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Bob Lovelace

Algonquin Protector of Mother Earth

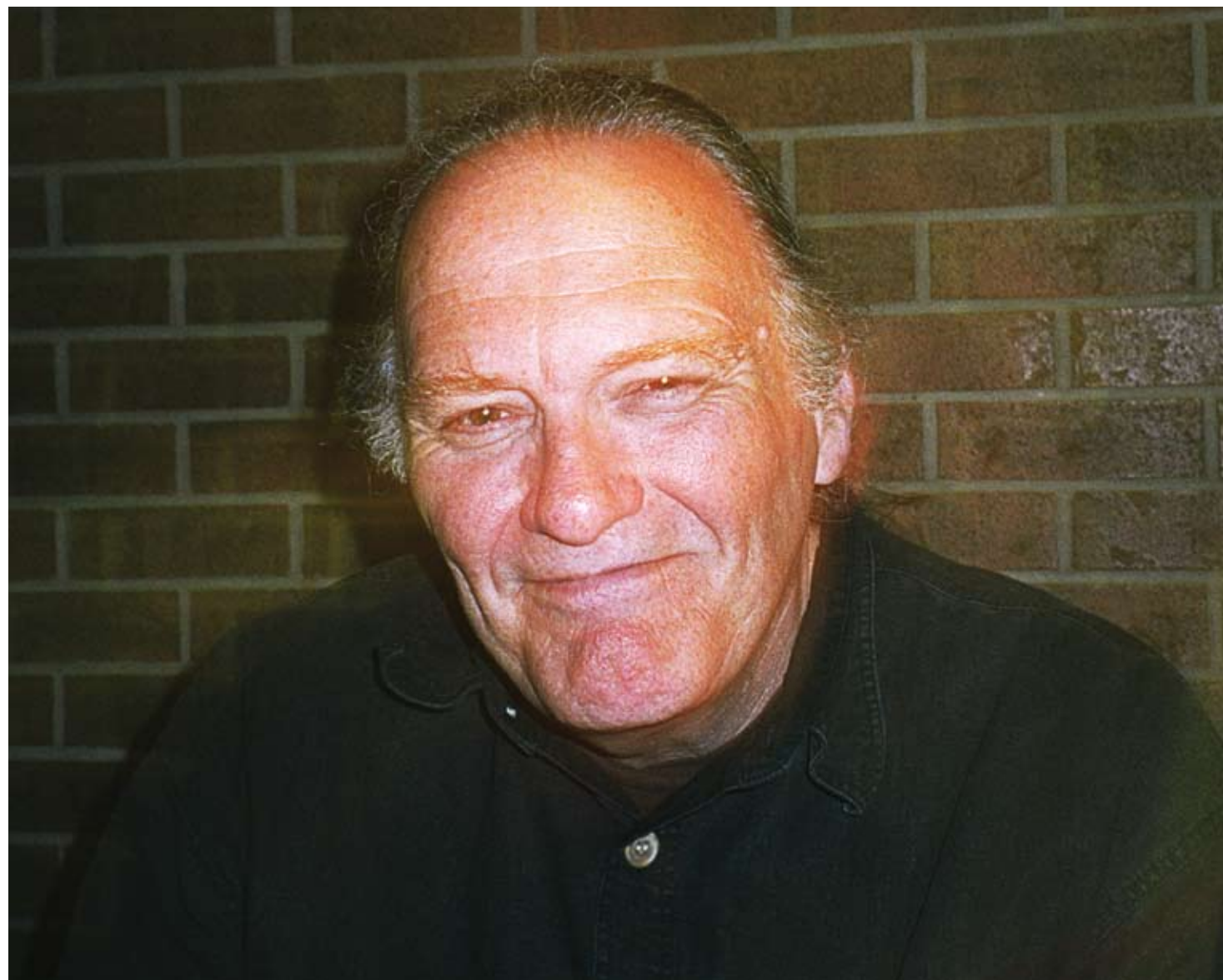
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On February 15, 2007 Bob Lovelace was sentenced to six months in prison and fined \$25,000 for declaring intention to protect Ardoch Algonquin territory from uranium mining. Bob is a teacher of Indigenous Studies at Queens University in Kingston Ontario and former chief of the Ardoch Algonquin Nation.

Professor Bob Lovelace Speaks Out

As long as colonial nations talk about climate change and what they can do to preserve their existing quality of life by way of business there is not much hope, but when the people start to talk about climate change it is whole different story. It is about how we can adjust to it, if we can. It is not about how to make money; it is about how we can prevent it, how we can compensate for all the damage that we have already done. We need to do some real work to ourselves, and we need to help our communities. Real knowledge came out of the Cochabamba Conference where 35,000 people gathered in defense of Mother Earth and her rights, real indigenous knowledge that can help Western society. There is strong reliance on indigenous knowledge in Bolivia and an affirmation that indigenous knowledge was important at the Cochabamba Conference.

Most of Western ideology and science has been used in every aspect of commerce to exploit farming, fishing, mining, logging, etc. to create the engines that generate power. Traditional science and indigenous ideology is about living in harmony and finding balance. We can take one kernel of corn, put it in the ground, and at the end of the summer, we have a hundred kernels of corn—that is the promise the Mother Earth gives us. We are living in an abundance of Creation, but there's a limit to what the soil will produce every year, and if we exploit it too much, it will stop producing for us. Indigenous knowledge finds the balance, and that type of knowledge can effect climate change. The earth is living and breathing. Western society has forgotten this, but indigenous knowledge keeps this concept alive. Even their language expresses how to honor Mother Earth in the right way. As human beings, we have to learn to



recreate indigenous knowledge that has been lost or forgotten. Indigenous knowledge only comes from our closeness to Mother Earth. We have to look at our own relationship to Mother Earth and determine how to create balance. We have to actively watch the world from a distance and somehow maintain good communication and see other people's needs and celebrate life with people all around the world.

The forces that guard colonialism are large. The federal and provincial governments employ hundreds of lawyers, bureaucrats, and academics to discredit Aboriginal claims and put Aboriginal people in their place. They work on land claims, court cases, and public policy in an effort to limit the Crown's obligations and liability to Aboriginal people. When have Ontario lawyers defended an Aboriginal right or vigorously advanced Aboriginal claims? They just don't do that. Colonialism will remain firmly entrenched as long as we work in an adversarial system in which communities that have been undermined socially, economically, and politically for over two centuries must play by their opponents' rules on a field with a precipitous incline.

I have watched as a generation of great minds have been squandered on both sides of this rivalry because intransigent bureaucrats and partisan politicians have been afraid to let "the thin edge of the wedge" change public policy and institutionalize just

treatment of Aboriginal citizens. It is not for want of informed and competent negotiators that Canada and Ontario have a slew of unsettled claims and associated conflicts; rather it is the lawmakers' lack of political will, fairness, and honesty in putting an end to the immoral advantage of colonialism.

Let me give you a clear and recent example of how Aboriginal people experience negotiations. Two years ago, Judge Cunningham of the Ontario Superior Court of Justice, who presides in the suit brought by Frontenac Ventures against my community, suspended the hearing for twelve weeks in an effort to get all the parties talking. Ontario, Frontenac Ventures and the two First Nations agreed to a prioritized list of issues and to jointly choose a mediator. At that point, we removed our security barrier and permitted Frontenac Ventures to carry out unobtrusive survey work. When the discussions began, the corporation did not attend or send a representative. Instead they installed security guards at the site. Ontario's representatives consistently refused to discuss the issues outlined in the predetermined agenda, which included as the first item Ontario's legal responsibility to consult with First Nations communities before development of a resource begins. Ontario negotiators rejected out of hand three comprehensive settlement proposals put forward by Ardoch.

They demanded that we inventory our "values" for the staked land, but refused to accept the description of these values when expressed in cultural context or with their meanings in Anishnabemowin, our language.

When it was apparent that time was running out in the 12-week process, the lead Ontario negotiator, who had been a former Deputy Minister of Northern Development and Mines, conceded that Ontario's duty to consult should be met. He agreed with Ardoch that a broad range of possible outcomes should be considered. He also agreed that the consultation process could conclude with an end to uranium exploration. Ardoch had favored such an open consultation from the beginning of negotiations. Having arrived at an agreement that a plan of "appropriate consultation" would be submitted to Judge Cunningham, we proceeded to discuss the framework for the consultation process. A week later, after substantial collaboration on the framework, Ontario's lead negotiator advised us that there had never been an intention to halt exploration and that exploratory drilling would be taking place during the proposed consultation process. We could either agree or face the court and charges of contempt.

This experience seems to be universal across the country. It has

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not changed much since the starvation tactics used by Sir John A. Macdonald in negotiating the early numbered treaties. While Aboriginal people cling to the hope that the Crown administrators will be merciful and accept some limited fashion of constitutionally protected rights, bureaucrats and their Ministerial masters do everything in their power to extinguish those rights and uphold the colonial state.

Legislators and governments are not solely responsible for maintaining the immoral practice of colonialism. Even the Supreme Court of Canada, often praised for its progressive decisions on Aboriginal rights, is a principle defender of the sovereign privilege of domination. Supreme Court decisions recognize the historical and legal validity of Aboriginal rights but limit the scope and practice of those rights in favor of “larger” Canadian interests. This is like listening to the stories of a child abused in an Indian residential school, then patting her on the head and then telling her not to disobey the priest. Such is the sanctimonious hypocrisy of the highest court.

These same courts permit Canada’s governments to ponder for years on the policy implications reflecting these half-hearted concessions, rendering the entire legal process of protecting Aboriginal rights an exercise in “too little, too late.” Ontario has been consistently guilty of regarding Aboriginal rights as an inconvenient demand on the moral character of a tolerant society. But Aboriginal rights are your laws, not ours. They originate in English law as the doctrine of “continuity” and find substance in such documents as the Royal Proclamation of 1763. Section 35 rights in the Canadian Constitution are an attempt to

address the fundamental denial of the existing laws of Aboriginal Nations and to bring into sovereign Canada a sense of Aboriginal belonging. But we have had our own laws and governance, and the Crown, through the doctrine of “continuity” has never had the right to overrule them. Our laws do not involve a concept of “rights.” In our cultures, mutual respect and benefit are understood as imperatives for survival. Aboriginal cultures regard law as a complex set of responsibilities to the land and in human relations. The emphasis is on protecting sustainability and avoiding conflict.

When Europeans first came to settle the Ottawa valley in 1800, this is what our ancestors asked of them: to share the land and get along. Through 150 years of French and 100 years of English contact, the doctrine of “continuity” was practiced. We must be clear that recent constitutional commitments in section 35 to “recognize and affirm” Aboriginal and treaty rights are Canadian law. Our leaders at the time asked for much more. The disparity between your laws and ours represents the gap between lip service and Aboriginal peoples’ ambition to restore our homelands and cultures. Without a sense of moral clarity and comprehensive entitlements, section 35 of your Constitution is almost meaningless. It gives legislators no standard or instruction upon which to write anti-colonial legislation. As such, it gives Canadian courts nothing with which to reconcile the past and even less with which to arbitrate the future. Courts will continue to define Aboriginal rights as subservient and Aboriginal title as third class.

As a colonized people, we must accept a share of the responsibility for our condition. Like you, we have internalized colonialism. We have allowed it to inform the way we see the world and ourselves. Too often

we have turned to the colonizing governments for support. Too often we expect you to solve our problems or blame you for our inadequacies. Too often we are satisfied with handouts rather than partnerships or ownership. We have come to accept colonial labels such as “status” and “non-status” as definitions of who we are. We let these labels divide our families and communities. Our leaders have accepted foreign forms of governance that undermine our unity and foster corruption. We have come to accept that blood quantum, shades of skin color, and even levels of education determine our Indianness. Far too often we have given up and given in to self-hate, self-abuse, and the abuse of others. Like you, we have to confront colonialism on our own terms, for it is just as immoral to accept victimization as it is to benefit from oppression.

Ontario’s education system is a primary instrument in ensuring that colonialism remains unchallenged. Many Ontarians know nothing of how generations of Aboriginal children were victimized by church and state. Ontarians possess only a vague understanding of how land was overrun by settlement in the 19th century and Aboriginal people were forced to sign unconscionable treaties and land sales in return for modest protection. As far as understanding the evolution of colonial laws, almost all citizens are ignorant. Even the real suffering of their own immigrant ancestors as slaves, indentured servants, child labor, and cannon fodder have been sanitized for the popular glorification of Ontario’s history. Many of these immigrants were escaping colonialism in their own homelands, just as refugees today come to Canada to find a better life. However, they acquire no real history about themselves and at best only an “honorable mention” of Aboriginal realities. Without an honest and

fully informed education system, challenging and changing colonial laws is as difficult as changing the attitudes of ignorant neighbors.

Many Canadians have publicly or privately condemned the Aboriginal people who protest and obstruct economic and civic activity. At best you have expressed complacent tolerance and an admission that Aboriginal dissatisfaction may have some merit. Ontario’s civility rests on its affluence, not on its moral intelligence or character. It is this artificial civility that Aboriginal protestors challenge. Each time a road is blocked, exploration for minerals is halted, or forestry is interrupted, Aboriginal activists are raising the prickly question of Ontario’s morality. Each time a protest forces a political “spin” to be re-spun, lawmakers are confronted with the ineptitude of their own professional history. You may not like the politics of confrontation, but I would rather see Shawn Brant block the 401 than Ovide Mercredi begging at the gates of Meech Lake, or Phil Fontaine writing Steven Harper’s apology for the abuse of residential schools.

The affluence of Ontario has been acquired from the sacrifice of our ancestors’ health and the wealth of our homelands. If immobilizing the power of that affluence is the only way to expose the evil of colonization, then you need to brace yourselves. Aboriginal people and our thoughtful neighbors are sick and tired of colonialism. People of all races who hunger for justice, who understand the sacredness of creation and the folly of greed will find expression in tearing down colonialism. Aboriginal protests are not so much about past grievances. They are about the effects of present dispossession. Aboriginal activism is about changing the course of the future.



L to R: Ben Powless, Kimia Ghomeshi, Bob and River Lovelace
photos by Danny Beaton May 2010