You can't hunt here with me.' They hunted together. We have no quarrel with the settlers, they can live here. But the Newfoundland government needs to understand that we will continue to live on this land. This land belongs to us. We don't need to make an application to say that we own this land.

Pien Nuna, Sheshatshiu

I find it very difficult to say to the government, 'Will you give me some land?' because it is him, the government, that should be saying those words. There is something wrong with this picture. The land and the animals have been given to our elders by the Great Creator. If these government people were asked to speak about the land in the interior, they would know nothing, because their fathers and grandfathers have not set foot here... Europeans and settlers, when their parents die, they share their inheritance, like their house is passed on to their children. That is how I see the land of the Innu. The Innu who have died have left all the land and animals to their sons and grandchildren. They have passed on their inheritance. I am very surprised that government does not recognize that. Daniel Poker, Utshimassits

Extracts from 'Money doesn't last, the land is forever': Innu Nation community consultation on land rights negotiations, final report (July 1998)

Survival supporters hang a protest banner from the top of Nelson's Column outside the Canadian High Commission in London

Please help us to safeguard the rights of tribal peoples

Survival is a worldwide organisation supporting tribal peoples. It stands for their right to decide their own future and helps them protect their lives, lands and human rights.

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Of course, these successes are not really Survival's, they belong to tribal peoples. They begin with a persistent voice repeating, over and over again, that tribal peoples have a right to a future of their choosing, a right to own their lands, a right to survival.

That voice must not fade. It alone has ensured that those who claimed Survival was fighting a losing battle have been proved wrong time and time again. That pessimism is still widespread and remains a huge obstacle: many people still think that tribal peoples are inevitably doomed. Survival didn't believe that 30 years ago and doesn't believe it now. Given respect for their basic rights – particularly their right to own their lands and resources – tribal peoples have a very good chance of survival.

It would be simplistic to pretend that every £10/\$20 donated to Survival will save a life. However, there is no doubt that Survival's work makes a huge difference, helping to bring entire human societies back from the brink. By donating just £10/\$20 (or whatever you like) or by joining Survival, you will be taking effective action to help tribal peoples in their fight for survival.

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Notes

1 David C. McTimoney and Associates, (1990), *Davis Inlet Assessment*, prepared for Medical Services Branch, Health and Welfare Canada, Halifax.

2 These statistics are partly derived from Royal Commission on Aboriginal Peoples, (1995), *Choosing Life: Special Report on Suicide among Aboriginal People*, Ottawa: Minister of Supply and Services Canada, pp. 1-18. It should be noted that this figure is derived from an average baseline population of 500 in Davis Inlet, and that potentially large fluctuations can occur in rates for small sample sizes. However, in Davis Inlet, suicides have been regularly occurring at a rate of one or two almost every year of this decade. The chi square for table 1 is 769.5347 with a p-value < .001, indicating that the differences are statistically significant.

3 The community of Utshimassits has signed a Relocation Agreement with the provincial and federal governments to move the village to the mainland. However, there have been serious problems with this agreement, and in April 1999 the community announced that it had fired the company in charge of the move.

4 Although our fieldwork was carried out in two Innu communities in Labrador, most of our findings apply equally to the Innu currently settled in Quebec.

5 Evidence of Indian and Inuit occupation of the 'far Northeast' goes back at least 8,000 years. See Stephen Loring (1988) 'Keeping Things Whole: Nearly Two Thousand Years of Indian (Innu) Occupation of Northern Labrador' *Boreal Forest and Sub-Arctic Archaeology*, Occasional Publications of the London Chapter, Ontario Archaeological Society Inc. 6, 157-182.

6 Interview with James Wilson, 1993, for BBC TV documentary *Two Worlds of the Innu*, transmitted August 1994.

7 Georg Henriksen, (1973), *Hunters in the Barrens: The Naskapi on the Edge of the White Man's World*, St. John's: Institute of Social and Economic Research Press, p. 45

8 Interview with James Wilson, 1993, op. cit.

9 The anthropologist Eleanor Burke Leacock has stressed the relative autonomy of the sexes in Innu culture. She refers to their culture as 'communitarian' and 'communistic'. This reflects a similar pattern across Canada. Missionaries introduced patriarchal relations into native communities, prohibiting women from participating in hunting and decision-making and discouraging more assertive and permissive marital arrangements among women. The missionaries sought to impose the image of the European woman (chaste, fragile and dependent) upon native communities more accustomed to autonomous, hardy and independent women. See Eleanor Burke Leacock, (1980), 'Montagnais Women and the Jesuit Program for Colonization', in Mona Etienne and Eleanor Burke Leacock (Eds.), *Women and Colonization: Anthropological Perspectives*, New York: Praeger. Also Eleanor Burke Leacock, (1981), *Myths of Male Dominance*, New York: Monthly Review Press, and Eleanor Burke Leacock, (1995) 'The Montagnais-Naskapi of the Labrador Peninsula' in R. Bruce Morrison and C. Roderick Wilson (Eds.), *Native Peoples: The Canadian Experience*, Toronto: McClelland & Stewart.

10 Interview with Colin Samson, 1997.

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12 Interview with James Wilson, 1993, op. cit.

13 'Le Jeune's Relation' in Reuben Gold Thwaites' 73-vol. *The Jesuit Relations and Allied Documents*, 1896 (reprinted New York 1959).

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15 See Russell Thornton, (1987), *American Indian Holocaust and Survival: A Population History Since 1492*, Norman, OK: University of Oklahoma Press. On the neighbouring island of Newfoundland, the indigenous Beothucks were driven to extinction by a combination of disease, violence and settler encroachments on their land.

16 Reuben Gold Thwaites, op. cit.

17 Quoted in *Nitassinan: The Innu struggle to reclaim their homeland*, by Marie Wadden, Douglas & McIntyre, Vancouver/Toronto, 1991 (p. 31).

18 *Ibid*, p.33

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20 The memoranda and correspondences of Walter Rockwood are collected in James Roche, (1992), *Resettlement of the Mushuau Innu 1948 and 1967: A Collection of Documents from the Provincial Archives of Newfoundland and Labrador and the Centre for Newfoundland Studies*, Innu Nation: Sheshatshiu. All subsequent quotes from Rockwood in the report are drawn from this document.

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22 *Gathering Voices*, 1992, op. cit.

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27 This is one of the conclusions of the Assembly of First Nations, (1993), *Violations of Law and Human Rights by the Governments of Canada and Newfoundland in Regard to the Mushuau Innu: A Documentation of Injustice in Utshimassits (Davis Inlet)*, Submission to the Canadian Human Rights Commission, Assembly of First Nations, p.57.

28 Reuben Gold Thwaites, op. cit.

29 Daniel Ashini 1996, personal communication.

30 Interview with James Wilson, 1989.

31 For a vivid example of this kind of rhetoric, see Report of the Royal Commission on Aboriginal Peoples, (1996), *Looking Forward, Looking Back*, five volumes, Ottawa: Minister of Supply and Services Canada.

32 *Gathering Voices*, 1993, op. cit.

33 *Ibid*.

34 Interview with James Wilson, 1993, op. cit.

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38 Interview with James Wilson, 1989.

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40 Ben Andrew and Peter Sarsfield, (1984), 'Innu Health: The Role of Self-Determination', in Robert Fortuine, (Ed.), *Circumpolar Health '84: Proceedings of the Sixth International Symposium on Circumpolar Health*, Seattle: University of Washington Press, 428-430

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43 See the excellent accounts of William Duncan Strong in Eleanor Burke Leacock and Nan Rothschild, (1994), *Labrador Winter: the Ethnographic Journals of William Duncan Strong*. Washington, DC: Smithsonian Institution Press, and Georg Henriksen, op. cit.

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45 Innu Nation, (1996a), *Between a Rock and A Hard Place*, Sheshatshiu: Innu Nation, p.57.

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48 *Ibid*.

49 *Ibid*.

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51 Eleanor Burke Leacock, (1995), op. cit., p. 157.

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55 Innu Nation press release, 2 March 1998

56 Innu Nation press release, 31 January 1995

57 In 1996, following a recommendation of the Environmental Assessment Panel, the government set up an Institute for Environmental Monitoring and Research to mitigate the worst

effects of the low-level flying. The Innu view the Institute as ineffective, and have expressed concern at interference by the Defense Department in its work.

58 Innu Nation, (1996a), op. cit., p.49.

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60 Speech to court in case of Sylvester Rich, 1994

61 Indian and Northern Affairs Canada, (1987), *Comprehensive Land Claims Policy*, Ottawa: Minister of Supplies and Services, p.11.

62 These quotes are taken from an interview with Ann Budgell on CBC TV, September 17 1994.

63 Quoted in *Between a rock and a hard place: final report of Innu Nation task force on mining activities*, 1996.

64 These and other points are made by Claudia Notzke, (1994), *Aboriginal Peoples and Natural Resources in Canada*, North York, Ontario: Captus Press, Chapter 9.

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66 Quoted in James Wilson, (1974), *Canada's Indians*, Minority Rights Group, London.

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69 Report of the Royal Commission on Aboriginal Peoples, (1996), op. cit., p.2.

70 Our analysis here owes much to the scholarship of Michael Asch, (1992), 'Errors in *Delgamuukw*: An Anthropological Perspective', in Frank Cassidy (Ed.), *Aboriginal Title in British Columbia: Delgamuukw v. The Queen*, Vancouver: Oolichahn Books, 221-243, and Peter A. Cumming and Neil H. Mickenberg, *Native Rights in Canada*, Second Edition, Toronto: The Indian-Eskimo Association of Canada, p.48.

71 Michael Asch, (1996), 'First Nations and the Derivation of Canada's Underlying Title: Comparing Perspectives on Legal Ideology,' paper presented at Socio-Legal Studies Association conference, Glasgow, July, p.7.

72 A thorough discussion of ILO Convention 169 is provided by S. James Anaya, (1996), *Indigenous People and International Law*, Oxford: Oxford University Press, pp. 47-49.

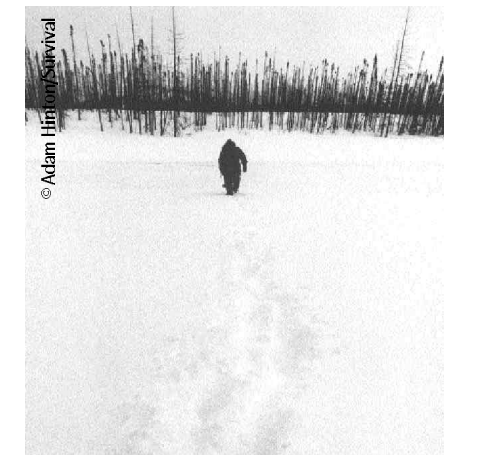
73 Assembly of First Nations, op. cit., p.22.

74 Extract of General Recommendation XXIII (51) on the rights of indigenous peoples. The General Recommendation was adopted by the Committee on the Elimination of Racial Discrimination on 18 August 1997 (A/52/18, annex V).

Sources for graphs on page seven:

Graph 1: Adapted from U N, Demographic Yearbook 1993, UN: New York, Table 19, pp.414-15, Statistics Canada, Annual Demographic and Statistics 1994, Ottawa: Statistics Canada, R.C. Church records, local informants.

Graph 2: Calculated from R. C. Church Records, local informants, U N, Demographic Yearbook 1993, UN: New York, Statistics Canada, Annual Demographic and Statistics 1994, Ottawa: Statistics Canada, Canadian Almanac and Directory, 1996, Toronto: Canadian Almanac and Directory.

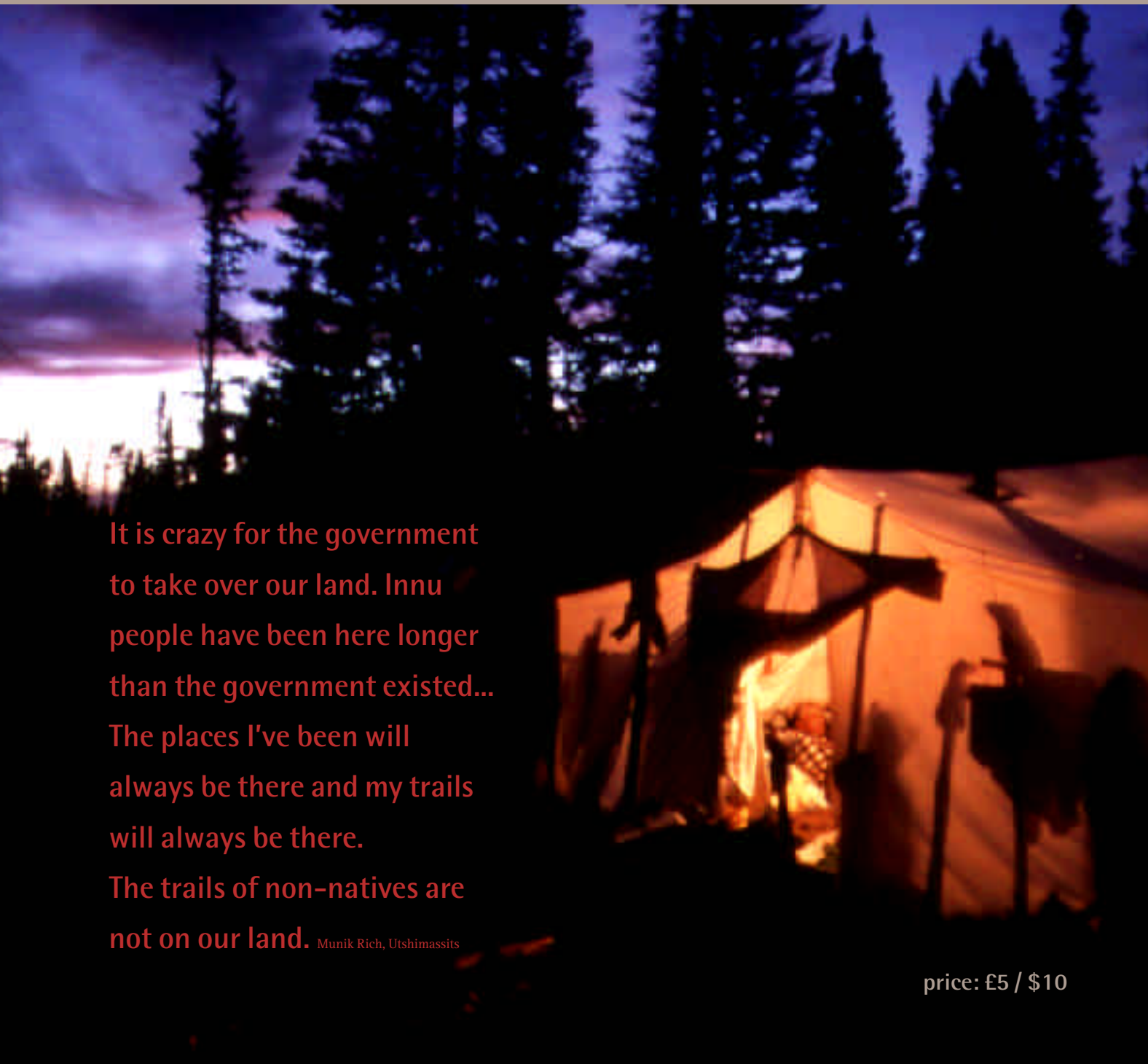




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It is crazy for the government to take over our land. Innu people have been here longer than the government existed... The places I've been will always be there and my trails will always be there. The trails of non-natives are not on our land. Munik Rich, Utshimassits

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