

## Accommodating the Native Indians : Canadian Experience

H. Srikanth

Long before the European sailors and traders stepped on what later came to be known as North America, the continent was people by several indigenous communities. They were at different stages of development and were ethnically and linguistically diverse. These native communities, mistakenly referred to as Indians, had their own social, political and religious institutions appropriate to their needs. Although fishing and hunting were primary sources of livelihood for most, thanks to the bounty of nature, the native communities did not affect the *autonomy and identity of the indigenous people*. But all these changed with the coming of European traders, who ensnared them into fur trade. The lure of money and western goods forced them to give up their traditional patterns of livelihood and made them passive dependents on fur traders for their livelihood and luxuries. The gradual decline of fur trade did not affect much the European colonizers, as they could easily shift from trade to agriculture and mining. But the Native Indians found it difficult to revert back to traditional modes of production. As long as the support of Native Indians found it difficult to revert back to traditional modes of production. As long as the support of Native Indian communities

---

*H. Srikanth teaches in the Department of Political Science, North Eastern Hill University, Shillong*

was required in war against the French and American rivals, the British colonizers respected the aboriginal rights. But once the fur trade declined and peace was negotiated with France and then with the USA, the British colonizers did not feel the need for respecting the Royal Proclamation of 1763 and other treaties which recognized aboriginal rights of the native communities.<sup>2</sup>

The white settlers, who began to migrate in thousands from different European countries, began to occupy traditional native lands and displace the aboriginal peoples from their territories. Unlike the relations between fur traders and Native Indians which were complementary, the settlers' interests were in direct conflict with the interests of the indigenous communities. In order to encourage, facilitate and promote the white settlers, the colonial administrators began to acquire hold over lands and resources previously held by the Native Indians and confine the native communities to small reserves. Several legal restrictions were imposed on the movements and freedoms of the natives outside the reserve areas. Those who revolted against the colonization were brutally suppressed and their societies annihilated. In course of time, succumbing to disease and deaths, the native communities became so weak that they had no option but to accept unequal treaties which compelled them to give up claims over their lands for certain guarantees ensured to them for accepting to live on the reserves allotted to them.<sup>3</sup>

Confinement of Native Indians to the reserves and imposition of legal restrictions on the movements Indians outside the reserves foreclosed the spaces available for positive interactions between the white Canadians and the Native Indian communities and led to the development of ethnic / racist ideologies and conceptions. The white Canadians viewed the Native Indians as backward, lazy, dirty savages, not yet fit for modern civilized world. Their sense of superiority made the Euro-Canadians believe in the white-man's burden of reforming and elevating the backward natives.<sup>4</sup> On the other side, having been confined to the reserves, the Native Indians

looked at all white Canadians as racist, imperialists aspiring to colonize their lands and lives, imposing alien institutions, cultures and values. Shielding the sanctity and autonomy of their traditional institutions and practices therefore became primary concern of the indigenous communities. For that the Native Indians had to romanticize their past, glorify their traditions and project their communitarian beliefs and practices as morally superior to the acquisitive, liberal, individualist lifestyles of the Euro-Canadians.<sup>5</sup> Symbolically, the reserves became political bases from where the Native Indian communities began to wage their struggle for autonomy and identity, this despite the fact that over the decades several Native Indians had left the reserves and migrated to towns and cities in search of better opportunities.

### **Native Indians' Quest for Autonomy and Self-government**

Although the Native Indians suffered physical and mental abuses due to compulsory residential school system imposed on them, they did benefit out of exposure to modern education. Contrary to Canadian expectations that the educated Indians would join the Canadian mainstream, most educated Indians turned to their own communities and offered the much needed support to the native leadership to take on the Canadian government. Keeping in view numerical disadvantages and resource constraints, the Native Indian communities set pragmatic goals and adopted appropriate political strategies suited to Canadian milieu :

1. Taking advantage of the fact that Canada did give legal recognition to the Royal Proclamation, 1763 and the treaties that preceded and followed the formation of Canadian federations, the Nation Indians used the courts as battlefields in defense of aboriginal rights and claims.<sup>6</sup>
2. Despite the fact that the Indian Act, 1876 was racist and discriminatory, the Indians unanimously opposed the Canadian government's move to abolish the Act, in the name of bringing

the native into the national mainstream. Instead they invoked the principle of self determination and fought for Indian self-government.<sup>7</sup>

3. The Native Indians defied the Canadian government's efforts to project only bands as the units of administration and sought to organize themselves along tribal / linguistic and regional lines by declaring themselves as First Nations.
4. The First Nations used national and international indigenous organizations and platforms to effectively project the status of Indians in Canada and could force embarrassed Canada to commit itself to the evolving international law on the rights of indigenous peoples.<sup>8</sup>
5. The Native Indian communities recognized and made use of many white Canadian lawyers, journalists and academicians sympathetic to native cause to argue their case for autonomy and self-government in courts and in different national and international bodies and forums. They could build effective network of different indigenous peoples' organizations at national and international arena.
6. Apart from such legal and constitutional means, when needed, the First Nations did at times resorted to militant forms of agitation such as erecting blockades on national highways and railways, forcefully preventing the loggers and commercial fishers and even symbolically took possession of certain territories which were at times forcibly occupied by the white colonizers. Occasional use of aggressive means forced Canadian government to come down for negotiations.

### **Evolution of Canadian Indian Policy**

British colonialism was primarily responsible for racist policy of segregating and confining the Native Indians to small reserves and depriving them of their rights over their lands and resources. In a way, the British colonizers were accountable for disease, deaths,

discrimination and deprivation that the Native Indians had to suffer. Yet, one could still say that of the European colonizers that set their feet on the Americas, the British were relatively more democratic and sympathetic to the Native Indian communities. In many respects, native indigenous communities in Canada were better off compared to their counterparts in the US, Mexico and other Latin American countries, wherein the native were forcibly evicted from their original habitats and subjected to worst forms of exploitation and domination. Albeit racist overtones, Canadian government did show some respect to the Royal Proclamation, 1763 and formal and informal treaties that the colonies and later the federal government had with the Native Indians. The federal government passed the Indian Act of 1876 to formulate a common policy applicable to all Native Indians in Canada. The Act recognized the specificity of Native Indians and treated them as wards under Canadian protection. It however denied Canadian citizenship to the status Indians living on the reserves. The Canadian beliefs in backwardness and inferiority of the native communities made the governments deny the Indians of the right to self-government. Most policies for the Indians were executed through the Indian Agents and other officers appointed by the Department of Indian Administration. The elected band councils constituted under the Indian Act had limited financial and administrative powers to conceive, plan and implement programs beneficial to the Indians. However, realizing its long term interests, the Canadian administration made efforts to bring Native Indian communities into the Canadian mainstream through compulsory residential school education. The educated natives willing to give up registered Indian status were offered Canadian citizenship. Attempts were also made to integrate them into the capitalist economy, by encouraging them to settle as peasants and wage laborers. But these attempts failed to bring any structural change in the position of Native Indians in Canada.<sup>9</sup>

A major breakthrough in Canadian perception about Native Indians took place following the II World War, wherein the Native

Indians participated in considerable numbers on behalf of Canada. Their positive contributions during the war helped the white Canadians in overcoming their misconceptions about Indians to a considerable extent. Compelled by the changed public opinion, Canadian government amended the Indian Act in 1951, which formally accepted to grant voting rights to the Native Indians and removed bans imposed on native festivals and festivities. Restrictions imposed on pursuit of Indian claims through organized political activities of the Indians were also withdrawn. Gradually by 1970 all provincial governments in Canada accorded franchise to the Indians inhabiting their province. The courts began to entertain legal suits against the Canadian governments for land claims and aboriginal rights. The courts, especially the Supreme Court of Canada did play an important role in the evolution of national law on indigenous rights. Federal government and provincial governments set up different commissions to inquire into the socio-economic status of the Native Indians and suggest ways and means to improve their lot. The recommendations of Hawthorn Committee, Penner Committee and Royal Commission on Aboriginal People helped in developing the idea of Indian self-government within Canada, forcing the governments to take the Indian demands seriously.

Canadian government's commitment to liberalism, democracy and human rights restrained the Canadian state from resorting to state repression. Except in situations like Oka Crisis of 1990<sup>10</sup> where the Canadian army was deployed to deal with the Mohawk's defiance, one hardly comes across instance of police or army repression against the native people's movements after the Second World War. On their part, the Native Indian communities also never resorted to terror means to achieve their political goals. The majority of Native Indians in Canada realized that because of historical, demographic and territorial disadvantages and also due to ethnic divisions within, it was just not possible to dream of sovereign Native Indian state. As the Dene Declaration 1975 made it clear, self-

determination to them basically meant recognition of their separate nationhood and territoriality within bounds of Canada.<sup>11</sup> All that they had been pursuing was to compel the Canadian government to recognize them as distinct nations and ensure them a dignified and respectful position as First Nations. As it became clear that Native Indians entertain no desire to separate from Canada, the Canadian state also began to look at indigenous peoples' movements in a more positive manner. Realizing that it is administratively and financially beneficial to delegate more powers to the Indians to administer themselves, Canadian government started exploring ways and means to assure Indian self-government.<sup>12</sup>

Responding positively to the Native Indians' demand for inclusion of their interests while drafting the Constitution, the new Constitution adopted in the year 1982 recognized the existence and affirmed the rights of aboriginal peoples. Although the three First Ministers' conferences held in 1980s to sort out differences regarding the nature of self-government failed to achieve the purpose, both Canadian government and the Native Indian organizations continued their efforts to keep the dialogue alive. Following the courts' rulings in *Delgamuukw* and in other contentious cases involving Indian claims, the federal and provincial governments realized the need for renegotiating treaties with Indian communities. On their part, most Indian communities also realized the limits of financially burdensome and time consuming court battles and accepted the need for renegotiating treaties that would ensure them self-government and along with it access to adequate land and resources that would enable them to pursue their own path of development within Canada. As of late, there are seventy-two self-government negotiating tables involving 457 aboriginal communities discussing treaties. This successful negotiation of the Nisga'a treaty raises the hope in the possibilities of arriving at treaties acceptable and mutually beneficial to all these contending parties—the federal government, provincial government and the Native Indians.

## **Relevance for North-East India**

In many respects the conditions of hill tribes in northeast India are better off, compared to the plight of Native Indians in Canada. For strategic reasons the British colonial authorities chose to keep the hill tribes away from the rest of India and allowed the tribal communities to continue their traditions and customs, to the extent their interests are not affected. The post-colonial Indian state also recognized the specificity of tribal communities and guaranteed them special rights under the Indian Constitution.<sup>13</sup> Alongside guaranteeing citizenship rights to all tribes, the V and VI schedules of the Indian Constitution ensured protection to the tribal areas by promising self-government at the grassroots level. While the hill tribes of Assam had experimented granted Autonomous District Council (ADCs) and Regional Councils, the tribes of the erstwhile North East Frontier Agency (NEFA) continued to practice their own traditional institutions, till Panchayat Raj system was introduced in the late sixties. In course of time, most of these tribal areas of the erstwhile composite Assam were granted separate state status. Despite such efforts to pacify the indigenous people's aspirations and interests, the tribal unrest continues in form of the other in the hills of northeast India are in ferment. As insurgencies, ethnic genocide, internal displacement and state expression have become the order of the day, it is worthwhile examining whether there is anything that one could learn from the Canadian experience.

Although Native Indian situation in Canada is bit different, still there are certain things that governments and hill communities in India could learn from Canadian experience. The Canadian Indian policy makes it obvious that forcible means to assimilate the indigenous tribal communities into national mainstream is bound to fail. Any meaningful attempts aimed at reconciliation with tribal communities should start from recognition of their separate identities as indigenous people. For any peace dialogue to continue, the

mistakes committed in the past need to be admitted openly, the way the church and the state did in Canada.<sup>14</sup> Ethnic insurgencies are not mere law and order problems. They are political issues and as such need to be dealt politically. State repression cannot be a long term solution to the problem of ethnic insurgencies plaguing the northeast India. While attempting to resolve the issues with the native communities, Canadian state followed a very pragmatic approach by not insisting on solutions within the constitutional framework. What are most needed are amicable solutions acceptable to all parties in conflict. It does not matter whether the solution is found within or outside the constitutional framework. The Canadian experience shows that India need not get panic when certain tribal communities like the Nagas seek solution in the form of treaties acceptable to both India and the Nagas, outside the Indian Constitution. As long as the tribal communities show willingness to respond positively to India's vital concerns- strategic or otherwise, one can explore all possible means to seek amicable solutions.

At the same time, like Native Indian communities, the hill tribes in NEI should also realize that they have no future outside India. As Canadian experience shows self-determination does not necessary mean secession or independence. Each community should assess its own strength and resources to decide on the kind of relations can best serve the interests of its people. In the given situation, although hill tribes of northeast India compared to Native Indians in Canada have numerical and geographical advantages, they still lack adequate resources and other structural advantages necessary for them to achieve and survive and independent nations. More than in Canada, the conflicting claims over territories also complicate the tribal movements in the hills of northeast India. The Native Indian movements in Canada show that no agreeable answer to ethnic issues is possible without resolving the contentious issues first amongst the indigenous people themselves. Further, for success of any indigenous people's movement, it is necessary to win over the hearts

and minds of the people in the rest of the country. In the absence of legitimacy, resorting to violent means to achieve political goals only gives a negative image of the communities in the eyes of the people of rest of India and fails to garner public sympathy in support of their demands. Ethnic militancy and inter-ethnic conflicts provide scope to the state to pit one community against other and use repressive machinery to deal with the insurgent challenge. In the post 9/11 world, terror means adopted by the insurgents fails to receive support from the international community. There are little chances of any indigenous peoples' movement for sovereign state succeeding in the post-cold war period. The ethnic movements in the northeast India have to come to terms with these ground realities and they have some lessons to learn from the pragmatic approach adopted by the Native Indian movements in Canada.

#### **Notes and References :**

1. For a general introduction to pre-colonial history of Native Indians in Canada, refer, Mc. Millan, Allan D & Eldon Yellowhorn, *First People in Canada*, Douglas Mc Intyre, Vancouver, 2004; Also Champagne, Dune, ed., *Native Americans: Portrait of the People*, Visible Inc Press, Detroit, 1994.
2. The Royal Declaration of 1763 declared that Indians nations or tribes under their protection should not be molested or disturbed and that the territories not acquired by the Royal Government continued to be under Indian possession. It prohibited encroachment of Indian territories by private interests and made it clear that such lands could be purchased only by the government with the consent of the Indians. In the light of the Royal Proclamation, see Muckle, Robert J, *The First Nations of British Columbia : An Anthropological Survey*, UBC Press, Vancouver, 1998, pp. 123-126.
3. Dyck, Noel, *What is the Indian 'Problem': Tutelage and Resistance in Canadian Indian Administration*, ISER, Newfoundland, 1991; Miller, J.R., *Skyscrapers Hide the Heavens : A History of Indian-White Relations in Canada*, University of Toronto Press, 1989

4. Tobias, John L., 'Protection, Civilization, Assimilation: An Outline History of Canada's History of Canada's Indian policy', in Ian Getty and Atonia Lussier, *As Long as the Sun Shines and the Water Flows*, UBC Press, 1983, pp. 30-53
5. McKay, Stan, 'Calling Creation into our Family', in Diane Engelstad and John Bird eds., *Nation to Nation : Aboriginal sovereignty and Future of Canada*, Anansi, Concord, 1992, pp- 28-34
6. Some of the important legal battles that led to elaboration of aboriginal rights in Canada are the Guerin Case, the Calder's Case (1973), the Sparrow Case (1990) and the Delgamuukw Case (1997). Apart from material available on the web, one can refer, Frideres, James S, *Native People in Canada: Contemporary Conflicts*, Prentice Hall Canada Inc., Ontario, 1983; Isaac, Thomas, 'Balancing rights: The Supreme court of Canada, *R.V. Sparrow, and the Future of Aboriginal Rights*', *The Canadian Journals of Native Studies*, Vol. XIII, No. 2 1993, pp. 199-216; *Delgamuukw : The Supreme Court of Canada decision on Aboriginal Title*, David Suzuki Foundation, Greystone Books, 1998.
7. Weaver, Sally W., *Making Canadian Indian Policy : The Hidden Agenda 1968-70*, University of Toronto Press
8. Assies, Willem J., 'Self-Determination and the "New Partnership": Politics of Indigenous Peoples and States', in Assies, J. J., and Hoekema A.J ed., *Indigenous Peoples' Experiences with Self-government*, IWGIA and University of Amsterdam, Copenhagen, 1994, pp. 31-60; Green L.C., 'Aboriginal Peoples, International Law and the Canadian Charter of Rights and Freedoms;', *The Canadian Bar Review*, No. 61, 1983, pp. 339-53
9. Noel Dyek, 1991, op. cit.; Dupius, Renee, *Justice for Canada's Aboriginal Peoples*, James Larimer and Company Ltd., Toronto, 2002
10. In 1990 the Mohawks set up a road blockade for 78 days to prevent the nearby town of Oka from expanding a golf course onto land the Mohawks considered their own. A police officer was killed during the agitation, which turned violent. To remove the blockade the government had to mobilize Canadian armed forces.
11. Long, J. Anthony, *Leroy Little Bear, Memo Boldt ed., Pathways to Self-Determination Canadian Indians and the Canadian State*, University of Toronto Press, Toronto, 1984, p. 77

12. Aboriginal people now control over 80 percent of DIAND's program funding and aboriginal authorities increasingly deliver such services as education, language and culture, police services, health care and social services, housing, property rights and adoption and child welfare.
13. B.K. Roy Burman, 'Constitutional Framework for Tribal Autonomy with Special Reference to North-East India, in M. K. Raha and Alope Kumar Ghosh ed., *North-East India : The Human Interface*, Gyan Publishing House, New Delhi, 1998
14. In the document, 'Gathering strength - Canada's Aboriginal Action Plan', the federal government openly admitted that "our history with respect to the treatment of Aboriginal people is not something in which we can take pride. Attitudes of racial and cultural superiority led to a suppression Aboriginal culture and values. As a country, we are burdened by past actions that result in the weakening the identity of Aboriginal peoples, suppressing their languages and cultures, and outlawing spiritual practices. We must recognize the impact of these actions on the once self-sustaining nations that were disaggregated, disrupted, limited or even destroyed by the dispossession of traditional territory, by the relocation of Aboriginal people, and by certain provisions of the Indian Act. We must acknowledge that the result of these actions was the erosion of the political, economic and social systems of Aboriginal people and nations." See, DEAND, *Gathering Strength : Canada's Aboriginal Action Plan*, 1997, p. 4.