Idle No More: Inciting or Igniting Aboriginal fervor?

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Unknowingly setting up one of the biggest indigenous movements across the country, four Saskatchewan women began a series of teach-ins late last year on Aboriginal issues which surprisingly elicited several grassroot protests and rallies (Idle No More, 2012). This movement, Idle No More, swept the nation and gave one voice to Aboriginal opposition to government legislation particularly to Bill C-45 which was seen as infringing upon Aboriginal rights by its effects on the Indian Act, the Navigation Protection Act, and Environmental Assessment Act (CBC News, 2013). Idle No More bases its manifesto on historical treaty violations and disparities in resource sharing which are still seen as contributing factors to high unemployment rates, poor living conditions, low educational levels, and psychosocial problems (Idle No More, 2013). Drawing on its vision of protecting rights to indigenous sovereignty, land and water, Idle No More aims to highlight federal transgressions of treaty provisions, as well as the poverty and inequality evident among many Aboriginal communities (Idle No More, 2013. As the grassroots flagship carrier, the movement’s peaceful protests, rallies, and teach-ins are well-timed reminders for Aboriginals to act and make their voices heard. However, it is the opinion of this author that Idle No More is not only inciting opposition to progressive legislative measures but also stirring up unfair biases against the government with its rejection of the Jobs and Growth Act which affects the Indian Act, the Navigation Protection Act and environmental risk assessment.

Deferred rights to reserve, territorial and ancestral lands make up a large part First Nations, Inuit and Metis grievances against the government (Belanger, 2010). Before colonization, these groups carried out distinct sociopolitical systems founded upon stewardship of the land and its resources (Royal Commission on Aboriginal Peoples, 1996). Pre-contact Aboriginal societies maintained sophisticated self-governing societies that not only engaged in
hunting and gathering for basic sustenance but also for trading with European merchants as well as with each other (Belanger, 2010). Natives and foreigners alike sustained alliances with each other based on mutual respect for each other’s sociocultural makeup, which persisted even with the arrival of European settlers (Royal Commission on Aboriginal Peoples, 1996). The British crown built on this mutual respect to facilitate a peaceful and harmonious relationship among settlers and Aboriginal tribes, and further cemented this association with the declaration of the Royal Proclamation of 1763 (Royal Commission on Aboriginal Peoples, 1996). In it, the Crown specifically accorded due respect to Aboriginal tribes as political partners comprising a third of a tripartite governing system which also included the colonial government and the British Crown (Royal Commission on Aboriginal Peoples, 1996). The Royal Proclamation also affirmed the rights of Natives to their land which the Crown could only buy through treaties (Province of British Columbia, 2013). However, throughout the years, this tripartite agreement and mutual respect deteriorated into a paternalistic relationship that culminated from a series of legislations restricting Aboriginal rights into the Indian Act of 1857 (Royal Commission on Aboriginal Peoples, 1996). Originally drafted to protect Native interest through paternalistic measures, the Indian Act served to alienate, oppress and marginalize Aboriginal tribes in elemental ways (Belanger, 2010). But despite numerous detrimental amendments to the Act throughout history, modern revisions are slowly overturning main oppressive features of the Indian Act. The Constitution Act of 1982, Section 35, reaffirms and acknowledges the rights of Aboriginals as self-governing nations and formally includes Inuit and Metis as Aboriginal peoples (Province of British Columbia). Currently, the federal and provincial governments actively engage in land claim settlements in the spirit of reconciliation. However, with the passing of Bill C-45 into law as the Jobs and Growth Act, indigenous groups took affront at the backsliding stance of the
government as seen in the new Act’s modifications on land reserve management. Instead of the normal majority of majority ruling which, if not achieved, can move on to a lengthier second phase involving the Minister of Aboriginal Affairs, the new Act requires a simple majority vote for a land lease to be approved (APTN, 2012; CBC News, 2013). Whereas Idle No More members view this as a threat to their Aboriginal title and sovereignty over their lands, some tribes and bands see it as an opportunity to hasten the leasing process and put their economic plans into action at a faster pace. The Senate Standing Committee on Aboriginal Peoples (2007) reports that several groups such as the Tlowitsis First Nation, Tsekani First Nation, and Squamish First Nation have expressed dismay over the lengthy process of leasing resulting to the enormous revenue losses. The Committee also reports that other groups have declared dissatisfaction with the Indian Act restrictions that make it difficult for them to engage in economic business plans because of the tedious approval process and inability to borrow against reserve lands (Senate Standing Committee on Aboriginal Peoples, 2007). In contrast, the Nisga’a Land Transition Act has successfully transferred reserve lands to private ownership of a few members as a provision from a modern treaty with Canadian government (CBC, 2013). In this author’s opinion, changes to the Indian Act which have positive economic possibilities should be hailed as life-changing and timely solutions to communities who have no sufficient capital or funding but are ready to embark on ventures that would enhance self-sufficiency. With Idle No More’s loud opposition, Aboriginal groups ready to pursue economic growth may be disheartened or face alienation and judgment if they take on this course of action.

Moreover, implementing the Jobs and Growth Act does not adversely impact environmental protection especially of waterways that go through reserve and territorial lands. Passed in 1882, the Navigable Waters Protection Act protected waterways which can be traversed
by any floating transportation from any forms of obstruction that may hinder travel (Transport Canada, 2012). Its main purpose is to ensure safety of navigating vessels by monitoring approved construction works processing permit applications for all any sort of works “in, on, over, under, through or across navigable waters in Canada” and removing unauthorized works (Transport Canada, 2012). In contrast, the Idle No More movement highlights the environmental effects of the revised Navigation Protection Act which would remove federal navigation regulation on 99.7% lakes and 99.9% rivers on Canada (Visconti, 2013). However, Transport Canada’s website (2012) clearly states that it would be concentrating resources on managing and ensuring safety on major waterways, and delegating local regulation to common law such as municipal and reserve land laws. With regards to environment assessment, the agency claims that existing regulatory agencies will still maintain environmental protection by discharging duties specific to assessments of hazards, risks and impacts on the environment. Transport Canada also reiterates that it will still issue guidelines to project proponents on navigation issues, waterways excluded from the Navigation Protection Act schedule will retain protection from its marine safety laws, and will continue receiving protection from the Fisheries Act, the Canadian Environmental Assessment Agency (CEAA), and other provincial as well as common laws (Transport Canada, 2012). Despite fervent assertions of Idle No More proponents that this loss of federal oversight will lead to environmental disasters, the Canadian Environmental Assessment Act of 2012 ensures that any designated project goes through a comprehensive environmental assessment to determine its risks and impacts. Designated works associated with nuclear safety go to the Canadian Nuclear Safety Commission, while works related to international and interprovincial energy sources such as pipelines and power lines go to the National Energy Board (CEAA, 2012). CEAA (2012) states that any designated work that are not included in the schedule for
both agencies, fall to the Canadian Environmental Assessment Agency. Contrary to Idle No More’s assertion that the new Navigation Protection Act takes away federal oversight from non-schedule waterways (Idle No More, 2013), existing protective and regulatory agencies are still in place to address these concerns. In fact, federal expenditure formerly spent on permitting and assessment of minor water works which only added to bureaucratic red tape, can now be focused on major waterways which need it the most (Transport Canada, 2012). In this case, this author believes that the Idle No More movement is disseminating misinformation that might well backfire on them, and is unknowingly obstructing reconciliation efforts by casting unfounded accusations on the federal and provincial authorities.

Moreover, Idle No More’s fervor in emphasizing the environmental impacts of the revised Navigation Protection Act unfairly fuels antagonism to an otherwise unrelated piece of legislation. It persists in claiming that there was no prior consultation with Aboriginal communities who are in reserve and territorial lands that include these non-schedule waters (Visconti, 2013; AFN, 2012). The tenth report of the Senate Standing Committee on Aboriginal Peoples (2012) does reiterate that based on interviews with Aboriginal leaders, prior consultation did not occur and informed consent was not solicited. These leaders affirmed that they were later informed but claimed that the timing was too late for them to take action. While this lack of consultation is valid in the context of the Indian Act leasing process, with regards to the modification of the Navigation Protection Act, consultation is not warranted because the new legislation has no major environmental inclusions. Current issues, notably the construction of the Enbridge North Gateway pipelines across several Aboriginal territorial lands, deserve to be highlighted in Idle No More protests. Oil and gas pipelines pose an environmental risk to wildlife flora and fauna in case of damage resulting to spills (Ecojustice, 2012). Recently, an Enbridge oil
spill which took three years to clean up in Kalamazoo River, Michigan, adversely disturbed not just the area’s ecosystem but also the lives of the nearby townspeople as well (Paris, 2013). This type of scenario solidifies the Aboriginal communities’ resolve to hold off any industrial pipelines off their land, as evidenced by a plethora of tribal protests from indigenous alliances. The Yinka Dene Alliance comprised by six British Columbia First Nations, for example, claims staunch opposition to Enbridge pipelines crossing their lands, in support of the Save the Fraser declaration (Yinka Dene Alliance, 2013). This declaration, now an indigenous law, aims to protect salmon migration routes in the Fraser River and BC waters from tar sands pipelines and tankers (Yinka Dene Alliance, 2013). Other notable Aboriginal resistance, as cited in the Yinka Dene Alliance (2013), include the Athabasca Chipewyan First Nation in a court battle against tar sand extraction and the Tsleil-Waututh First Nation against Kinder Morgan in Vancouver. In this context, it is this author’s opinion that specific and well-researched issues might give more credence to the Idle No More movement rather than sweeping statements that can come across as vague and difficult to back up. Environmental issues affect Aboriginals more intensely because of their close connection to the land and waters which are vital components of their cultural sustainability and identity. Similarly, a new development in the Yinka Dene Alliance’ fight to protect their waters and lands from pipeline encroachment illustrates a systematic approach to a big problem. Responding to the Alliance’ open letter, a representative from UN human rights section is set to arrive to investigate how Aboriginals and Harper’s government are dealing with this issue (Yinka Dene Alliance, 2013). In comparison, the Idle No More movement seem to lack the markers of organization and orientation to goals but displays instead the fireworks and barrage of dissatisfied protesters. In this respect, it succeeded in rousing environmental
awareness, increasing engagement in Aboriginal issues, and spurring people into action but leaves many questioning its efficacy as a guiding tool for Aboriginal people (Quesnel, 2013).

Despite Idle No More’s spectacular success in eliciting Aboriginal participation in teach-ins, rallies and protests, it is not yet clear whether it is effective in changing the sociocultural, political and economic landscape of indigenous peoples. Admittedly, its influence to agitate apathetic and resigned Aboriginal individuals makes it a formidable powerhouse and a definite threat to government policing and tendency to forego consultation. But its fierce objection to legislation related to land and water rights not only constraints positive outcomes from government interventions and opportunities, but also fosters an atmosphere of distrust and suspicion instead of a good working partnership.
References


