

The Never Broken Treaty?

**Quaker Witness and Testimony on Aboriginal Title and
Rights: What canst thou say?**

**The Sunderland P. Gardiner Lecture 2001
given by Sarah Chandler at Canadian Yearly Meeting**

Acknowledgements

I wish to thank Pendle Hill Quaker Center for Study and Contemplation providing a Dewing Burd scholarship and work/study opportunity in order that I could do the necessary research for this lecture at the Pendle Hill and Swarthmore Libraries. The Lyman Fund, the Quaker Aboriginal Affairs Committee, the Home Mission and Advancement Committee of Canadian Yearly Meeting and the Lillooet Friendship Centre generously provided support for my initial research in human rights at the University of London in 1995-6.

Special thanks are due also, to Friends Phyllis Fischer, Elaine Bishop and Jane Orion Smith, who have been exceptionally supportive in every way.

I am grateful for the moral support of the members of Vernon Monthly Meeting and of the members of CFSC and the Quaker Aboriginal Affairs subcommittee, and especially for the support of Friend and life partner, Trevor Chandler.

Most of all, I thank my friends and neighbours from the St'at'imc Nation, for without their friendship, support and patient teaching I would never have been able to undertake this work.

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Quaker Witness and Testimony on Aboriginal Title and Rights: What canst thou say?

The story of a leading

I can remember when I was a small child of four or five, in Denver, Colorado, in the late 1940s and early 1950s, riding with my mother in a trolley car (running on tracks in the pavement, with a ladder-like structure that attaches the car to the cables overhead). We were on our way home from "downtown" and the conductor called out the street names as we passed each one: Acoma. Cherokee. Delaware. Fox. Elati. Galapago. Inca. Kalamath. Lipan. Mariposa. Osage. Pecos. Quivas. Raritan. Shoshone. Tejon. Umatilla. Vallejo. Wyandot. Zuni. I remember listening to the mysterious music of the words and wondering, "What do they mean?"

When I was seven, I remember my parents taking me on a long automobile trip to New Mexico, "the land of enchantment". As an only child, in the back seat of a car, on a loooooong journey with my parents, I am bored. I watch the telephone poles go by as I look up, out of the window I am barely tall enough to see through. I have a lot of time to think, and the landscape, at first, is not all that interesting. Sagebrush. Juniper. Tints and shades of brown and grey.

Then I see them ... little shelters made of sticks, there on the side of the road. Under those little shelters, sometimes, sits a person. And with that person, a wonderful array of little round pots, painted in muted earth tones and lovely designs.

"Stop!, Let's stop!", I cry.

"No." is the reply.

"Why not?" I cry, "I want to see!"

"They're just Indians", is the reply.

"Who are Indians?", I wonder. "Where do they live? Why are they sitting here beside the road selling pots? I don't see their houses . . ." I ask and ask, question after question tumbling from my small body, there in the back seat.

My mother tells a story. It's about traveling by bus from Denver to Albuquerque. It's about how the bus would stop in the middle of nowhere and an Indian person would get on. After awhile, the bus would stop, again in the middle of nowhere, and the Indian person would get off . . . and walk away, into the nowhere. "Isn't that funny?", she says. I have so many questions. I ask and ask some more. "Where did we get such a chatterbox?", is all they will say.

The landscape becomes more and more interesting, more mysterious . . . Tall rock formations emerge from the sagebrush. Sometimes they are red, sometimes brown or grey. I am told that they are called "mesas", "table-mountains", because they tend to be flat on the top, with sheer sides reaching down to the desert floor below.

At the end of the long ride, we reach the home of friends who, after a night's rest, will take us "sight-seeing". In the morning it's into the car again . Sigh. We are going to visit a place called "Acoma". .."city in the sky". It's a *pueblo*, I am told.

Suddenly, there it is . . . a huge mesa, with a village on the top. And there we find people with brown faces, dark hair, almond shaped eyes. They wear blankets around their shoulders, and beautiful jewelry. They live in houses built of mud called *adobe*. Sometimes they use ladders to reach the doors of the higher ones. They have clay outdoor ovens and make wonderful bread. They make pots. I have so many questions, but I am not allowed to ask them. We are only there to look . . . and I am allowed to buy one, very small, pot. On the bottom, it says "Acoma" . . . and in the recesses of my mind, I hear a voice, a conductor's voice, call out, "Acoma, Cherokee, Delaware . . . "

On the way back to our friends' house, we pass the "Enchanted Mesa". "Why is it enchanted?" I ask.

"Because it's haunted".

"Haunted?"

"By the spirits of the people who died there".

"Died there? What happened?"

"There was a war between the people who lived there and the Spanish. The warriors descended to meet the Spanish, who were beginning to mount the mesa. One party or other, it's not clear which one, destroyed the trails and ladders on the way up. Either the warriors destroyed them to prevent the Spaniards from reaching the women and children, or the Spaniards destroyed them to prevent the survivors from coming down. Either way, those who remained on the top are said to have died of starvation there, and their spirits haunt the mountain to this day".¹

"I want to go up there".

"That's not possible".

"Does anybody ever go up there?"

"I don't know.

From Albuquerque, my parents take you to Mesa Verde National Monument, in the south-west corner of Colorado. There we clamber up ladders that lean against rock faces; we explore a city of stone, built in a natural cave formation. There are many buildings and large circular pits. I have so many questions . . . the biggest ones: where are the people? Where did the people go? Why aren't they here?

I find one person, at last . . . but she's in the museum, and she's mummified. She can't tell me a thing. But I have an increasing feeling that something is very, very wrong. Shoshone . . . Wyandot . . . Zuni

At this point in my life, all I know about Quakers is that there's a picture of one on the red tube of porridge oats my mother brings out sometimes at breakfast time. As to a leading . . . is that what Brownie leaders do?

What I also don't know, at this point, is that a seed has been planted in my soul, which will grow and grow , as I grow, and which will not go away.

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Many years and many kilometres would pass before I would be able to act on my childhood impulses to meet indigenous people, to begin to understand what had happened to them, and what continues to happen to them to this day.

I was fortunate, during the 1970s to be able to travel: to Mexico and Central America, to Europe and to Africa. Leaving my home of 28 years, the USA, politically naïve and inexperienced, I had seven years in which to witness first hand the circumstances of Indigenous Peoples . . . in Mexico, and Central America and later traveling through, north, west, central and eastern Africa, finally settling in Kenya for three years and in the Sudan for three more.

Ultimately, this learning path would lead me to Canada . . . to Lillooet, British Columbia, a community at the north-east corner of St'at'imc Territory, and to the Stí⁷en Valley, a sacred place where vision quests have been undertaken by St'at'imc and Nhlá⁷kápmx people for thousands of years, and which, remarkably, would connect me with my own spiritual path and the Religious Society of Friends.

To the Stí⁷en Valleyⁱ

In the mid-1980s, my husband Trevor and I were working as volunteers on a campaign to protect the Stí⁷en Valley, in Nhlá⁷kápmx territory from exploitation by industry. The (Hidden Place) Valley is an important spiritual, archaeological and food-harvesting site for the Nhlá⁷kápmx and Lil'wat peoples. In the course of our work on this campaign, we hiked into the valley on several occasions.

It so happened that at this time, I was also on a serious spiritual quest. Something told me that I should look for the Quakers, but I was having a very difficult time actually locating any. Nor did I really know whether their path would feel like the right one for me. Following the example set by our indigenous colleagues in the campaign, when we entered the valley we made offerings of tobacco at the "Asking Rock", placing our prayerful bundles among many others in its myriad scoops and hollows. I asked the valley to help me to find my own spiritual path. Each time, upon leaving the valley, we made offerings of thanks, in the form of tobacco and prayers, at the same rock.

One of the key volunteers in the "Save the Stí⁷en" campaign at that time was Steve Fick. Some of you may know him as a member of Ottawa Monthly Meeting, or as a cartographer for *Canadian Geographic* magazine. Steve, who lived in British Columbia then, donated many hours of his time to create wonderful works of art, from t-shirts to paintings, for the benefit of the campaign. One day, as we were returning from a hike to the 100-foot pictograph panel, we met Steve and two companions. Ironically, we were coming down what is called by hikers the "Devil's Staircase", while Steve and his companions were going up. When we stopped to say hello, Steve introduced us to his two companions, Betty Peterson and Nancy Kariel.

Unfortunately, none of us said the word "Quaker". I had no idea of the gift the Stein was giving to me until I met the late Renée Jackson, of Victoria Monthly Meeting, who came to Lillooet to work on the Save the Stein campaign and, learning of my seeking, invited me to join her in meeting for worship with nearby Friends, John McNamer and Susan

ⁱ Some proper nouns will be printed with current phonetic symbols. In this case, the acute accent shows the emphasis and the superscript ⁷ indicates a glottal stop. The name of the valley roughly sounds like "stein".

Mann. At that small meeting for worship, I felt I had found my spiritual home. Later, when I visited Vernon Monthly Meeting, I found that the clerk was none other than Steve Fick!

In the following years, working with BCQCNC and QCNC, later to become QAAC, I again met Betty Peterson and Nancy Kariel, along with many other wonderfully dedicated Friends who have devoted countless hours to working in solidarity with the Aboriginal Peoples of Canada. It moves me still that virtually all my original connections to Quakers occurred through my own spiritual quest in this sacred valley, the Stí⁷en, and that one of the miracles of it all was that my quest in the valley has been answered in a way that is culturally appropriate to me.

The seed of a "leading" that was planted in my soul as a child, that led me to travel the world, to settle in the territory of the St'at'imc people, and to work in solidarity with the Nhlá⁷kápmc and Lí⁷wat peoples and their allies to protect the sacred valley, continues to lead me to work on Aboriginal Peoples' rights today.

There are a number of things I would like us to think about together today. I would like us to think about our relationship to land, and how that relationship does and does not mirror the relationship of Indigenous Peoples to land. I would like us to consider the testimony and witness of early Friends regarding Indigenous/Aboriginal Peoples and our relationship to them and their lands. I would also like us to reflect on the meaning of treaties, both to early Friends and to ourselves today. I would like us to reflect on the relationship between law and politics and consider what our own witness should be in this regard. Finally, I would like us to look at our relationship with Aboriginal peoples today . . . what is it? What might it be? What prevents it from being all that it might be?

As I speak, there will be times when I refer to Aboriginal Peoples as a collective. I understand that there is a danger in doing this, for Aboriginal Nations are many and distinct. They deserve not to be lumped together. Our relationship to Aboriginal Peoples, however, has largely been one of lumping, and there are generalities that need to be addressed as such. Where it is possible to refer to an Aboriginal Nation by its name, I will do so. I will use the terms "indigenous" and "aboriginal" interchangeably, although I prefer the term "aboriginal", both because it means first to inhabit a place rather than simply born to a place, and because its Latin root, "*ab origine*", means *from the beginning*.

Secondly, there are quotations that I wish to share with you. I would like to pause after these quotations, to give us time to reflect upon each one in prayerful silence.

Who are Indigenous Peoples?

To begin with, let us consider the definition of Indigenous Peoples. The Working Group on Indigenous Populations at the United Nations in Geneva has concluded that there is not a definition that can be applied from outside. It has concluded, as affirmed by Indigenous Peoples the world over, that they alone have the right to self-define. Nevertheless, Martinez Cobo, in his 1986 report for the UN Sub-Commission on the Prevention of Discrimination against Minorities, presented the following working definition, which may be helpful to us in our exploration today:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed

*on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.*²

Having considered a working definition of who it is that we are thinking about today, let us move on to think about land.

Land

I would like to commission an anthropological study on the mind set of non-native people – to look at how they process information that comes from us. What does sacred land mean to non-native people? I'd like an anthropologist to look at this.

-Morris Amos, Kitamaat Council³

Reflection

Please take a moment to think about your own relationship to land.

This land that comes to mind . . . is it land that you visit?

Is it land that you own? If so, how did you come to own it?

Is it land that someone else owns?

Is it possible to own land?

What does it mean to own land?

Who else do you know that has a relationship to that same *piece of land*?

What are their interests?

The Euro-Canadian relationship to land has historically been, and continues to be, informed by common law notions of property, which emphasize exclusivity of possession and exclusive right to determine the use of land exclusively held. Aboriginal nations in the Americas have, since contact, repeatedly indicated their view, that land cannot be owned in the fee simple, common-law sense of the word. In their view, one can have an interest in using the land and the fruits thereof, but one must not jeopardize the interests of others who use the same land . . . the furred, the feathered, the finned, those that live above the ground and those that live below. Neither can one jeopardize the interests of generations who are yet to come, nor the spiritual interests of those who have gone before, and whose remains lie buried in the land. Therefore, sale of land is not an option, as all land belongs to the Creator.

Interestingly, John Woolman, in his *Plea for the Poor*, wrote:

The first people who inhabited the earth were the first who had possession of the soil. The gracious Creator, and owner of it gave the fruits thereof for their use. And as one generation passed away, another came and took possession; and thus, through many ages, innumerable multitudes of people have been supplied by the fruits of the earth. But our gracious Creator is as absolutely owner of it as he was when he first formed it out of nothing, before men had possession of it.

And though by claims grounded on prior possession great inequality appears amongst men, yet the instructions of the great proprietor of the earth is necessary to be attended to in all our proceedings as possessors or claimers of the profits of the soil.⁴

Reflect, if you will, on the cultural collision that occurred when Europeans who believe in exclusive right to possession of land, and the doctrine of *terra nullius*, (nobody lives here) arrived on the shores of a continent inhabited by diverse nations, who largely believe in shared interests, who had been living in the land for thousands of years. At first, when immigrants from Europe made up 2% of the population of North America and Aboriginal Nations made up the other 98%, it seemed that accommodations could be made. First Nations in what is now the United States and Canada did much to accommodate the newcomers. Treaties of peace and friendship were made, trade agreements were made, and in exchange for certain considerations, it was agreed that there was room for a few more people. The land and resources could be shared. At no time was it understood by the First Peoples of this continent that they could be permanently alienated from lands they had occupied since time immemorial, except in some cases by acts of nature which might cause land to lose its "just-rightness"⁵ for them at any given time, causing them to move on until "just-rightness" was discovered again in a new place.

William Penn had been given a Charter of land by Charles II of England in 1681. Hugh Barbour⁶ speculates that the reasons for this land grant might have included: the payment of a debt owed to Penn by the monarchy, the opportunity to add another "colony" to the Crown's possessions and the creation of a place to which the more troublesome Quakers in the movement might remove themselves. Because the land granted to Penn by Charles II was in fact inhabited, Penn decided that he should both treat with the Lenni Lenape ("original people", called Delawares by the settlers) with regard to the relationship he intended Quaker settlers to have with them, and that he and/or his agents should also pay them for the lands he intended to take, both for his own use, and for the settlers to come. His forthrightness in these matters, as well as his demonstrated willingness to meet with people and to participate in their community events, inspired the Lenni Lenape to give him the name "Onas," from their own language.

In light of previous experiences of Aboriginal Peoples of the eastern seaboard with settlers, Penn's overtures of peace, friendship and fair exchange for land use must have been welcome indeed. We remember and celebrate Penn's dealings with the Lenni Lenape, but we must also acknowledge the unfortunate dealings of his agent, James Logan and Penn's own son, Thomas. According to Barbour,

While serving the Penn family, Logan at the same time created his own fortune through land speculation, trade with Indians, and importing and exporting goods. As a businessman, he was shrewd and occasionally unscrupulous, and his smuggling and fraudulent treatment of the Indians would have outraged most Friends.⁷

In 1686, William Penn struck an agreement for land in north eastern Pennsylvania, to be measured by the distance a man could walk westward in a day and a half (about 40 miles). This was referred to as the "Walking Purchase". In 1737, Penn's son Thomas,

who wanted much more land than that, insisted that the property be properly surveyed. To determine the parameters, he allegedly hired three professional runners, had the trajectory cleared of brush, had boats await them at water crossings, and by these means nearly doubled the amount of land in question, forcing the Lenni Lenape to disperse from lands they had continued to inhabit in the Lehigh Valley. As well, according to Barbour and other sources, there is strong evidence in the Pennsylvania records that either James Logan or the Proprietors cheated the Indians of lands reserved for them by destroying or altering deeds signed by Penn.⁸

Throughout the history of North America, Friends and other settlers continued to push westward and northward, taking lands, which had been inhabited by Indigenous Peoples for thousands of years. Sometimes these land transfers were made through sales agreements, sometimes through treaties, some through the breaking of agreements and treaties, some through forced removals, and sometimes, as in the case of British Columbia, they just happened because too many people arrived too quickly, making any kind of government arrangement impossible until after the fact.

In every case, removal from traditional lands and resources had devastating effects on Aboriginal Peoples. In the late 1700s Gay us hu ta of the Seneca Nation sent the following message to Friends:

Brothers, the sons of my beloved brother Onas – when I was young and strong our country was full of game, which the great spirit sent for us to live upon. The lands which belonged to us were extended far beyond where we hunted. I, and the people of my nation, always had plenty to eat, and always something to give our friends when they entered our cabins, and we rejoiced when they received it from us. Hunting was then not tiresome. It was diversion – it was a pleasure.

Brothers, when your fathers asked land of my nation, we gave it to them. Gay us hu ta was always among the first to say ‘Give land to our brother Onas, for he wants it – and he has always been a friend to Onas and his children’.

Brothers, your fathers saw Gay us hu ta when he was young, when he had not even thought of old age or weakness – but you are too far off to see him now – he is grown old, he is very old and feeble, and he wonders at his own shadow, it has become so little. He has no children to take care of him, and the game is driven away by the white people, so that the young men must hunt all day to get game for themselves to eat – they have nothing left for Gay us hu ta. And it is not Gay us hu ta only that is become old and feeble; there yet remains about thirty men of your friends who, unable to provide for themselves or to help one another, are become poor, and are hungry or naked.

Brothers, Gay us hu ta sends you a belt, which he received long ago from your fathers, and a writing which he received but as yesterday from one of you; by these you will remember him and the old friends of your father’s in this nation. Look on this belt, this writing, and if you remember the old friends of your fathers, consider their former friendship and their present distress, and if the good spirit shall put it into your hearts to comfort them in their old age, do not

*disregard his counsel. We are men, and therefore need only tell you that we are old and feeble and hungry, and naked, and that we have no other friends but you, the children of our beloved Onas.*⁹

In response to this plea, Friends gathered money, formed a committee, drafted a plan, obtained support of the then Secretary of State (USA), Timothy Pickering, and set out with tools and supplies to persuade the Seneca to become farmers and ranchers and to leave their traditional ways behind.

John Woolman, in Chapter 12 of "A Plea for the Poor" wrote:

Thus our gracious Father, who at the same time beholds the situation of all his creatures, hath opened a way from a thick-settled land and given us some room on this. Now if we attentively consider the turning of God's hand in thus far giving us room on this continent, and that the offspring of those ancient possessors of the country (in whose eyes we appear as newcomers) are yet owners and inhabitants of the land adjoining to us; and that their way of life, requiring much room, hath been transmitted to them from their predecessors and probably settled by the custom of a great many ages; under these considerations we may see the necessity of cultivating the lands already obtained of them and applying the increase consistent with true wisdom, so as to accommodate the greatest number of people it is capable of, before we have any right to plead, as members of the one great family, the equity of their assigning to us more of their possessions and living in a way requiring less room.

*Did we all walk as became the followers of our blessed Saviour, were all those fruits of our country retained in it which are sent abroad in return for such strong drink, such costly array, and other luxuries which we should then have no use for, and the labour and expense of importing and exporting applied to husbandry and useful trades, a much greater number of people than now reside here might with the divine blessing live comfortably on the lands already granted us by these ancient possessors of the country.*¹⁰

Woolman understood the importance of land to Aboriginal Peoples in a way that few Friends did. He, too, sometimes thought that the best thing would be for First Nations to adopt Christianity and European ways, as keys to survival in changing circumstances, but in no way was he willing to impose these changes upon them. Instead, he visited them, in order that *he might learn something from them*. We will return to this important point later in the section on social capital.

Aboriginal Peoples the world over continue to stress the importance of control over their lands and resources to their well-being. This insistence on the centrality of land to well-being inspired the Working Group on Indigenous Populations at the United Nations in Geneva to appoint Madame Erica-Irene Daes to the position of Special Rapporteur to study the relationship of Indigenous Peoples to Land. Madame Daes has spent four years preparing, first, her initial report on the relationship, followed by two working papers which describe her subsequent findings as she consults Aboriginal Peoples, states' governments and non-governmental organizations (ngo's) for further input. She

identifies the following elements of relationship to land as being unique to Indigenous Peoples:

1. A profound relationship between indigenous peoples and their lands, territories and resources exists.
2. This relationship has various social, cultural, spiritual, economic and political dimensions and responsibilities
3. The collective dimension of this relationship is significant and
4. The inter-generational aspect of such a relationship is also crucial to indigenous peoples' identity, survival and cultural viability.¹¹

Her second working paper makes the following four points, among others:

First, that Indigenous Peoples the world over have been deprived of part or all of their lands and resources through an assortment of unjust processes, including military force, unlawful settlements, forcible removal and relocation, legal fraud and government expropriation.

Second, that in many countries and areas within countries, indigenous societies are in a state of rapid deterioration and change due, in large part, to the denial of their rights to land, territories and resources.

Third, that one of the most widespread contemporary problems is that states fail or refuse to recognize the existence of indigenous title and rights, occupancy and ownership, and that they fail to accord legal status and legal protection of that use, occupancy and ownership.

Fourth, that in many cases Indigenous Peoples are not accorded the legal capacity to own land and aboriginal title is often subject to the "illegitimate" assumption of state power to extinguish such title. These conditions stand in stark contrast to the protections offered for lands and title held by other citizens within those same states.¹²

I think that if John Woolman were alive today, he might well be a member of the Working Group on Indigenous Populations, that is, if he weren't still consumed by his fervent work toward the abolition of slavery. In his *Plea for the Poor* he reminds us that:

The steps of a good man are ordered by the Lord' (Ps. 37:23), and those who are thus guided, whose hearts have been enlarged by his love, give directions concerning their possession agreeable thereto; and that claim which stands on universal righteousness is a good right, but the continuance of that right depends upon properly applying the benefits thereof.

*The word right is commonly used relative to our possessions. We say a right of propriety to such a dividend of a province or a clear, indisputable right to the land within such certain bounds. Thus this word is used as a remembrancer of the original intent of dividing the land by boundaries, and implies that it was designed to be equitably or rightly divided, to be divided according to righteousness. In this – that is, in equity and righteousness – consists the strength of our claims. **If we trace an unrighteous claim and find gifts or***

grants to be proved by sufficient seals and witnesses, this gives not the claimant a right, for that which is opposite to righteousness is wrong, and the nature of it must be changed before it can be right (emphasis, Chandler)¹³

A study of the history of the colonization of the Americas, especially if one refers to primary documentation, shows clearly that all four of Daes' points about the means by which Indigenous Peoples have been dispossessed of their lands and resources, and the resulting marginalization, apply here in Canada. They lead directly to the issues and confrontations that continue to mar our relations with Aboriginal Nations and peoples in our country today.

What can we do?

Returning to Woolman's *Plea for the Poor* (1793), he reminds us that:

The inspired Lawgiver directed that such of the Israelites who sold their inheritance should sell it for a term only, and that they or their children should again enjoy it in the Year of Jubilee, settled on every fiftieth year. "The land shall not be sold forever, for the land is mine," saith the Lord, "for ye are strangers and sojourners with me" (Lev. 25:23), the design of which was to prevent the rich from oppressing the poor by too much engrossing the land....

Where divine love takes place in the hearts of any people, and they steadily act on a principle of universal righteousness, there the true intent of the Law is fulfilled, though their outward modes of proceeding may be distinguishable from one another. But where men are possessed by that spirit hinted at by the prophet, and looking over their wealth, say in their hearts, "Have we not taken to us horns by our own strength?" (Amos 6:13) – here they deviate from the divine law and do not account their possessions so strictly God's, nor the weak and poor entitled to so much of the increase thereof, but that they may indulge their desires in conforming to worldly pomp. And thus where house is joined to house and field laid to field till there is no place, and the poor are thereby straitened, though this be done by bargain and purchase, yet, so far as it stands distinguished from universal love, so far that woe prefixed by the prophet will accompany their proceedings.¹⁴

Two hundred seven years later, the Aboriginal Rights Coalition, an ecumenical coalition for Aboriginal Justice in Canada, of which Canadian Yearly Meeting is a member, launched *Land Rights, Right Relations*, a Jubilee Campaign for Aboriginal Land Rights. Aspects of this campaign include:

- ❖ A petition to the Prime Minister of Canada, which calls upon the Government of Canada to "act immediately to establish a truly independent commission with the mandate to implement Aboriginal land, treaty and inherent rights."
- ❖ A repeated call for A New Covenant which "invites the people of our churches, and indeed all Canadians who care about the common good, to support a fundamental goal of the Royal Commission on Aboriginal Peoples: the provision of an adequate land base for First Nations, with sufficient resources for sustaining viable economies.

- ❖ A call for a new beginning to land and treaty rights negotiations in Canada through the establishment of an independent claims tribunal. The "call to reflection from leaders of Christian churches on Aboriginal land claims" asks for: "The growth of a generous sense of moral urgency within the hearts of Canadians", stating further that, "The difficult and delicate work of negotiating new treaties, adjusting specific claims, and changing entrenched economic patterns needs to be borne forward on a great river of public concern and shared, respectful vision. We pray for that river to rise in our land".¹⁵

Pennsylvania Friend Israel Pemberton, Jr., who became a leading member of the Friendly Association for Regaining and Preserving Peace with the Indians in the mid 1700's, said then that the land issue was most important and that unless the Indians felt secure in their land base, it was useless to pursue other interests.¹⁶

Time and time again, First Nations in what is now Canada have said that privately held, fee simple land is not on the table when it comes to treaty negotiations. Our governments have said the same. First Nations are looking to so-called Crown Lands to replenish lost territories. When land that is of interest to First Nations is privately held, they have shown repeatedly that they are willing to purchase such lands, at a fair price, when the current owner is ready to sell, regardless of whether that same land was fairly acquired from them in the first place.

Reflection

Please reflect again on the land that is important to you.

What is, or has been, the relationship of this land to Indigenous Peoples?

What should it be today?

What can we, as individuals and as meetings, do to fairly reinstate the relationship of Indigenous Peoples to their own lands and resources?

Treaties

“The Great Spirit”, said Penn, “who made me and you, who rules the heavens and the earth, and knows the innermost thoughts of man, knows that I and my friends have a hearty desire to live at peace and friendship with you, and to serve you to the uttermost of our power. It is not our custom to use hostile weapons against our fellow creatures, for which reason we have come unarmed We are met on the broad highway of good faith and good will, so that no advantage is to be taken on either side, but all is to be openness, brotherhood and love.”¹⁷

Reflection

Please take a moment to reflect again on the land that you relate to:
What are the historic treaties that have been negotiated between peoples who share or shared this part of the landscape?
Why were treaties negotiated there?
What were the understandings of the parties at the time of negotiation?
Have the terms of the treaty been upheld?

Quakers have been involved intermittently with treaty issues and treaty making since William Penn first arrived in North America. Penn negotiated a number of treaties with the Aboriginal Peoples of Pennsylvania: treaties about land, commerce and relationships between peoples. One of the most significant treaties, and one of the most elusive, is the first treaty, the Treaty of Shakamaxon, signed in 1682. Most sources say that this treaty has been lost. Elfrida Vipont, however, in *The Story of Quakerism*, writes that the treaty was written on parchment and was given to the Lenni Lenape to keep. She lists the clauses of the treaty as follows:

Treaty of Shakamaxon

The white man and the red man are to be as brothers.

All paths are to be open to both.

The doors of the settler will be open to the Indian, and those of the Indian to the settler.

They will not listen to false reports of one another.

If quarrels arise, they will be settled by a jury of six on each side and then forgotten.¹⁸

According to several sources, Voltaire cited this treaty as unique. He referred to it as a treaty that was neither sworn to nor broken, at least not as long as Quakers were in control of Pennsylvania. I am not certain, from my recent readings of Quaker history, that it was unbroken even during the period of Quaker governance. However, it is remembered as having been outstanding as one of the better-honoured treaties in the history of North America. For their part, the Lenni Lenape agreed to honour the treaty "while the creeks and rivers run and while the sun and moon and stars endure."¹⁹

Whether or not these were really the terms of the treaty, they are worth reflecting upon and we will return to them later.

Because of the positive relationship between some Quakers and First Nations in the colonies, Friends were, at times, invited to observe treaty negotiations. William Penn himself wrote: "I have never seen more natural Sagacity, considering them without the help . . . of Tradition; and he will deserve the Name of the Wise that Outwits them in any Treaty about a thing they understand."²⁰

The problem was, that often people did not understand . . . either they did not understand the language of the transaction, poor translators were provided, the written version did not reflect the oral version as presented to the people, or the treaty involved culturally alien concepts, as in the understandings of land ownership. The settler or government version of the treaty is the one that would be written down, not the Aboriginal understanding of same, which would be preserved as part of the oral tradition of the people, a version which, until the recent *Delgamuukw* decision of the Supreme Court of Canada, would have been completely discounted by the settler population and its governments.

Far too often, government representatives arranged for copious quantities of liquor to be available during treaty negotiations, which Friends and Aboriginal community members strove mightily to prevent Aboriginal negotiators from consuming.

Treaties have been negotiated between peoples since antiquity. They have taken many forms and covered many diverse topics. In an effort to codify principles governing treaty making, the Vienna Convention on the Law of Treaties was drafted in 1969, and came into force in 1980. Underlying principles of customary law which were codified into the convention include the principles that treaty obligations must be fulfilled, that third parties may not be bound by treaties without their consent, and that treaties must be interpreted in the light of the understanding of both or all parties at the time of signing. Importantly for Indigenous Peoples, the convention also establishes that any kind of coercion during negotiations invalidates a treaty. Controversially, it also states that a fundamental change of circumstances can render a treaty inoperative.

Miguel Alfonso Martinez, Special Rapporteur given the task of producing a Study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1999/20), noted that European treaty makers who were trying to form legal relationships with peoples overseas were well aware that they were entering into negotiations with sovereign nations and that those negotiations were subject to the international legal implications of the day.

In spite of this well documented awareness, the Special Rapporteur notes that there are three different, and important assumptions which affect treaty relations with Indigenous Peoples today:

- ❖ Either it is held that indigenous peoples are not peoples according to the meaning of the term in international law, or
- ❖ that treaties involving indigenous peoples are not treaties in the present conventional sense of the term, that is, instruments concluded between sovereign States (hence the established position of the United States and

- Canadian judiciary), by virtue of which treaties involving indigenous peoples are considered to be instruments *sui generis*); or
- ❖ that those legal instruments have simply been superseded by the realities of life as reflected in the domestic legislation of States.²¹

With regard to the first point, we have seen, in our work in the Quaker Aboriginal Affairs Committee, that the government of Canada has moved on from its original position that Indigenous Peoples are not peoples at international law, to an agreement that they are in fact peoples. Many other governments have yet to make this cognitive step.

Unfortunately, with regard to the second point, two decisions of the Supreme Court of Canada (*R. vs Simon* and *R. vs Sioui*), declared that such treaties are *sui generis* (unique unto themselves). While this appellation has some positive implications for the ongoing adherence to previously negotiated treaties in Canada, and to a measure of liberality in their interpretation, it also has indicated that treaties with Indigenous Peoples in Canada are neither created nor terminated based on the rules governing international law, thus the terms of the Vienna Convention are deemed not to apply to them.

With regard to the third point, it seems that until recently Canada shared the view that early instruments had been superseded by present realities. But recent decisions by the Supreme Court of Canada have alerted our Department of Justice to the fact that this is not the case, resulting in policy scrambles such as the recent flurry of activity within the Department of Fisheries and Oceans and the Department of Indian and Northern Affairs over the implications of the treaty- affirmed, or at least not extinguished, aboriginal rights to log and fish here in the Maritime provinces of Canada.²²

As I am not a lawyer, I will refrain from discussing the legal implications of this further. The main point that I wish to make is that, as Martinez found in his final report:

...this position is not shared by indigenous parties to treaties, whose own traditions on treaty provisions and treaty making (or on negotiating other kinds of compacts) continue to uphold the international standing of such instruments. Indeed, for many indigenous peoples, treaties concluded with European powers or their territorial successors overseas are, above all, treaties of peace and friendship, destined not to regulate restrictively their lives (within or without this same territory), under the overall jurisdiction of non-indigenous authorities. In their view, this would be a trampling on their right to self-determination and/or their other unrelinquished rights as peoples.

By the same token, indigenous parties to treaties have rejected the assumption held by State parties that treaties provided for the unconditional cession of indigenous lands and jurisdiction to the settler States.²³

Friends in Canada who have been monitoring the current treaty negotiation process in British Columbia, including Bill Eastman, CYM representative to the Aboriginal Rights Coalition, Joy and Bob Newall, Sarah and Trevor Chandler, have all expressed concerns about the present treaty negotiations process.

The pace of negotiations has been very slow, and large debts are mounting which will be deducted, with interest, from any financial settlements reached with First Nations.

The lack of interim agreements with regard to lands and resources gives corporate interests time to exploit those lands and resources at an accelerated pace pending the outcome of treaty negotiations, thus giving those interests priority over pre-existing aboriginal interests.

Governments represent us at treaty tables, and in subsequent implementation of and adherence to agreements made. Historically we have not been represented well. We expect the highest standards of openness, integrity and justice in all negotiations with First Nations peoples, and we do not always find these standards being implemented at treaty negotiation sessions.

We are concerned that seeds of war have been, and continue to be sown when negotiated treaties are abrogated, when court decisions, which uphold rights confirmed by past treaties are not upheld, and when current negotiations are not held in good faith. Abrogation of treaty rights, and failure to negotiate in a fair and timely manner lead to direct action, which then in Canada leads to militaristic repression on the part of the federal or provincial governments or their agents and/or violent response from in some cases not-so-civil society itself. To this effect, please recall events at Oka Quebec, Ipperwash Ontario, Gustafson Lake British Columbia and Esgenoopetitj (Burnt Church), New Brunswick). Ovide Mercredi, former President of the Assembly of First Nations, in a recent speech in Toronto, remarked that our governments are "far too quick to reach for the gun" when it comes to repression of First Nations' direct action to protect their lands and resources from further exploitation.

According to Rotman, all three Crowns, British, federal and provincial, have fiduciary duties to Aboriginal Peoples in Canada. A fiduciary is an agent who is legally responsible for something that belongs to someone else. Such relationship requires that those Crowns not benefit from their fiduciary positions This fiduciary relationship also requires Canada and the provinces to disclose fully their activities in fulfillment of those duties and not compromise the interests of Aboriginal Peoples. The Crown is responsible for understanding and promoting the best interests of Aboriginal Peoples through consultations with them. This fiduciary relationship also requires the Crown to avoid and eliminate conflicts of interest, such as those arising from existing claims and treaty negotiations processes.²⁴

There is a concern that both Canada and the provinces, because of these fiduciary responsibilities, are in a conflict of interest when they try to negotiate aboriginal title and rights from the other side of the treaty table, hence the ARC call for an independent tribunal to settle First Nations claims.

Very few supportive voices are present at treaty consultations or at Regional Advisory Committee meetings (RACs) and Treaty Advisory Committee meetings (TACs) in British Columbia. The voices that are advising our governments are primarily voices of opposition and voices of limitation. They are primarily voices of those who have come to the consultations in order to protect their own interests or the interests of their sector, and not voices that are seeking long awaited, just settlements of First Nations title and rights issues.

It is clear to me, from negotiations I have been monitoring, that the Indigenous side and the government sides are poles apart. First Nations are negotiating as direct

stakeholders from positions of need for national, spiritual and cultural survival. Government negotiators are negotiating as employees of a government, who have been given, at best, a partial mandate. First Nations are negotiating about land, life and self-determination. Governments are negotiating about limitations, economics and certainty in the form of extinguishment of aboriginal rights and title in exchange for definitions that governments can agree to. There are conflicts both of interest and of identity.

Governments feel, and their representatives have said, that the treaty process is not about justice. They have said that the beauty of the process is that justice does not have to be mentioned. The reason they give for taking this position is that the government is afraid of being sued, which is the same reason behind the carefully crafted wording of the expression of regret offered by the Government of Canada to Aboriginal Peoples with regard to residential schools. Thus, the Aboriginal Rights Coalition's Jubilee call for justice for Aboriginal Peoples is a serious and important call for a major shift in government awareness and policy.

Friend Anthony Benezet, of whom it is said that no man in that day knew more about Indians²⁵, in his August 1757 report of the Easton Treaty, sent to John Smith, New Jersey, wrote:

*From the carefulest enquiry and observations I was capable of making while at Easton, I think the Indians quite in earnest in their desire for peace; they told us that **if lasting peace was not established, it would be our fault**. A chief said, "We have gathered up the blood and bloody leaves, but do not know where to lay them out of sight, so that your children and our children and their children's children, may not see them any more..."*

*The Indians assured us that they wished to build houses, cultivate land, have schoolmasters to instruct their children and wished **honest** men to trade with them. The last sentiment was not less significant than severe. (Emphasis, Chandler).²⁶*

Aboriginal Peoples are much more knowledgeable in the ways of the settler population and its governments than they were in the days when Friends first began to attend treaty negotiations in North America. They have had three hundred years to learn what they may expect from us. They are much more adept at finding the hidden implications in our governments' proposals, and at expressing themselves in terminology that we can understand. They don't need us to tell them any more that they are being asked to sign an unfair document.

Nevertheless, we ought to make a substantial effort to support their right to a just settlement and to monitor our own governments, who represent us at these negotiations . . . to remind our governments what we expect of them, and to affirm them when they do engage in constructive dialogue. There remains a *need* for us to do this, as well, because the ravages of settlement have reduced Indigenous Peoples to a small percentage of our population and we are a majoritarian, democracy.

In 1943, DeWitt Clair Baldwin, in the George Fox Prize essay of that year, wrote:

The truth of the matter has been that we as a people did not want to do anything about the Indian! Indeed, in 1864, after a visit by Bishop Whipple, Secretary of State (USA) said, "What does the Bishop want? If he came to tell us that our Indian system is a sink of iniquity, tell him we all know it. Tell him the United States never cures a wrong unless the people demand it; and when the hearts of the people are reached, the Indian will be a saved."²⁷

As if to reiterate this point, one hundred and thirty eight years later, a government of Canada representative said, in response to an official intervention by the Quaker Aboriginal Affairs Committee at hearings on Indigenous issues, in preparation for the annual meeting of the United Nations Human Rights Commission, "If you think you have a constituency, where are they? We don't see them in our meetings.", to which he added, "They [Indigenous Peoples] need all the help they can get." This contradictory message points out both the official's awareness of the dire need for change, and the reluctance of government to make such change unless there is a groundswell of public opinion calling for it.

This point was recently affirmed by Ovide Mercredi, in a Toronto speech, in which he said: "The Indian movement is not just a rights based movement. It's about people trying to survive as distinct peoples modified by the knowledge that we can't do it ourselves, without the help of Canadian people."²⁸

In addition to domestic treaty monitoring, Friends also work on treaties at the international level. Our QUNO offices in New York and Geneva monitor events around a variety of international treaties. Last year, the FWCC Triennial Gathering minuted its support for QUNO offices to pay more direct attention to the status of Indigenous Peoples in human rights and at international law. Indigenous Peoples have increasingly been driven to seek assistance from UN bodies, due to the failure of, or even total absence of, domestic remedies in their own countries.

I find it encouraging that there is now a global level of concern among Friends about Indigenous Peoples, and that the voice of this concern will now be heard by governments the world over in these international fora. It is increasingly important, however, that Friends continue to support this initiative by informing themselves and by reminding our governments frequently and consistently of our expectations of them.

Reflection

Please reflect again on your relationship to treaties that may exist where you live.

What are the ways in which you can support their negotiation, implementation or continuation?

Do you feel led to do this?

Friends, Indigenous Peoples and Social Capital

René Fumoleau,²⁹ Oblate Priest and poet who spent his life working among the Dene of the Yukon, wrote the following:

Sins

After living for a few months of 1953
with the K'ashot'ine of Rádęlı Kq' (*Fort Good Hope*),
I was teaching the Ten Commandments.
You know them: love God, honour your parents,
don't kill, don't steal, don't lie,
and don't commit adultery.

I explained:

“It is a sin
to do what we shouldn't do,
or not to do what we should do.
Sins are rated as big or small.
What do you think is the worst sin of all?”

The ten Dene discussed together,
and after a while Radisca explained to me:
“We talked it over, and we all agree:
The worst sin people can make
Is to lock their door.”

Reflection

Locks can be physical or metaphorical. For the Dene, a locked door can mean the difference between life and death.
Please take a moment to reflect on the locks that may be a part of your own life: a lock on the door, a lock on the mind, a lock on the heart.
What is protected by these locks?
Who is it that is kept out?
What harm may come to them as a result?

According to contemporary sources, early settlers to North America, including early Friends, were heavily dependent upon Indigenous Peoples for their survival here. In many cases, settlement would not have been possible had it not been for the receptive attitude of local Indigenous Peoples. David Hackett Fischer writes:

The settlement of the Delaware Valley by members of the Religious Society of Friends did not happen merely by historical accident. The Quakers had long looked with interest upon this region. As early as the year 1660, George Fox and a consortium of English Friends dispatched an agent by the name of Josiah Coale to buy land from the Indians in what is now southeastern Pennsylvania.

His mission failed, but he later informed William Penn about the region. George Fox himself also made a personal reconnaissance of the Delaware Valley in 1672 and found the Indians 'very loving.' He urged Penn to plant his colony there."³⁰

"In every region, English colonists met an indigenous population (sic) of American Indians. The collision of these groups was a cultural process of high complexity (These groups) were at least as diverse in their folk customs as were the British themselves – in many ways, much more so. Moreover, the demography of these various Indian populations (sic) also tended to be very different from one to another. Further, Indian cultures were changing through time, each had its own history.

"The founders of the British colonies were aware of this diversity and deliberately selected the sites of their own settlements in part because of the special character of the Indians in the vicinity. (emphasis, Chandler)³¹

Samuel Janney, a Pennsylvania Quaker who was made Superintendent of Indian Affairs under then President Grant's "Peace Policy", wrote a collection of poems, published in 1839, which included one entitled *The Last of the Lenapé*. This poem tells of Hannah Chandler, a mother of 10 children, who, having been widowed at sea, arrived in Lenni Lenapé territory with no means of support. Janney describes how local indigenous people found a shelter for her and provided her and her children with food to last them through the winter.

*The Indian, faithful to his trust,
His proffer'd word fulfill'd;
The "lone one" did he call her then,
And never once forgot her, when
The antler'd deer he kill'd.*

....

*Hark now! That trampling thro' the snow
Your Indian friend has come;
Laden with venison and corn,
And berries from the forests borne,
He seeks the widow's home.*

*"Daughter of Onas"" said the chief,
"God has been good to me;
He blest me while I sought for game,
And this, which from his bounty came,
He bade me give to thee."³²*

A note to this poem quotes Richard Townsend as follows:

At our arrival (1682) we found it a wilderness, the chief inhabitants were Indians, and some Swedes, who received us in a friendly manner....

*And as our worthy proprietor treated the Indians with extraordinary humanity, they became very civil and loving to us, and brought in abundance of venison. As in other countries, the Indians were exasperated by hard treatment, which hath been the foundation of much bloodshed, so the contrary treatment hath produced their love and affection.*³³

Seventeenth century documentation shows that there was much interaction between early settlers, including Quakers, and First Nations peoples. Josiah Cole and Thomas Thurston, in the mid 1600's found Indian people to be "more sober and Christian-like than the so-called Christians in New England". Friends who had been tortured and expelled from Puritan Boston found shelter in local indigenous communities. Local Indians reportedly were always good neighbours when justly and fairly dealt with. Records indicate that Friends were given permission to hunt and fish in Indian territory. They were provided with corn, peas, fish, and fowl. Ironically, when Friends went to teach local people how to farm, they were given seeds by local Indian women!³⁴

As increasing numbers of settlers moved in to claim the land, first land that had been purchased, or treated for, and later land that was simply taken, Indian peoples were pushed further and further west. Each relocation was said to be the last for the particular group affected, and each became one in a seemingly endless series of relocations to land that had yet to be settled by newcomers. As people were forced out of their traditional territories, these informal relationships became more distant, less frequent, and finally ceased all together. In some cases, settlement was so rapid and displacement so traumatic, that these relationships were never formed in the first place. Once peace was re-established through human displacement, Friends became much quieter about Aboriginal issues, excepting those who volunteered to serve the Grant administration as Indian Agents or teachers to the tribes in the west. Samuel Janney mourned past relationships in *The Last of the Lennapé*:

*And oft at evening's pensive hour
In thoughtful mood reclined,
While musing on those scenes long past
We feel their deep'ning shadows cast
A sadness o'er the mind.*

*The lofty forest trees are gone
From Schuylkill's rocky shore;
But ah! A nobler race than they
From Penn's fair land has pass'd away,
And shall return no more.*

*Some rooted up,-and some by force
Transplanted far away:
Like oaks whose blasted tops are dead,
And all their leafy honours shed
In premature decay.*

Children of Onas! Do they not

*Deserve our fostering aid?
Our father's, once a feeble band,
While strangers in a foreign land,
Repos'd beneath their shade.³⁵*

I mention this early Quaker/Indigenous history because I want us to consider again the Treaty of Shakamaxon, as well as these early relationships, in contrast to our present relationships. The reason I want to do this is that it appears that a key factor in violent conflict appears to be weakened or non-existent social capital between groups. Social capital is an emerging concept, which refers to the nurturing of trust and civil engagement among like and diverse groups.

A recent study by the World Bank looked at violent conflict and social capital equations in Rwanda, Guatemala, Cambodia and Somalia. Pairs of villages in each country were studied, comparing in each case a village deeply affected by violence arising from deep-rooted conflict, with a village that was affected to a much lesser degree. Researchers found, to put it simply, that the difference between those places which experienced genocide and those which did not, reflected the differences between horizontal and vertical social capital in each place. In other words, where there were relationships of trust, reciprocity, economic and information exchange between and within groups of citizens, and where local governments supported and encouraged these inclusive relationships, the devastating effects of violent conflict were lessened and genocide was prevented.

Social capital is a neutral concept, in that it can have both beneficial and harmful effects on society. Social capital within groups, which may make them strong, can exclude other individuals and groups, and thus perpetrate violence or the potential for violence upon those outside. Social capital, however, which is inclusive and involves strong bridging activities between groups in civil society, supported by state and local government policies, which are inclusive, equitable and empowering can greatly increase the capacity of society to creatively manage conflict.³⁶

There is a word in our Wsanec language – "Kwagwatul", which means "talking together." The time has come for this. The first Europeans came to live among us when my grandmother was a child. Now I am a great-grandfather, and still, very little is known of our history and values. Few people appreciate that we have always lived here, that we are still here, that we put back into the land what we take from it. Like our neighbours, we have dreams for healthy communities sustained by the same forest and fisheries resources that sustain them. We too hope our children will become doctors, lawyers, professors. We must start by talking together. The more we share of our history and values, the more people will realize we have a right to talk about our future.

Gabriol Bartleman, Wsanec elder, Quoted in Coull³⁷

The statement of Gabriol Bartleman brings to mind the leading of John Woolman to visit the Indians in order that he might learn something from them. Three hundred years later, they are still waiting to teach us.

I live in a community where there is very little social capital between First Nations peoples and the settler population. There is also little social capital between local governments and First Nations governments. A recent master's thesis in conflict analysis³⁸ concludes that, according to international standards of conflict analysis, the conflicts between First Nations, the settler population and its governments, and industry in southern British Columbia, are deep rooted and are moving toward intractability. These conflicts are identified as being both identity based and interest based, each type of conflict perhaps calling for a different type of resolution.

Those of us who are members of the Lillooet worship group, Vernon Monthly Meeting, have developed at least some social capital with our St'at'imc neighbours. We have all been employed by them from time to time. We attend their social gatherings, pow-wows, tribal and even, when invited, family celebrations. We invite them to ours. We go on field trips with individuals to look at evidence of historic habitation and use. We exchange food products. We patronize each others' businesses. We make gifts to each other. We talk. We share their spirituality, when invited to the sweat lodge or the uwipi ceremony. Some of us have taken part in their language classes.

We invite our friends to our meetings for worship, retreats, half-yearly and yearly gatherings. Sometimes they come. We subscribe to aboriginal newspapers. We read indigenous writers, listen to indigenous musicians and go to indigenous theatre. We encourage our local and regional media to cover indigenous issues in a fair, balanced and timely manner.

We offer our time, energy and whatever expertise we have to work to influence our governments on issues of concern to Indigenous Peoples. We try to build bridges by introducing people to each other, sponsoring Alternatives to Violence Project workshops to include all cultures, and working to ensure greater opportunity for inclusion in groups we are affiliated with. We do our best to learn, and we are blessed by what they share with us, in trust.

We are only four people. Our relationship with our aboriginal friends and neighbours is not the relationship commonly found in our community. I suspect it is also not the relationship commonly found among Friends and Indigenous Peoples across Canada. But it could be.

I would not expect every Quaker in Canada or in North America to do every one of those things. If every Quaker did even one of those things, or some other thing to help develop bridges between ourselves and Indigenous Peoples, we would see a significant increase in social capital. If every Quaker worked to do two of those things, and if every Quaker asked others in her or his wider circle to do one of those things, we could begin to see an exponential difference at the grassroots level. An exponential difference at the grassroots level would increase the volume of the constituency voice that calls for justice for Aboriginal Peoples.

In 1990, at a meeting of the fledgling BC Quaker Committee for Native Concerns (BCQCNC), Agnes Adams, a Haida woman who was married to a Quaker, said to us that she didn't hear us talking about Native concerns. She heard us talking about Quaker concerns about native people. She said, "If you want to know what concerns me, first you will have to come to my house. You will have to sit in my kitchen, drink coffee, eat with me. Then we will talk." I have never forgotten Agnes' advice, nor the passion with

which she gave it. Sadly, before I was able to go to Old Massett, to eat with Agnes, she died of breast cancer. We did exchange letters until the end. I bless her memory, and the precious nature of her teachings.

Developing social capital where it is weakened or absent is not easy. It takes time and effort to develop the necessary trust. That trust, when developed, will remain fragile for a long time. Still, if we do not work to develop such social capital – inclusive, supportive, reciprocal – we remain at risk that existing deep-rooted conflict will become intractable. Our governments, who are supposed to represent us and, according to Quaker philosopher John MacMurray, ensure justice in our relationships when they are too distant to be face-to-face, cannot do this for us. They are not even doing very well with vertical social capital where Indigenous Peoples are concerned.

Betty Williams, Irish co-winner of the Nobel Peace Prize in 1996, said at a Vancouver conference of official human rights agencies last September, that peace has to come from the grass roots. Governments cannot and will not do it for us, we must do it for ourselves.

Lucretia Mott, speaking at the Abington Peace Meeting in 1869 said:

Our friend has spoken of the barbarities which have been practiced towards the Indians, and of their present condition of degradation in contrast with their condition when William Penn landed on this continent. It occurred to me to ask if Friends were truly alive to their situation and to the fact of the treatment they have received from the agents who have been employed by the government and who have wronged them so shamefully, whether there would not have been more frequent and more earnest protests and appeals to the government on their behalf. We have not considered the wrongs of Indians as our own. We have aided in driving them further and further west, until, as the poor Indians said, "You will drive us away, until we go beyond the setting sun." I wonder if, with the profession we Friends have made, of care for the Indians, we have been active enough in our labour.³⁹

Reflection

Please reflect again on your personal and community relationship with indigenous people:

If you have a relationship with indigenous people, is it all that it could be?

What would help to strengthen it?

If you don't have a relationship with indigenous people, where might you begin to develop such a relationship?

Denial

That which brings war into the world is justice delayed and justice denied.
Passover Seydr quoted in Meeting for Worship, Toronto, March 2001

Reflection

If we are not engaged in relationship with indigenous people nor in supporting indigenous issues, what is it that prevents our engagement, as individuals and as meetings?

One of the most difficult and puzzling things about working in the area of human rights, and particularly Indigenous Peoples' rights, is to cope with the way people react to information about the suffering of others. Human rights organizations work diligently to raise awareness about violations of human rights. Members of the Quaker Aboriginal Affairs Committee (QAAC), a sub-committee of the Canadian Friends Service Committee (CFSC), have worked to educate ourselves, and to educate others about Indigenous Peoples' situations and issues in Canada. We work to support the development of international standards with regard to Indigenous Peoples' rights by monitoring events at the United Nations and domestically and by giving input and feedback to our governments. We are developing our capacity to monitor the compliance of our governments to international instruments they have ratified.

In spite of our ongoing involvement in this work in Canada since 1974, we continue to seek the key to inspiration for Friends to take up this important work – as individuals and as meetings. With some notable exceptions, we sense responses ranging from a passive interest, to a lack of energy, to a deep resistance. These responses are not unique to Friends, nor are they unique to Indigenous Peoples' rights alone. They are responses that must be countered by everyone working in human rights and human rights education today.

Stanley Cohen, who teaches at both Hebrew University in Jerusalem and the London School of Economics, is very interested in the concepts of denial and acknowledgement in the area of human rights. In 1995 he published a valuable work on the subject for Amnesty International, UK, which he has made available for free to human rights workers everywhere by posting it, in its entirety, on the Internet.⁴⁰ By learning about the forms that denial can take, as human rights workers, we can adjust our human rights campaigns to take this resistance into account. We can also, as individuals, look at our own attitudes and responses to more clearly discern what it is that prevents us from taking up a cause.

Cohen writes about three categories of denial: personal, where we forget information we receive, or we don't want to receive information, or we decide that the information is not something that we need to act upon; official, that is denial that is "initiated, structured and sustained by the massive resources of the modern state", for example, the government of Canada's insistence that it cannot mount an inquiry into the death of Dudley George at Ipperwash, Ontario at the hands of the Ontario Provincial Police; and cultural, that is where societies reach a tacit agreement about what may and may not be

acknowledged, such as collective denial about past treatment of Indigenous Peoples in Canada, Australia, New Zealand and the United States.

He sets denial into a historical context – forgetting, revising or denying past events, and a contemporary context – that denial which allows perpetrators to deny to themselves and to cover up from others that which they are doing now.

Cohen mentions that denial can be conscious or unconscious. It can be literal, in that it asserts that the alleged event did not happen or is not true. Official denial of mercury poisoning at Grassy Narrows in the 1970's is an example of literal denial. Currently, the government of the Sudan denied that indigenous people are being taken into slavery in that country, in spite of well-documented evidence to the contrary.

Denial can be interpretive, when events are acknowledged, but their meaning is interpreted in a different way. The government of Canada insists that the Department of Fisheries and Oceans is working to halt an "illegal fishery" at Esgenoopetitj (Burnt Church, NB), in spite of the fact that the Mi'kmaq people have a treaty right to fish, which has also been reconfirmed by the Supreme Court of Canada in the Marshall Decision. When the government of the Sudan could no longer deny the disappearances of southerners and their reappearance in bonded labour situations, it began to refer to the violations as "abductions". In contemporary popular language, we call this "spin doctoring".

Denial can also be implicative. That is, events and their meaning are acknowledged, but their moral or psychological implications are denied. Implicative denial occurs when members of the settler population say of Indigenous Peoples, "All that happened a long time ago. Why don't they just forget about it and get on with their lives", or, "we can't turn back the clock now".

In terms of agency, the victim, the perpetrator and the observer can be agents of denial. What I would like us to reflect on is particularly the denial of the observer. Cohen refers to observers as "bystanders" and identifies two types. The first, is the "immediate" bystander who witnesses an event or hears about it first-hand. The second is the "external" bystander, which applies to those of us who hear the information from secondary sources (human rights organizations, the media, the government or other agencies).

Cohen suggests that three conditions in particular work to keep us from becoming involved when we become aware of human rights violations. If we cannot identify with the victim, we are far less likely to become involved than if we can (think back to the importance of social capital in this instance). If we cannot think of an effective way to intervene, we are likely to remain aloof. Thirdly, if we feel that others are engaged, or that it is someone else's responsibility to take care of the problem, we will not engage ourselves.

In addition to these constraints, Cohen draws parallels between bystanders and perpetrators. Perpetrators use and bystanders believe propaganda which uses stereotypes, exclusion and dehumanization, to blame the victim and to lull bystanders over time into viewing as acceptable what would initially be rejected as intolerable, such as forceful removal of the children of an entire segment of the population from their

families and placing them in residential schools (indigenous children in Australia, Canada and the United States, Dukhobour children in Canada).

Improved social capital between groups would do much to mitigate the damage of such propaganda campaigns. It would also do much to help us as individuals and groups to take action against violations of others' human rights.

Cohen's work draws an important distinction between "knowing" and "acknowledging". Acknowledgment involves not only accepting the truth of events, it involves understanding the psychological, physical, and moral implications of events. It involves a willingness to take action, to compensate for the past, and to consult, cooperate and collaborate in order to pave the way for a better, more just, future.

We are all responsible for the society in which we live. We cannot dismiss the casualties of the system by saying they have brought it all on themselves. It is our belief that there is that of God in everyone. In those who create the hurt and those who are hurt. In different ways and degrees we are all both. This may be denied by society and, indeed, by the individual. But, we cannot join in the widespread 'writing off' of people, with out denying our central testimony to and experience of the potential of love to transform violence and hatred. It is, therefore our spiritual responsibility to examine the nature of society: how far does it encourage the great Christian virtues of selfless love, simplicity, peacefulness, truth and a sense of the quality of all as children of God which is the foundation of true community?⁴¹

Reflection

Please tenderly hold yourself in the Light. Reflect upon where you stand in the trajectory between denial and acknowledgment of indigenous peoples' history and rights.

Ask yourself, "Where do I feel led to go from here?"

Ask God, "Where will You have me go from here?"

The World Conference Against Racism

Lilamani Woolrych, in "Communicating Across Cultures" writes:

Racism is a form of violence. It cannot always be "recognized" by bombs, bullets and blood. There are also inward weapons we use to do emotional and spiritual violence to others and ourselves. It is important to recognize this as part of our peace testimony, in the context of racism.

Supporting our peace testimony does not automatically confer upon us protection from racist attitudes.

Reflection

Will we truly welcome people of other cultures as our neighbours? as our senior manager, teachers, pupils or in our work places? Will we be truly happy to give hospitality in our homes and share a meal with those who live out their traditional cultures in daily life?

If not, why not?⁴²

In September of 2001, the third World Conference against Racism will be held in Durban, South Africa. Friends World Committee for Consultation is sending a delegation to the conference, of which I am privileged to be a member. In preparation for this conference, before I knew I was going to be a delegation member, or even that there would be a Quaker delegation, I attended the preparative consultations held by the Government of Canada in Vancouver and the Government of British Columbia in Kamloops. At both of those consultations, governments were informed, in very clear terms, by both Aboriginal and non-Aboriginal Peoples, that Aboriginal Peoples continue to be victims of racism in Canada. Interveners pointed out that Aboriginal Peoples experience racism at all levels: institutional, cultural and personal.

Last year, the Indian Law Resource Centre, an international non-governmental organization in consultative status with ECOSOC, submitted the following statement to the Secretariat of the World Conference against Racism:

Racism as it affects indigenous peoples is not well understood by non-indigenous peoples. Ignorance of the many manifestations of racism as it affects indigenous peoples fosters the deprivation of the basic rights of indigenous peoples to cultural and physical security, and to self-determination. Racism against indigenous peoples, like racism against other peoples, has deep roots in the economic, political and social institutions of nations. This racism continues to dominate the laws and policies relating to indigenous peoples today.⁴³

Canada ratified the International Convention on the Elimination of Racial Discrimination in 1970. Under the terms of the Convention, each ratifying country must present its

country report on the year the convention comes into force for that country (1970, in the case of Canada) and every two years thereafter. Canada's periodic reports for 1995 and 1997 were not submitted until May of 2001. The report for 1999 is still outstanding, and another report falls due this year. When Canada submits reports late, it is difficult for human rights NGOs, churches and other concerned agencies to send commentaries on Canada's report for the consideration of the monitoring committee.

In its comments on Canada's periodic report for 1993, the Committee on the Elimination of Racial Discrimination expressed concern about the slow pace of progress on land matters relating to Aboriginal Peoples, the failure of Canada's justice system with regard to them, and the low position of the Aboriginal Peoples within Canada on the human development index. It also expressed concern about Canada's implication that Aboriginal Peoples are not eligible to engage the Canadian Human Rights Commission in a complaints procedure. Specific questions were asked and specific recommendations made, to which Canada is expected to answer. Canada's response to these concerns, in the recently tabled reports, is minimal. Provincial responses vary, from minimal mention of Aboriginal Peoples in the British Columbia and Alberta reports, to significant mention in the reports of Saskatchewan, New Brunswick and the Yukon.

I live in a community, which is multicultural. We are half settler and half aboriginal. The aboriginal half consists primarily of members of the St'at'imc nation, who have lived in the territory for, provably, 7,000 years, probably more. The settler half includes new Canadians and others whose families have been here for generations. It includes Canadians of East Indian, Japanese, Chinese, African and European origins. I hear racist remarks nearly every day. Usually, the people who make them would not dream of being racist, nor think for a moment that they are. Threads of racism are tightly woven into the fabric of our society.

Here's an example: We have an annual celebration called "Only in Lillooet Days". During this celebration, we celebrate the "gold rush", the coming of settlement into the area. We celebrate, in particular, Judge Matthew Bailey Begbie, the "Hanging Judge". I wonder how many of us realize that Judge Begbie's career was very mixed. He acknowledged aboriginal title, he defended the rights of Aboriginal Peoples, he learned the local languages and the Chinook trade language. He deferred to First Nations law on some occasions and twice limited the impact of the Indian Act. We don't celebrate those things, however. We celebrate his reputation as a "hanging" judge. Begbie hanged twenty-six men during his career: twenty-two Indians, three Chinese, and one white. His job was to "assert British control of the unstable gold-rush frontier". He did this, in part, by "legally executing more Indians than died in some wars"⁴⁴. My community doesn't specifically celebrate these details . . . neither do they look very closely at what it is they *are* celebrating and how painful it might be for the 45% of our community who are St'at'imc.

There are countless other ways that racism stalks the activities and attitudes of our community. It is a continuing challenge to find creative and loving ways to remedy it. The more aware I become of racism, the more open I also become to seeing my own. It sneaks upon me from behind and bites me now and then...a good thing, even if embarrassing and humbling. I hope that when I fail to see it, my friends will have the loving patience to call me on it.

It is important that we each increase our awareness of racism in our lives and in our communities. Not only that we know about it, but that we *acknowledge* it, meaning, that we are also prepared to do something about it. We can begin by holding our own racist tendencies and practices in the Light, knowing they exist, seeking divine assistance to discern what they are and how we may work on them. From there, we can work in wider and wider circles within our meetings, our societies and our governments.

It's the "not me" in thee that makes thee precious to me.

-Rachel Davis DuBois

Reflection

Holding ourselves and our communities tenderly in the Light, let us carefully discern where racism may affect our thinking and our relationships with others, especially aboriginal people.

Conclusion

The American Quaker Helen Hunt Jackson in her 1885 book, *A Century of Dishonour*, wrote:

President after president has appointed commission after commission to inquire into and report upon Indian affairs, and to make suggestions as to the best methods of managing them. The reports are filled with eloquent statements of wrongs done to the Indians, of perfidies on the part of the Government; they counsel, as earnestly as words can, a trial of the simple and unperplexing expedients of telling truth, keeping promises, making fair bargains, dealing justly in all ways and all things. These reports are bound up with the Government's Annual Reports, and that is the end of them. It would probably be no exaggeration to say that not one American citizen out of ten thousand ever sees them or knows that they exist, and yet any one of them, circulated throughout the country, read by the right-thinking, right-feeling men and women of this land, would be of itself a "campaign document" that would initiate a revolution which would not subside until the Indians' wrongs were, so far as is now left possible, righted.⁴⁵

Here in Canada, the Royal Commission on Aboriginal Peoples Report, in volume one, names four false assumptions which underlay Canada's policies which took shape in the form of the *Indian Act*, residential schools, relocations and relocations for development. The four false assumptions were:

- ❖ that Aboriginal people were inherently inferior and incapable of governing themselves;
- ❖ that treaties and other agreements were, by and large, not covenants of trust and obligation but devices of statecraft, less expensive and more acceptable than armed conflict. Treaties were seen as a form of bureaucratic memorandum of understanding, to be acknowledged formally but ignored frequently;

- ❖ that wardship was appropriate for Aboriginal peoples, so that actions deemed to be for their benefit could be taken without their consent or their involvement in design or implementation;
- ❖ that concepts of development, whether for the individual or the community, could be defined by non-Aboriginal values alone. This assumption held whether progress was seen as Aboriginal people being civilized and assimilated or, in later times, as resource development and environmental exploitation.⁴⁶

In my work with Aboriginal Peoples' issues, it appears, and the RCAP report observes, that these assumptions continue to influence the institutions that engage in Aboriginal policy decision-making.

This evening we have reflected on historic Quaker testimony and witness with regard to land, treaties, social capital and indigenous/Aboriginal Peoples. We have also considered the role that denial and racism may play in our relationships with them.

By writing this lecture, I am hoping for a continuation of that historic testimony and witness into the present and forward into the future. More than hoping, I am asking for specific things: for specific growth, understanding and involvement.

What I am asking you to do is to become involved in aboriginal justice issues. I am asking you to do this, at whatever level you feel is appropriate for you: local, regional, national, with a recommendation that you start with the local.

I am asking you, as individuals, as worship groups and as meetings, to take some time to inform yourself by reading indigenous news media, watching the aboriginal television network, extending your personal relationships to include indigenous people. I am asking you to ask questions . . . historical questions and contemporary questions.

I am asking you to sow the seeds of peace. I am asking you to enter into dialogue with indigenous people, with Friends experienced in Indigenous Peoples' issues and with our governments, at both the political and the bureaucratic levels.

I am asking you to consider deeply the testimony and witness of John Woolman, Lucretia Mott, and other Friends who have tried to work in solidarity with Indigenous Peoples between their time and ours. I am asking you to come under the weight of our collective concern.

I am asking you to seek deeply whether denial is playing a role in your own relationship to Indigenous Peoples and their issues.

I am asking you to hold in your hearts the principles articulated in the Treaty of Shakamaxon.

I am asking you to hold in the Light, the information we have shared this evening, and to remember that the UN Human Rights Committee has said in its response to Canada's most recent report, that the most outstanding human rights abuses in Canada today are those that continue to be perpetrated against Aboriginal Peoples.

Lucretia Mott, speaking at the World Temperance Convention, NY, 1853, said: "Any great change must expect opposition because it shakes the very foundation of privilege."⁴⁷

Friend, what canst thou say?

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END NOTES

1 Stories vary. One source says that Pueblo legend says the trails were washed out during a flood, trapping people on the top. Another says the trails were destroyed by an earthquake, and the people left behind jumped to their deaths. Archaeological reports cite hand and toe holds in the rock, a common way of building trails on inhabited mesas. They also report little evidence of habitation on the summit. The story in the text is the story I was told as a child.

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(a) Occupation of ancestral lands, or at least of part of them;

(b) Common ancestry with the original occupants of these lands;

(c) Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.);

(d) Language (whether used as the only language, as mother tongue, as the habitual means of communication at home or in the family, or as the main, preferred or habitual, general or normal language);

(e) Residence in certain parts of the country, or in certain regions of the world;

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