

# COMMENTARY

## CANADA: DEFENDER OF RIGHTS, OR EMPEROR WITH NO CLOTHES?

ANDREA BEAR NICHOLAS

### COMMENTARY

I have recently returned from visiting the Saami People in Norway at the invitation of Gáldu – the Resource Centre for the Rights of Indigenous Peoples. I was amazed and inspired by the accomplishments of the Saami People and the work of the Gáldu Centre.

Like First Nations in Canada, the Saamis have traditionally made their living off the land and waters, and like Aboriginal Peoples in Canada, they have been exposed to enormous assimilatory pressures, including residential schools and an intense program of Norwegianization, which nearly destroyed the Saamis as a distinct Indigenous People.

In spite of these intense pressures to assimilate, the Saami have, to a great extent, managed to maintain both their traditional forms of life and their language. In 1980 they waged an unsuccessful protest against a giant dam construction project, which ultimately flooded their land. They lost that struggle, but it politicized them like nothing else, and through organization, careful strategizing, and negotiation they have managed to wrest important concessions from the Norwegian government, to the point where that government has ratified most international covenants on the rights of minorities and Indigenous Peoples. These include, among others, the UN Convention on the Rights of the Child, and the ILO Convention no. 169 concerning Indigenous and Tribal Peoples.

This last convention requires that states provide Indigenous Peoples with access to their lands and resources, and asserts that such access is central to the material and cultural survival of Indigenous Peoples as distinct peoples. While negotiations continue in Norway relative to fulfilling the requirements in the ILO Convention, Canada has not even ratified it.

It is largely because of Norway's acceptance of obligations under this convention that the world of the Saamis is so drastically different from what First Nations experience in Canada. Norway's acceptance of these international covenants allows the Saamis to live their traditional reindeer-herding, fishing, and hunting way of life without threat of arrest in those areas where their rights are recognized. As a re-

### CANADA BOASTS A RANKING AS ONE OF THE BEST COUNTRIES OF THE WORLD IN WHICH TO LIVE. ON THE SAME SCALE, CANADA'S INDIGENOUS PEOPLES RANK ABOUT 63RD, WITH NORTH KOREA.

sult, the Saamis and the Norwegians do not have a history, as we do in Canada, of Oka or Ipperwash.

Hardly a penny is spent by the Saamis in legal battles. They can direct their resources to more positive endeavors, such as research, organization, negotiation, and advocacy, even for the rights of Indigenous Peoples around the world, as does the Gáldu Resource Centre. Unfortunately, since Canada refuses to recognize or comply with these same international covenants, First Nations in Canada must expend their limited resources in court battles. The recent Sappier and Polchies case over personal use of Crown wood is a prime example.

An important aspect of Saami revitalization has been the establishment of the Saami Parliament in 1989, which brought the largest group of Saami Peoples, those in Norway, together into one elected political unit to address all issues that affect Saami interests. This was made possible by a new section in the Norwegian Constitution adopted in 1988, which obligated "State authorities to create the conditions necessary for the Saamis to protect their language, culture, and society."

As a result of Norway's acceptance of various international conventions, Saami rights to language, including the right to publicly funded education in the medium of their language in Saami administrative areas, are now enshrined in law. To illustrate how important language is to the Saami, the President of the Saami Parliament, who is quite a young woman, did not learn to speak her mother-tongue as a child, but she has learned it as an adult and now conducts the business of the Parliament in the language of her people.

Language is a critical component of culture. Funds expended in court battles would be better directed and protecting and revitalizing Aboriginal languages.

Today, only about 10 per cent of the Saamis are occupied in reindeer herding, while most are engaged in other occupations including fishing, social services, and



A Saami tent is dwarfed by Storsteinen ('the big rock') at Tromsø in Norway.

education. Many also pursue higher education. As a result, Saami intellectuals at the Saami University College, at the Nordic Saami Institute, and at other Saami studies centers in Norway, have been in the forefront of their revitalization movement. This vitality of a Saami intellectual tradition can be attributed, in large part, to the fact that as a people they are not all-absorbed by the struggle for basic rights, as we are in Canada.

What is most astonishing is how much the Saamis have accomplished without a huge population. By most accounts there are only about 70,000 Samis in all, and they are spread over the four countries of Russia, Finland, Sweden and Norway. The number of 40,000 Saamis in Norway alone is somewhat equivalent to the number of Mi'kmaq, Maliseet and Passamaquoddy people in Atlantic Canada today.

### CANADA'S NON-COMPLIANCE

Canada boasts a ranking as one of the best countries of the world in which to live. However, the reality for Indigenous Peoples here is quite the opposite. On the same scale we rank about 63rd, with North Korea. The horrific statistics for Indigenous Peoples in Canada relative to such measures as alcoholism, suicide, and incarceration rates are well-known to all, and need no repetition here.

Canada also claims to be a leader in the field of human rights around the world, but, like the emperor who wears no clothes, Canada's human rights record where Indigenous Peoples are concerned, is dismal. Its operation of residential schools for nearly 40 years after signing on to the UN Convention on Genocide in 1948 was a direct violation of that convention. Then, last year, it shamefully voted, together with the U.S.A, Australia and New Zealand, to postpone the vote on the Draft Declaration on the Rights of Indigenous Peoples, thereby ruining the chance that it will ever get through the UN General Assembly (see, for example, [www.ipcaucus.net](http://www.ipcaucus.net)). And it did so after pledging to uphold "the highest standards of human rights."

Its recent submission to The UN Committee on the Elimination of all forms of Racial Discrimination is a perfect example of the way in which Canada works to maintain its false image as a leader in human rights. Nowhere in Canada's submission is there any assertion that Canada respects or complies with international conventions on Indigenous rights. And throughout Canada's submission are repeated claims to the effect that Indigenous rights and title are fully recognized and affirmed in Canada.

Paragraph 37, for example, asserts that "Since the mid-1970s Canada has adopted an approach of resolving through negotiations the assertion of continuing Aboriginal rights and title to lands that have not been dealt with by treaty or other means."

It is well known, in the Maritimes at least, that this is a misrepresentation of the truth, since it has been the strategy of provincial



A Mi'kmaq woman models traditional regalia, at Buctouche First Nation. The Aboriginal Peoples of the Maritimes are almost as numerous as Norway's Saami, but have achieved fewer gains, because Canada's Indigenous Peoples have been forced to fight for the rights nations such as Norway have accepted.

governments here to charge our people for exercising such basic Aboriginal rights as simply cutting wood for our own needs on lands we never surrendered.

Indeed, provincial governments here have consistently chosen to litigate, rather than negotiate, matters of Aboriginal rights and title. They have appealed every court decision we have ever won, even after the Constitution Act of 1982 required Canadians to respect and honour Aboriginal and treaty rights, even after the full text of the Treaty of 1725-26 was found in 1983, and even after Maritime treaties were recognized as valid treaties by the Supreme Court of Canada in 1985.

One of the most poignant moments during my trip to Norway came after my presentation on this struggle when a reindeer herder in a small Saami village approached me to say he felt sorry for our people! In fact, people uniformly expressed great shock everywhere I spoke, as they had been led to believe that Canada was such a great defender of Indigenous Rights.

### THE NEED FOR ACTIVISM

Here in the Maritimes, First Nations people have had to struggle continuously for recognition and respect for their rights,

single practice by single practice. It has taken activism to accomplish that – the activism of continuing to live their way of life, and the activism of being charged, taken to court, and fined or imprisoned.

It has required the activism of using their limited resources to cover the enormous costs of legal challenges. It has also required the activism of speaking out against the racism and oppression of being denied treaty and aboriginal rights.

Activism is, and will continue to be, necessary until Canada, like Norway, begins to respect international standards on the rights of Indigenous Peoples.

Canadians need to be informed of their country's failure to honour international covenants and they need to hold their elected officials accountable to this international embarrassment. Norway's economy has not collapsed because of its recognition of its obligations to the Saami People. Indeed, it is one of the top economies in the world. Canada should be honest to the world in its failure, and committed now to recognizing these obligations.

Professor Andrea Bear Nicholas is Chair in Native Studies at St. Thomas University, Fredericton.

## BRINGING THE MET TO MINNEAPOLIS



GARRISON KEILLOR

### THE OLD SCOUT

A great work of art has the power to blow you over and to do it unexpectedly. You sit in the theatre hoping for a little diversion and a line of dialogue bwwhangs you like a skillet upside the head.

What hit me last Saturday afternoon was the line "Instead of happiness, heaven sends us habit," which is sung by a lady named Madame Larina to her servant Filippyevna as they are peeling apples on a farm in Russia way back in the early 19th century. I am an American in headlong pursuit of happiness and here was a lady expressing an older and earthier philosophy that my aunts would not have disagreed with: Better than happiness is acceptance, a gift of God. You wake up every morning and pull on your jeans and make coffee and look at the newspaper and pour bran flakes and milk in the bowl, and as time goes by you realize that this is preferable to what you once imagined would make you happy.

It was snowing in Minnesota, a gray blustery Russian sort of day, and when we walked into the theater, a multiplex in the suburbs, we were in the mood to see *Eugene Onegin* live on high-definition TV from the Met, starring soprano Renee Fleming and baritone Dmitri Hvorostovsky.

It simply was the most moving thing I've seen at the movies in a very long time. Hvorostovsky is tall, cool, handsome and everything that Elvis was hoping to be, and Fleming's bare left shoulder is more erotic than Madonna naked and when she puts her hand to her bodice, she makes my nostrils twitch. She plays Tatiana, who goes crazy for Onegin and writes him a letter and agonizes over it and plucks at her bodice and finally sends it to him.

He coolly rejects her. He doesn't believe in marriage. He is in search of happiness, not the life of habit and dailiness. The chorus gets to sing and dance, and he shoots and kills the tenor, which I suppose we've all wanted to do now and then, and years later he meets her again – she is married, and now he is wild for her, and after a passionate duet, him on his knees, tugging at her, pleading, sobbing, pulling her down on the floor, she decides to be faithful to her husband and walks away, leaving Onegin tortured with regret.

The telecast I saw was live, not recorded live but live live, which made for some interesting moments. In Act I the stage is covered with dry leaves, a stunning visual, though for several minutes, the tenor Ramon Vargas had a leaf sitting atop his curly black hair. You wondered if it's a small bald spot, and then you wondered if it was Yom Kippur. At one point somebody dropped a ring on stage and it rolled toward one of the microphones, sounding like a hubcap. The conductor, Valery Gergiev, looked like a Wisconsin dairy farmer who just woke up and had a beer for breakfast. But he was magnificent.

I'm not an opera critic, but I can say how joyful it is to see great artists take big chances on the big screen and rip loose from the moorings of Cool and sing with red-blooded passion. When the old bass Sergei Aleksashkin sings about his love for his young wife, it brings tears to your eyes. It makes everyone in the theater feel enlarged.

Bravo to the Met. Bravissimo. For three hours on a Saturday afternoon, everything that had been on our minds faded to black and we lived as in a dream with a handsome man in search of happiness and a beautiful woman who found satisfaction, and then we walked out into the snow and started our cars.

Garrison Keillor's radio program, "A Prairie Home Companion," can be heard Saturday nights and Sunday afternoons on National Public Radio. His column appears Saturday.