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'A PLACE TO REGAIN WHO WE ARE'

GRASSY NARROWS FIRST NATION, CANADA

A HEALTHY ENVIRONMENT IS A HUMAN RIGHT

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'SIX YEARS AGO WHEN WE BLOCKED THE MAIN LOGGING ROAD NEAR OUR SMALL COMMUNITY PEOPLE TOLD US WE WERE CRAZY TO TAKE ON TWO OF THE LARGEST LOGGING COMPANIES IN THE WORLD. WE WEREN'T CRAZY, WE WERE JUST FED UP WITH WATCHING OUR LIVELIHOOD, OUR CULTURE, OUR MEDICINE, OUR CHILDREN'S FUTURE – OUR FORESTS – BEING CARRIED OFF OUR LAND RIGHT BEFORE OUR EYES.'

Grassy Narrows trapper J.B. Fobister, June 2008

The Indigenous community of Grassy Narrows in north-western Ontario, Canada, has experienced decades of suffering and dislocation. This has included, among other violations of their rights, flooding of their traditional territory leading to the loss of wild rice crops, wildlife habitat and heritage sites; relocation of the community; mercury contamination of the river system; and, most recently, large-scale logging throughout much of their homeland.

In December 2002, young people from Grassy Narrows decided that they had to act in a new way to protect their culture

and way of life. They set up a blockade just outside their community, on a logging road running through the heart of the traditional territory. The blockade is now one of the longest running Indigenous rights protests in Canada.

The campaign against clear-cutting (a form of logging where almost all the trees and most other vegetation are removed over vast areas) led to a series of important breakthroughs. In March 2008, Boise Inc, one of the world's largest paper companies, announced that it would stop buying pulp from wood logged in the Grassy Narrows traditional territory until the community

gave its consent. Three months later, AbitibiBowater, the company responsible for logging in this forest announced it was giving up its licence and that its own mill would no longer process wood from this area.

In May 2008, the Ontario provincial government and Grassy Narrows entered into a Memorandum of Understanding about forest management. This sets the principles and parameters for negotiating a new forest management system aimed at giving the community a greater role in decision-making and benefit-sharing on its traditional lands.



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Such an agreement could be an important step forward in the protection of Indigenous land rights in Canada. However, the province has done little to protect the rights of the community until such an agreement is reached. In fact, the province has continued to push for an immediate resumption of clear-cut logging. The people of Grassy Narrows continue to call for a moratorium on large-scale industrial development in their territory.

'EVERYTHING AROUND US WAS DISAPPEARING'

There are more than 1,200 registered members of the Asubpeeshoseewagong Netum Anishinaabek (Grassy Narrows First Nation). Like many First Nations' reserves across Canada, Grassy Narrows faces high unemployment (as high as 80 or 90 per cent), poor and overcrowded housing, and other inadequate and underfunded services and community infrastructure. In stark contrast to the standard of living

enjoyed by most Canadians, many of the people of Grassy Narrows live in conditions of extreme poverty and poor health.

Under the terms of an 1873 treaty with the Canadian government, Grassy Narrows and other Anishinaabe communities agreed to share the land and resources in the area with Canada and its settlers. A relatively small space was "reserved" for the exclusive use of each of the communities. Most members of the Grassy Narrows community live on their reserve lands. Beyond the reserves, throughout the rest of the treaty area, the Anishinaabe people retained rights to pursue their culture and way of life, including traditional economic pursuits such as fishing, hunting, trapping, wild rice harvesting and gathering medicinal plants. These rights remain vital to the subsistence of Grassy Narrows and are at the core of its identity as a people.

The 1873 treaty also states that "from time to time" this land may be "taken up" by

Canada for settlement, mining, lumbering or other purposes. Indigenous Peoples understood this to mean that the land and its resources would be shared. However, federal and provincial governments in Canada have interpreted such clauses in ways that lead to Indigenous rights and interests outside reserve boundaries being ignored and violated.

far left: The people of Grassy Narrows continue to depend on the forest for ceremonies and teaching as well as subsistence activities like hunting, trapping and gathering berries and medicinal plants.

left: Large-scale logging has cleared vast swathes of forest through the traditional territory of Grassy Narrows.

centre: Wood stockpiled during the height of logging at Grassy Narrows. The province is under pressure to find sources of wood for mills like this that provide important sources of employment in the non-Indigenous community.

'What was taken from us a long time ago, I feel we can bring back... A lot of young people come here to learn how to fish, to learn how to hunt, to learn how to trap, to go pick berries, wild rice. We have ceremonies out here. There are a lot of young people that have come down to get their names. I feel like we're already accomplishing that much.'

Chrissy Swain (centre), one of the young mothers leading the blockade





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Under Canadian law, provincial and territorial governments in Canada generally have jurisdiction over land and natural resources. Reserve lands, and the interests of First Nations, are the jurisdiction of the federal government. Historically, neither level of government has taken responsibility for the impact on Indigenous rights of industrial or extractive developments outside reserve boundaries. This has only recently begun to change under pressure from the courts.

The Supreme Court of Canada has found that both levels of Canadian government have a duty to deal "honourably" with Indigenous Peoples. This includes, as a minimum, a duty to carry out good faith consultations with Indigenous Peoples so that their rights and interests can be understood and accommodated regarding any activity that either level of Canadian government is considering carrying out or allowing in their traditional lands. In some instances, depending in part on the potential harm to the rights of Indigenous Peoples, both levels of government have a

above: Andrew Keewatin Jr. of Grassy Narrows teaches young people in the community traditional skills like ice fishing and trapping. left: Bonnie, Chrissy, Adrian Swain, young activists from Grassy Narrows at the log cabin built on the blockade site.

legal obligation to proceed only with the consent of the affected Indigenous Peoples. Similar provisions are found in international human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples.

Indigenous Peoples across Canada continue to live with a legacy of Canadian government laws, policies and practices imposed without their consent. These historic injustices include the forced removal of children to residential schools intended to break their ties to their cultures and communities, the persecution of Indigenous religious societies, and the denial of Indian status to women who married non-First Nation men.

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left: Aerial art action protest for Indigenous land rights outside the Ontario provincial legislature, September 2007.

right: Judy DaSilva at the blockade site.

For the people of Grassy Narrows, additional upheavals in the 1960s and 1970s increased the threats to their way of life. In the 1960s, the people of Grassy Narrows were relocated to the current crowded location. Then the river system was severely contaminated by mercury from a pulp and paper mill. Mercury levels many times higher than those considered safe were found in a number of residents. There has since been a disturbingly high incidence of problems consistent with mercury poisoning, such as diminished motor control, miscarriages and children born with developmental disabilities. The closure of the commercial fishery in the contaminated river system also led to sudden widespread unemployment at Grassy Narrows.

The catastrophic social effects of the relocation and the mercury contamination have long been documented. In a 1985 report, anthropologist Anastasia Shkilnyk described widespread alcohol abuse; high rates of suicide, especially among young girls; and drastically escalating violence

including homicide, gang-rape and other sexual assault; and child abuse.

Before the community had a chance to deal with and recover from the consequences of these upheavals, Grassy Narrows had to face the ecological impact of clear-cut logging. Some Grassy Narrows trappers have experienced complete deforestation over large areas of their traplines. While logging companies have been willing to adjust some plans to avoid cutting in the most ecologically and culturally sensitive areas, the people of Grassy Narrows have had no say in the overall management plan, including the scale and method of logging.

'BRINGING BACK WHAT WAS TAKEN FROM US'

The people of Grassy Narrows have shown a steadfast determination to maintain and restore their way of life, often in the face of overwhelming odds. Access to and control of the natural resources of the territory are seen as

key to getting out of the current trap of poverty and dependency, created by the historic loss of control over decision-making and the continued erosion of traditional ways of living on the land. The anti-clear-cutting blockade has emerged as a unique site for getting the young people of the community back in touch with the land.

The history of displacement, cultural upheaval and social strife at Grassy Narrows illustrates the tragic consequences of government failure to protect the human rights of Indigenous Peoples. Governments in Canada must act decisively and with due urgency to support efforts to maintain and rebuild these societies. As a first and urgent step, they must stop contributing to further impoverishment and cultural loss. Until a forest management agreement is reached with the free, prior and informed consent of the people of Grassy Narrows, the Province of Ontario should respect the community's moratorium on clear-cut logging and other industrial development.

*'Everything around us was disappearing...
The clean water, our way of life, our
traditions, even the wild rice picking and
blueberry picking were all disappearing.
It's all connected to the land. That's who
we are, a land-based people.'*

Judy DaSilva

TAKE ACTION NOW

Please write to:

Dalton McGuinty
Premier of Ontario
Legislative Building
Queen's Park
Toronto, Ontario
Canada, M7A 1A1

Welcome the fact that the provincial authorities are meeting with the people of Grassy Narrows to discuss a greater role for the community in decision-making and benefit-sharing from their traditional territory.

Note that the people of Grassy Narrows are owed the highest standards of protection, redress for injustices and support for their struggle to maintain and rebuild their economy and way of life.

Call on the provincial government not to permit clear-cut logging or other industrial development in Grassy Narrows except with the free, prior and informed consent of the community.



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above: Young people from Grassy Narrows started a blockade of one of the main logging roads in December 2002. The blockade still stands.

cover: Fishing was central to the Grassy Narrows economy. But in the 1960s, the river system that runs through their territory was contaminated by mercury released by an upstream pulp and paper mill.

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