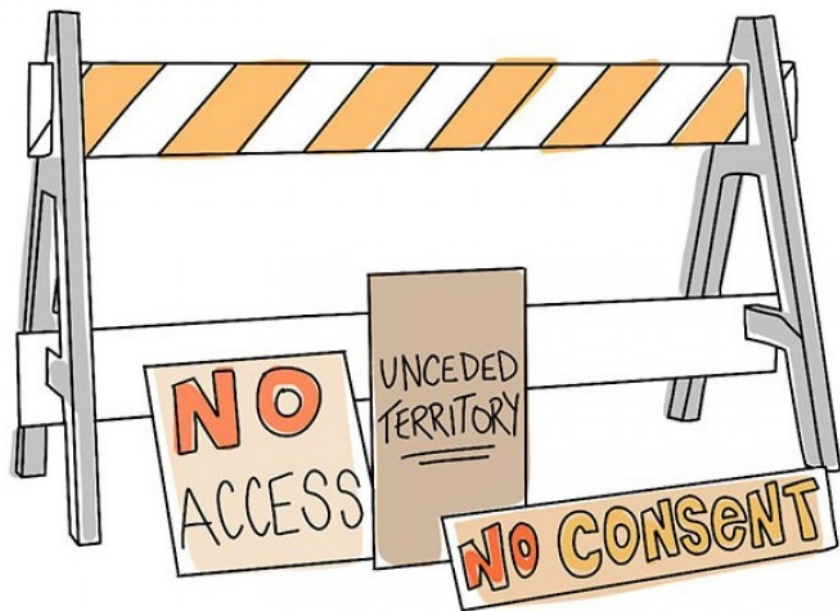
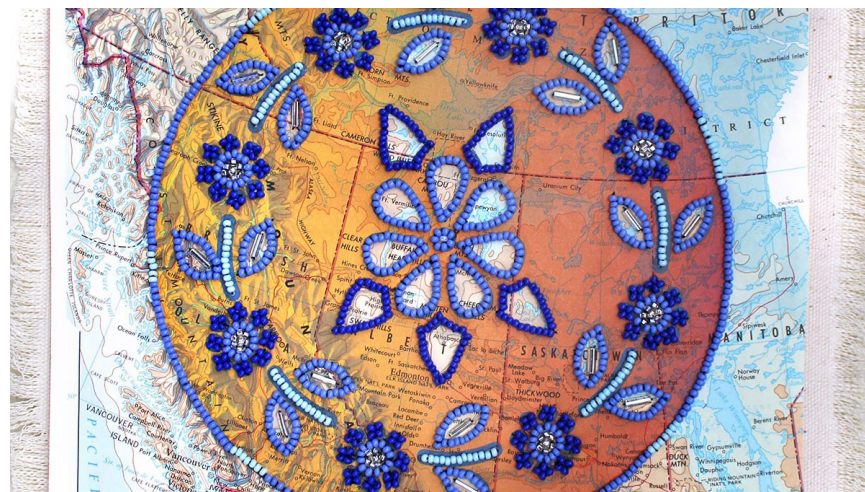




LAND AS A SOCIAL RELATION



Mike Gouldhawke

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In a YouTube video from January titled “#LANDBACK Update from Gidimt'en Territory,” Denzel Sutherland-Wilson of the Gitxsan Nation reflected on the eviction of the Coastal GasLink pipeline company from the lands of the Wet'suwet'en Nation nine days earlier. “People get confused about what we want as Native people. It's like, ‘what do you want?’ ... Just Land Back. It's funny, though. When I said that to my dad, you know, to Gitxsan-Wet'suwet'en people, if you tell them about Land Back, they're like, ‘We never lost the land anyway.’ Which is true.”

As Indigenous Peoples, we have never completely lost our connection to our lands and waters, nor our collective understanding of ourselves as Peoples, despite Canada's ongoing violent occupation of our territories, repeated displacements of our communities, and various attempts to assimilate us into its political and economic order.

Canada has shifted its colonial tactics back and forth over time. It has used warfare and diplomacy, removed entire communities, and removed our children from our communities. But all of its tactics share the same goal: to eliminate the political alternative and resistance to Canada that Indigenous Peoples represent.

And we as Indigenous Peoples have used various means of resistance over the years as well – from armed conflict, to directly petitioning politicians while voting and hiring lawyers were both banned under the Indian Act, to unarmed blockades and occupations to stop settler development projects.

Where did the land go?

In 1911, the chiefs of dozens of Native bands in British Columbia wrote to the federal minister of the interior, petitioning for an acknowledgment of their land title, which the provincial government had been refusing and which remains an outstanding point of conflict to this day. “If a person takes possession of something belonging to you, surely you know it, and he knows it, and land is a thing which cannot be taken away and hidden,” they wrote. “We see it constantly, and everything done with it must be more or less in view.”

Since Canada can't hide our Peoples' lands, it seeks to remove our consciousness itself and break our mode of social relations. But outright violence and repression alone don't remove our collective consciousness, so the state has resorted to a variety of increasingly insidious tactics.

While Canadians have been content to view residential schools and other Indian Act restrictions merely as unfortunate episodes of history to be put behind us, Indigenous child apprehension to non-Native foster care homes continues unabated. At the same time, massively disproportionate incarceration rates for Native people have been escalating over the past decade.

2015 - The Lelu Island camp is set up by people of the Tsimshian Nation, who declare victory over the proposed development of a liquid natural gas project two years later, in 2017, as Petronas abandons their plans. The Prince Rupert Port Authority bans development around the island in 2019.

2016 - Kahnawá:ke Mohawk community members hold a CP railway blockade in solidarity with the Očhéthi Šakówiŋ (Dakota, Nakota, and Lakota) people of Standing Rock, who are blocking an oil pipeline development project with their own massive solidarity camp. Black Lives Matter women organizers join in solidarity with Indigenous people occupying the Toronto offices of Indigenous and Northern Affairs Canada, in response to the suicide crisis at the Attawapiskat First Nation, a Mushkegowuk (Swampy Cree) community in northern Ontario.

2019 - Land Back memes take Native social media by storm, launched by creators like Dene memmer Nigel Henri Robinson and Arnell Tailfeathers of the Kainai Blood community. “Land Back” and “Oceans Back” start showing up as slogans on banners at actions and rallies, including the international climate summit and march in Madrid, Spain, as Indigenous youth spread the message far and wide.

2020 - Wet'suwet'en people evict the Coastal GasLink company from their territory, sparking solidarity actions and blockades across the country, as well as multiple police raids, including in Ontario at the Tyendinaga Mohawk community, where two camps are set up to block the CN railway line. While charges have been dropped against Wet'suwet'en people and their supporters, they remain outstanding against the Tyendinaga Mohawk (and also possibly Gitxsan Nation) land defenders, who engaged in solidarity actions.

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*Front cover art by Kim Gullion Stewart (Métis),
back cover art by Jessica Wylie (Bonnechere Algonquin)*

part of what Gitksan and Wet'suwet'en Hereditary Chiefs had brought forward in both their 1977 declaration of sovereignty and 1984 court challenge: that their Aboriginal Title to the land had never been extinguished by colonial governments.

1999 - The Burnt Church crisis erupts after the Supreme Court of Canada affirms the Peace and Friendship Treaties of the 1700s, which had secured unhindered Mi'kmaq Title and Treaty Rights over their territory. Even a so-called "moderate livelihood" fishery remains unacceptable to police, settlers, and politicians, who react with violence against Mi'kmaq people for simply exercising their rights.

2004 - Kanehsatà:ke Mohawks stop their community's police force from being taken over by outside officers and start an active process of decommissioning the police station and the force itself.

2006 - Six Nations of the Grand River women begin a land reclamation at a housing development near the town of Caledonia, Ontario. After a failed provincial police raid, the province buys the land and agrees to negotiate with the traditional council. Land defender Doreen Silversmith travels to Oaxaca, Mexico, the site of a simultaneous popular uprising, and the state with the highest percentage of Indigenous language speakers in Mexico.

2012 - The Musqueam community reoccupies c̓əsnaʔəm in South Vancouver, with a 200-day-long vigil against a condo development project. In 2018, the City of Vancouver "donates" the land as fee simple property to the band council, while still charging fees for the land transfer, land title, and registration, with taxes also payable to the federal government for the transfer.

2013 - Idle No More round dances, drum groups and flash rallies sweep across Canada in opposition to the Harper government's omnibus legislation affecting environmental assessment protections. The Elsipogtog Mi'kmaq community blockades and successfully shuts down a natural gas fracking development project, leading to a heavily armed RCMP raid and dozens of arrests.

2014 - The T̓silhqot'in people win a Supreme Court of Canada case confirming Aboriginal Title to specific territory for the first time, but the decision also maintains the right of Canada to infringe upon that title and reiterates the doctrine of discovery as the basis of Canada's sovereignty. The Klabona Keepers of the Tahltan Nation blockade Imperial Metals' Red Chris copper and gold mine as part of their ongoing struggle in defence of their land, as when Elders had been arrested in the 2000s in a battle with Shell.

When resistance breaks out, like it did with the cross-country Wet'suwet'en solidarity movement at the beginning of this year, the police are brought in to remove us from our own lands, and the Canadian state and corporate media work overtime to falsely portray the conflict as being only a criminal matter, invoking Canada's rule of law while ignoring Indigenous laws.

After the so-called "Oka Crisis" of 1990, when Indigenous people across the country set up blockades in solidarity with the Mohawk community of Kanehsatà:ke, Canada revved up its response on two tracks at once: tighter control of the media when responding to direct actions, and policy manoeuvres around municipal-style self-government and "reconciliation."

The land has always been here and we've always been reclaiming parts of it. So, Canada's challenge is how to keep us off of it and how to keep us from holding onto the idea that it's right for us to reclaim it.

Whose land?

Non-Native people, both those for and those against Indigenous resistance, often oversimplify our struggle as being just about who owns the land, whether it belongs to Canada or our Peoples. But just as importantly, it's about how the land is owned – how we relate to it, how we relate to each other through it, and who "we" are as Indigenous Peoples.

In settler-colonial societies, land appears as an immense accumulation of property titles. To traditionalist Indigenous Peoples, in contrast, land is not a thing in itself but a social relationship between all living and non-living beings.

Settler state policy is war by other means, working to replace our full sovereignty and jurisdiction over our lands and waters with mere municipal powers, delegated from the provincial and federal governments above, and opening the way to further corporate development.

Canada seeks to replace our traditional forms of governance – which crucially involved women, non-binary, trans, and Two-Spirit people – with its own patriarchal political forms, like the Indian Act's band council system or other government-funded bureaucracies. How we relate to the land is tied to who we are. When we say Land Back, who is the land supposed to be going back to, and in what form?

Kainai Nation (Blood Tribe) leader Marie Smallface Marule commented on this dynamic in her 1984 article on Native governance, saying, "The coercive imposition by the Canadian government of an elected form of government on Indians is in direct conflict with traditional forms of government. The elective model is based on individual ownership of land and the delegation of authority from above, and it has created serious problems in our Indian communities. This is particularly true among the prairie tribes, where there has always been a strong tradition of decision-making by consensus rather than by individuals in authority."

Relations back

Canadian Indigenous policy currently promotes so-called self-government agreements (including modern “treaties” in British Columbia) and various means for First Nations bands to opt out of the Indian Act, either partially or completely.

This also involves converting reserve and non-reserve Traditional Lands into private property (known as “fee simple”) and making permanent agreements with band councils that forbid them from ever bringing forward court cases on Indigenous Land Title in the future (such as in the Tsawwassen First Nation Final Agreement of 2007). The goal is to create economic certainty for settler corporations looking to invest in developments on Native land.

However, this attempted swindle is not always successful – like, for example, in 2018, when the Lheidli T’enneh community (of the Dakelh people) voted no to a “treaty” under British Columbia’s modern process.

Mushkegowuk (Swampy Cree) writer Jacqueline Hookimaw-Witt explained in her 1997 thesis, based partly on interviews with Elders, the difference between the Cree concept of land ownership and the colonial concept of private property: “You cannot buy land and own it like you own a car. Yet, we do own the land in a different sense, which is explained in the answer of John Mattinas, who states that as much as we ‘own’ the land, the other beings on the land (animals, plants, rocks) own the land as well, meaning that we were put on the land by the Creator, and everything on the land belongs there and can use the land.”

Land is the terrain upon which all our relations play out, and it can even be seen as a living thing itself, constantly shaping and being shaped by other life forms. Land isn’t just a place, it’s also a territory, which implies political, legal, and cultural relationships of jurisdiction and care.

Settler claims to sovereignty and private property are also relational – that is to say, transactional. They reflect the relationship between an individual citizen and their state, as well as a particular way of relating to one another and to the world – social and economic systems of domination, individualism, competition, and exploitation.

Traditional Cree laws like *sihtoskâtowin* (coming together in mutual support) and *miyo-wîcêhtowin* (the intentional cultivation of good relations) stand in stark contrast to this settler system, which is based on private and individualized rights to property and political representation.

After armed Métis resistances in 1869-70 and 1885 in different parts of our territory, Canada created land commissions to distribute what they called “scrip,” entitling Métis families to money or individual parcels of land as private property in fee simple, in exchange for extinguishing our Indigenous Land Title. In practice, however, due to oppressive social conditions, our people were faced with limited options and were often swindled out of our land and scrip by settlers and their land-speculation companies.

The need to restore healthy relations challenges the imposed structure of the

rights.

In 1981, the UN committee decides in favour of Lovelace and finds Canada to be in breach of Article 27 of the International Covenant on Civil and Political Rights. Along with court challenges by Indigenous women from other communities, mounting pressure leads to amendments to the Indian Act in 1985 that partially mitigate sexist discrimination. A century earlier, the General Council of the Six Nations had objected to the Gradual Enfranchisement Act’s exclusion of Indigenous women based on marriage.

1981 - Indigenous women occupy the Department of Indian Affairs offices in Vancouver over housing, social conditions, and fishing rights. Fifty-three people, mostly women, are arrested and charged with mischief, and a judge later complains that the Crown is wasting the court’s time with the charges.

1989 - Sinixt people set up a long-running camp and blockade of highway construction over an ancestral burial ground in B.C. In 2017, Richard Desautel, a Sinixt man from the Washington side of the border, wins a court case over hunting in B.C. and the Crown loses its appeal. While the Arrow Lakes Indian Band had been declared extinct by Canada in 1956 and remaining members had moved to the Colville reservation in the United States, they began reclaiming their land and rights on the Canadian side of the border in 1989.

1990 - The “Oka Crisis” grips Canada, centred on the Mohawk community of Kanehsatà:ke, where the police and Canadian military lay siege to the community over a golf course expansion, leading to solidarity blockades and actions by Indigenous communities across the country. In South America, Ecuador is also rocked by a nationwide Indigenous uprising with blockades. The Zapatistas of Chiapas, Mexico, later tell the Mohawk people of Kanehsatà:ke that their own 1994 uprising was partly inspired by the Indigenous resistance in the north.

1992 - Indigenous women start the annual Women’s Memorial March in Vancouver’s Downtown Eastside, leading in part to the National Inquiry into Missing and Murdered Indigenous Women and Girls and Downtown Eastside community initiatives like the Red Women Rising report in 2019.

1995 - Paramilitary police attack land defenders at Gustafsen Lake in Secwépemc territory in B.C. and Anishinaabe territory at Ipperwash in Ontario. Dudley George is killed by Ontario Provincial Police, but the land at Aazhoodena remains as reclaimed territory. The Ts’Peten (Gustafsen Lake) defenders inspire the emerging Native Youth Movement in B.C. and their opposition to the B.C. treaty process.

1997 - The Delgamuukw–Gisday’wa Supreme Court decision confirms

1971 - Métis women form a committee against the Adopt Indian Métis program of the Saskatchewan government and secure a meeting and slight concessions. Dene and Cree people from the Cold Lake, Saddle Lake, and Kehewin reserves in Alberta, who are opposed to government cuts to reserve education, pull their children out of schools and occupy the Department of Indian Affairs office in Edmonton for six months, until 1972, when the minister, Jean Chrétien, finally agrees to provide funding for a new school. Chrétien and Prime Minister Pierre Trudeau were still reeling from the defeat of their 1969 White Paper, a plan to phase out the Indian Act without recognizing Indigenous Title.

1973 - Wounded Knee and the Calder decision. Following the Trail of Broken Treaties 1972 protest to Washington, D.C., in which the Bureau of Indian Affairs offices were occupied, and the Custer courthouse riot in South Dakota early in 1973, traditional Lakota people and American Indian Movement members reoccupy Wounded Knee at the Pine Ridge reservation for 71 days, under siege by heavily armed U.S. government forces.

The Supreme Court of Canada makes its first major decision on Aboriginal Title, in a case brought forward by Nisga'a Chief and politician Frank Calder, recognizing Aboriginal Title prior to colonial occupation, but with a split opinion on whether or not it was ever extinguished by colonial governments. In 1998, the Nisga'a Final Agreement removes the Nation's lands from the Indian Act and allows for them to be converted into fee simple private property.

1974 - Armed Indigenous actions take place as Anicinabe Park is reoccupied in Ontario and a Secwépemc Nation blockade is set up at Cache Creek in BC. The Native People's Caravan travels from Vancouver to Ottawa, clashes with police at the Parliament buildings, and establishes a Native People's Embassy in an abandoned building. Ganienkeh is reoccupied by Mohawk people in New York State.

1976 - Twenty-six Stó:lō people are arrested after occupying a building formerly used as a nurses' residence at the site of the former Coqualeetza Indian Hospital and residential school in Chilliwack, B.C., as one of a series of occupations of buildings at the site throughout the 1970s. In 1973, the Coqualeetza Cultural Education Centre had opened there, and an "Addition to Reserve" process still remains underway to turn the site into reserve lands.

1977 - Wolastoqiyik (Maliseet) women from the Tobique community occupy the band council offices and arts and crafts hall over loss of status and housing due to sexist discrimination in the Indian Act. Sandra Lovelace of Tobique takes her status case to the United Nations Human Rights Committee. In 1979, dozens of women and children from Tobique walk from Kanehsatà:ke to Ottawa to protest their loss of status and adoption

colonial system. Our relations need space on which to unfold – that is, our lands, water, and clean air. When we say Land Back, we also mean Relations Back.

Stealing us from the land

Allyson Stevenson, a Métis professor and the Gabriel Dumont Research Chair in Métis Studies at the University of Saskatchewan, has written extensively on the removal of Indigenous children from their families as a colonial method of elimination, something she points out wasn't particular to Canada but was also used in "the United States, New Zealand, Australia, and, in different ways, Latin America."

Stevenson has also written about Métis women's opposition to the Adopt Indian Métis program in Saskatchewan, where Indigenous children in Saskatchewan in the 1960s and 1970s were the targets of an aggressive advertising campaign for placement in white foster homes, even resulting in Indigenous children being sent to live with white families in other countries.

In 1971, the Métis women's committee took to the pages of New Breed newspaper to argue against white foster home placement and the Adopt Indian Métis program ads, calling for major changes such as a special all-Indigenous-staffed foster home separate from the welfare department (the latter of which they called "repressive and discriminatory").

"We want our children to be brought up as Métis and not as middle class pseudo-whites," they wrote. "These children belong in our Métis culture and nation. We are opposed to a foster home scheme as a relocation or integration program. We are opposed to the impersonal and dehumanizing institutional experience imposed on our foster children by white staff."

The violence of policy

Overt colonial violence is never far from the surface in Canada. RCMP and Ontario Provincial Police attacks on Wet'suwet'en and Tyendinaga Mohawk land defenders at the beginning of this year have been followed in more recent months with fatal settler violence against Métis hunters in Alberta, as well as multiple killings of Indigenous people by Winnipeg and Toronto police and by RCMP officers in New Brunswick.*

Despite the empty rhetoric of "reconciliation" (we never had a positive relationship in the first place, from which we can rebuild), colonization remains a physically violent process wherever Indigenous people find ourselves, whether in rural areas, in the cities, in the prisons, or in foster care homes.

Though not as obvious as outright police invasion, settler state policy is just as harmful and even fatal. Neglecting to provide basic services such as water, housing, and health care is also a form of violence, as is the absolute failure of the state to do anything about the epidemic of violence against Indigenous

women, girls, and non-binary and Two-Spirit people despite acknowledging it as genocide last year. All of these forms of violence undermine our traditional governance systems and ultimately provide settlers with privileged access to our lands.

Colonial tactics change over time, but the colonizers' overall strategy has been a consistent war of attrition, attempting to wear us down in the long run and to ultimately remove the challenge that our collective Indigenous consciousness and resistance poses to the claimed sovereignty of the settler state.

Reconstituting our diverse relations, our laws, and value systems is key to successfully retaking our land and to not only surviving but creating a life worth living for all of us. It is essential for our relations to grow as they need to be strongly rooted in the material and spiritual reality in which we live, on our territories (cities are also part of the land), and in solidarity with other oppressed people who are also struggling, reciprocating the solidarity they have shown to us in our times of resistance.

**The Indigenous people mentioned who have been killed by civilians, by police, or in police custody are Jacob Sansom, 39; Morris Cardinal, 57; Eishia Hudson, 16; Jason Collins, 36; Stewart Andrews, 22; Regis Korchinski-Paquet, 29; Chantel Moore, 26; Rodney Levi, 48. May they rest in power.*

100 Years of Land Struggle

1921 - Jean Baptiste takes a stand. As settlers are increasingly given Native land by the government, a Wet'suwet'en man refuses to leave his home and promises to physically fight until the end for it. The Department of Indian Affairs backs down and creates the "Jean Baptiste #28" reserve, which still exists today.

1938 - The Métis Population Betterment Act is passed. Through negotiations with the Alberta government, Métis community organizers, including Malcolm Norris and James Brady, secure 12 settlements for Métis people, eight of which remain today. In the 1960s, Brady and Norris inspire the next generation of Métis activists – particularly Maria Campbell and Howard Adams, who become two of the most influential writers and organizers in the Red Power movement across Canada.

1959 - The Council House is reoccupied by traditionalists at Six Nations of the Grand River reserve and is raided by the RCMP. The police force and the Indian Act band council system was installed on the reserve in the 1920s, against the will of the people and in violation of the Two Row Wampum treaty and Haldimand Proclamation. In 1928, the Haudenosaunee (Six Nations) confederacy began holding annual border-crossing marches at

Niagara Falls to uphold the Jay Treaty of 1794.

1961 - From Red Power to Land Back. The National Indian Youth Council forms in New Mexico at a meeting of people from various Indigenous Nations and coins the slogan "Red Power." The Vancouver Sun prints an article full of racist clichés, with the headline "Indians Want Their Land Back," about the demand of the Tsawout community on Vancouver Island to have either their Treaty Rights to fishing restored or all of their land returned.

1964 - From Puget Sound to Alcatraz Island. The Survival of American Indians Association is formed and begins a series of "fish-in" actions, demonstrations, and reoccupations in the Puget Sound area of Coast Salish territory in Washington State. Očhéthi Šakówiŋ people hold a demonstration on Alcatraz Island, also citing Treaty Rights and jurisdiction, like their Coast Salish counterparts up the coast.

1967 - Skwxwú7mesh Nation mothers, out of concern for their children, form a human blockade and use a gate to stop rush-hour commuter traffic from cutting through the X̱wemelch'stn (Capilano 5) reserve in North Vancouver. The mothers say they had to act themselves because the band council wouldn't. South of the border but still within Coast Salish territory, Janet McCloud of the Tulalip reservation in Washington State writes in The Humanist about Indigenous women's traditional status and control over their territories, saying, "We must be given back all our lands reserved under the treaties so that we will have a land base."

1968 - The Akwesasne Mohawk community blocks the international border bridge on their reserve in response to the Canadian government's refusal to respect the Jay Treaty and free movement for Mohawk people across their own territory. Forty-two adults and seven juveniles are arrested and charged, with all charges soon dropped except those against Kahn-Tineta Horn, a Mohawk woman from Kahnawá:ke.

1969 - Alcatraz Island in the San Francisco Bay is occupied by the Indians of All Tribes for a year and a half, inspiring more actions throughout California and the United States. Radio Free Alcatraz broadcasts for most of that time, relayed by stations in the Bay Area, Los Angeles, and New York City, spreading the message of Red Power far and wide, from the source.

1970 - Occupations multiply, as the Blue Quills residential school and NewStart adult education and vocational school are occupied by Cree, Dene, and Métis people in Alberta and converted into Native-run institutions. Occupations of Fort Lawton and in Tacoma in Puget Sound, as well as by the Pit River Tribe in California, lead to dozens of arrests.