

**From the Fur Trade to Free Trade:  
Forestry and First Nations Women in Canada**

by

**Darlene Rude and Connie Deiter**

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## TABLE OF CONTENTS

PREFACE.....	ii
ACRONYMS.....	iii
GLOSSARY .....	iv
EXECUTIVE SUMMARY .....	ix
1. LITERATURE REVIEW .....	1
Feminism, Gender and Aboriginal Women.....	1
Colonization and Traditional Roles.....	2
The Fur Trade .....	3
The Present Day.....	4
Aboriginal Title and Rights .....	5
The Impact of Free Trade on Women and Aboriginal People.....	8
Free Trade and Logging in Aboriginal Communities.....	12
2. THE COMMUNITIES .....	17
Saskatchewan.....	17
Interior of British Columbia .....	17
3. METHODOLOGY .....	18
The Participants .....	19
4. FINDINGS.....	20
Environmental Impacts.....	20
Cultural Impacts.....	24
Economic Impacts .....	27
Social Impacts.....	29
Summary.....	32
5. RECOMMENDATIONS.....	34
Aboriginal Rights and Title .....	34
Public Education and Awareness.....	34
Women in Leadership.....	34
Natural Resource Management.....	35
Trade Agreements.....	35
APPENDIX: CHRONOLOGY OF EVENTS AFFECTING FIRST NATIONS IN BRITISH COLUMBIA .....	36
BIBLIOGRAPHY.....	39
ENDNOTES .....	47

## PREFACE

Good public policy depends on good policy research. In recognition of this, Status of Women Canada instituted the Policy Research Fund in 1996. It supports independent policy research on issues linked to the public policy agenda and in need of gender-based analysis. Our objective is to enhance public debate on gender equality issues in order to enable individuals, organizations, policy makers and policy analysts to participate more effectively in the development of policy.

The focus of the research may be on long-term, emerging policy issues or short-term, urgent policy issues that require an analysis of their gender implications. Funding is awarded through an open, competitive call for proposals. A non-governmental, external committee plays a key role in identifying policy research priorities, selecting research proposals for funding and evaluating the final reports.

This policy research paper was proposed and developed under a call for proposals in August 2001, entitled *Trade Agreements and Women*. Research projects funded by Status of Women Canada on this theme examine issues such as gender implications of Canada's commitments on labour mobility in trade agreements; the effect of trade agreements on the provision of health care in Canada; the social, economic, cultural and environmental impacts of free trade agreements on Canadian Aboriginal women; building Canadian models of integrating gender perspective into trade agreements; the repercussions of the trade agreements on the proactive employment equity measures for women that are applicable to private-sector employers in Canada; and the effects of trade agreements on women with disabilities.

A complete list of the research projects funded under this call for proposals is included at the end of this report.

We thank all the researchers for their contribution to the public policy debate.

## ACRONYMS

AFN	Assembly of First Nations
APEC	Asia-Pacific Economic Co-operation Conference
BCGEU	British Columbia Government and Services Employees' Union
BCTC	British Columbia Treaty Commission
CBC	Canadian Broadcasting Corporation
CEC	Commission for Environmental Cooperation
CIDA	Canadian International Development Agency
CUSFTA	Canada–U.S. Free Trade Agreement
DFAIT	Department of Foreign Affairs and International Trade
FTAA	Free Trade Area of the Americas
GATS	General Agreement on Trade in Services
IFG	International Forum on Globalization
INAC	Indian and Northern Affairs Canada
INET	Indigenous Network on Economics and Trade
IOG	Institute on Governance
ITK	Indigenous technical knowledge
MLTC	Meadow Lake Tribal Council
NAFA	National Aboriginal Forestry Association
NAFTA	North American Free Trade Agreement
NGO	Non-governmental organization
RCAP	Royal Commission on Aboriginal Peoples
SPEC	Society Promoting Environmental Conservation
TEK	Traditional ecological knowledge
UBCIC	Union of British Columbia Indian Chiefs
USDOC	United States Department of Commerce
WTO	World Trade Organization

## GLOSSARY

The following definitions are from “Words First: An Evolving Terminology Relating to Aboriginal Peoples in Canada” published by Indian and Northern Affairs Canada. Words First can be found at <[http://www.ainc-inac.gc.ca/pr/pub/wf/index\\_e.html](http://www.ainc-inac.gc.ca/pr/pub/wf/index_e.html)>. Accessed December 12, 2003.

### **Aboriginal rights**

Rights that some Aboriginal peoples of Canada hold as a result of their ancestors’ long-standing use and occupancy of the land. The rights of certain Aboriginal peoples to hunt, trap and fish on ancestral lands are examples of Aboriginal rights. Aboriginal rights vary from group to group depending on the customs, practices, traditions, treaties and agreements that have formed part of their distinctive cultures.

### **Aboriginal self-government**

Governments designed, established and administered by Aboriginal peoples under the Canadian Constitution through a process of negotiation with Canada and, where applicable, the provincial government.

### **Aboriginal title**

A legal term that recognizes an Aboriginal interest in the land. It is based on the long-standing use and occupancy of the land by today’s Aboriginal peoples as the descendants of the original inhabitants of Canada.

### **Band**

A band is a body of Indians for whose collective use and benefit lands have been set apart or money is held by the Crown, or declared to be a band for the purposes of the *Indian Act*. Each band has its own governing band council, usually consisting of one chief and several councillors. Community members choose the chief and councillors by election, or sometimes through custom. The members of a band generally share common values, traditions and practices rooted in their ancestral heritage. Today, many bands prefer to be known as First Nations (e.g., the Batchewana Band is now called the Batchewana First Nation).

### **Band council**

This is the governing body for a band. It usually consists of a chief and councillors, who are elected for two or three-year terms (under the *Indian Act* or band custom) to carry out band business, which may include education; water, sewer and fire services; by-laws; community buildings; schools; roads; and other community businesses and services.

### **Bill C-31**

The pre-legislation name of the 1985 *Act to Amend the Indian Act*. This act eliminated certain discriminatory provisions of the *Indian Act*, including the section that resulted in Indian women losing their Indian status and membership when they married Non-Status men. Bill C-31 enabled people affected by the discriminatory provisions of the old *Indian Act* to apply to have their Indian status and membership restored.

### **First Nation(s)**

A term that came into common usage in the 1970s to replace the word “Indian,” which some people found offensive. Although the term First Nation is widely used, no legal definition of it exists. Among its uses, the term “First Nations peoples” refers to the Indian peoples in Canada, both Status and Non-Status. Some Indian peoples have also adopted the term “First Nation” to replace the word “band” in the name of their community.

### **First Nation**

“First Nation” has been adopted by some Indian communities to replace the term “Indian band.” A band is defined as a body of Indians for whose collective use and benefit lands have been set apart or money is held by the Crown, or declared to be a band for the purposes of the *Indian Act*. Many Indian bands started to replace the word “band” in their name with “First Nation” in the 1980s. It is a matter of preference, and writers should follow the choice expressed by individual First Nations/bands.

### **Indian**

The term “Indian” collectively describes all the Indigenous people in Canada who are not Inuit or Métis. Indian peoples are one of three peoples recognized as Aboriginal in the *Constitution Act, 1982*. It specifies that Aboriginal people in Canada consist of the Indian, Inuit and Métis peoples. There are three categories of Indians in Canada: Status Indians, Non-Status Indians and Treaty Indians.

#### **Status Indians**

Status Indians are people who are entitled to have their names included on the Indian Register, an official list maintained by the federal government. Certain criteria determine who can be registered as a Status Indian. Only Status Indians are recognized as Indians under the *Indian Act*, which defines an Indian as “a person who, pursuant to this Act, is registered as an Indian or is entitled to be registered as an Indian.” Status Indians are entitled to certain rights and benefits under the law.

#### **Non-Status Indians**

Non-Status Indians are people who consider themselves Indians or members of a First Nation but whom the Government of Canada does not recognize as Indians under the *Indian Act*, either because they are unable to prove their status or have lost their status rights. Many Indian people in Canada, especially women, lost their Indian status through discriminatory practices in the past. Non-Status Indians are not entitled to the same rights and benefits available to Status Indians.

#### **Treaty Indian**

A Status Indian who belongs to a First Nation that signed a treaty with the Crown.

The term “Indian” is considered outdated by many people, and there is much debate over whether to continue using this term. [However, Indian is the legal term with protected rights attached to it.] The Department [Indian and Northern Affairs Canada], following popular usage, typically uses the term “First Nation” instead of “Indian,” except in the following cases:

- in direct quotations
- when citing titles of books, works of art, etc.
- in discussions of history where necessary for clarity and accuracy
- in discussions of some legal/constitutional matters requiring precision in terminology
- in discussions of rights and benefits provided on the basis of “Indian” status
- in statistical information collected using these categories (e.g., the Census).

### ***Indian Act***

Canadian federal legislation, first passed in 1876, and amended several times since. It sets out certain federal government obligations and regulates the management of Indian reserve lands, Indian moneys and other resources. Among its many provisions, the Indian Act currently requires the Minister of Indian Affairs and Northern Development to manage certain moneys belonging to First Nations and Indian lands and to approve or disallow First Nations by-laws. In 2001, the national initiative *Communities First: First Nations Governance* was launched, to consult with First Nations peoples on the issues of governance under the *Indian Act*.

### **Indian status**

An individual’s legal status as an Indian, as defined by the *Indian Act*.

### **Indigenous**

Indigenous means “native to the area.” In this sense, Aboriginal people are indeed indigenous to North America. As a proper name for a people, the term is capitalized to form “Indigenous peoples.” Its meaning is similar to “Aboriginal peoples,” “Native peoples” or “First Peoples.”

The term is rarely used in the Department [Indian and Northern Affairs Canada], and when it is used, it usually refers to Aboriginal people internationally. Outside the Department, the term is gaining currency, particularly among some Aboriginal scholars. The term is also used by the United Nations in its working groups and in its Decade of the World’s Indigenous People (note that, in this instance, no “s” is placed at the end of “people”).

### **Innu**

Naskapi and Montagnais First Nations (Indian) peoples who live in Northern Quebec and Labrador. Not to be confused with Inuit.

### **Inuit**

Inuit are the Aboriginal people of Arctic Canada. Inuit live primarily in Nunavut, the Northwest Territories and northern parts of Labrador and Quebec. They have traditionally lived above the treeline in the area bordered by the Mackenzie Delta in the west, the Labrador coast in the east, the southern point of Hudson Bay in the south, and the High Arctic islands in the north.



Inuit are not covered by the *Indian Act*. However, in 1939 the Supreme Court interpreted the federal government's power to make laws affecting "Indians, and Lands reserved for the Indians" as extending to Inuit.

The word "Inuit" means "the people" in Inuktitut, the Inuit language, and is the term by which Inuit refer to themselves.

### **Métis**

The word "Métis" is French for "mixed blood." The Canadian Constitution recognizes Métis people as one of the three Aboriginal peoples.

Historically, the term "Métis" applied to the children of French fur traders and Cree women in the Prairies, and of English and Scottish traders and Dene women in the North. Today, the term is used broadly to describe people with mixed First Nations and European ancestry who *identify* themselves as Métis, distinct from Indian people, Inuit, or non-Aboriginal people. (Many Canadians have mixed Aboriginal and non-Aboriginal ancestry, but not all identify themselves as Métis.) Note that Métis organizations in Canada have differing criteria about who qualifies as a Métis person.

### **Off reserve**

A term used to describe people, services or objects that are not part of a reserve, but relate to First Nations.

### **Reserve**

A reserve is a tract of land, the legal title to which is held by the Crown, set apart for the use and benefit of an Indian band. Some bands have more than one reserve.

Many First Nations now prefer the term "First Nation community," and no longer use "reserve."

### **Surrender**

A formal agreement by which a band consents to give up part or all of its rights and interests in a reserve. Reserve lands can be surrendered for sale or for lease, on certain conditions.

### **Tribal council**

A tribal council is a group made up of several bands that represents the interests of those bands and may administer funds or deliver common services to those bands. Membership in a tribal council tends to be organized around geographic, political, or cultural and linguistic lines.

The following terms also occur in this report.

### **Specific and Comprehensive Claims**

In 1973, the federal government recognized two broad classes of claims: comprehensive and specific. Comprehensive claims are based on the assessment that there may be continuing Aboriginal rights to lands and natural resources. These kinds of claims come up in those parts of Canada where Aboriginal title has not previously been dealt with by treaty and other legal means. The claims are called “comprehensive” because of their wide scope. They include such things as land title, fishing and trapping rights, and financial compensation. Specific claims deal with specific grievances that First Nations may have regarding the fulfillment of treaties. Specific claims also cover grievances relating to the administration of First Nations lands and assets under the *Indian Act* (Frideres 1998: 69, 74).

### **Sui Generis**

Indians have a legal right to occupy and possess certain lands, the ultimate title to which is in the Crown. It is true that the sui generis interest which the Indians have in the land is personal in the sense that it cannot be transferred to a grantee, but it is also true that the interest gives rise upon surrender to a distinctive fiduciary duty obligation on the part of the Crown to deal with the land for the benefit of the surrendering Indians (R. v. Guerin [1985] C.N.L.R.120, 2 S.C.R.335).

## EXECUTIVE SUMMARY

This report contributes to the discussion of women and trade agreements by making the connections between First Nations women, forestry and free trade. It includes a literature review divided into the following subject areas: gender and Aboriginal women, traditional roles, the fur trade, Aboriginal title and rights, and free trade and logging in First Nations communities.

Aboriginal women were once key players in early trade relationships on this continent; however, contact and colonization ultimately denigrated their traditional roles to exclude trade and market relationships. Recently, First Nations women, faced with modern-day impacts of logging and other applications of global trade, have reacted with activism and resistance. This report focusses on First Nations women in Western Canada who are taking the lead to advocate for Aboriginal title and rights, protect the environment and preserve the traditional lifestyle of their tribal group, sometimes at odds with the elected leadership in their own communities.

From the perspective of North America's Aboriginal people, globalization began hundreds of years ago. Exploration by Europeans and early trade with Aboriginal people eventually gave way to the harvest and export of natural resources — fur, gold and even buffalo bones. The Prairies, ploughed and planted with crops, established Canada as a key player in the international grain trade. More recent development includes damming northern lakes and rivers to supply hydro-electricity south of the border. Modern-day trade deals, such as the 1989 Canada–U.S. Free Trade Agreement, served to speed up the export of Canadian timber to the United States. Previously untraded resources like water are now eyed for inclusion in the Free Trade Area of the Americas, a massive deal intended to link the Americas into a giant trading zone.

Aboriginal people's early experiences with explorers, traders and colonists varied. Some, like the Beothuks in Newfoundland, were annihilated. Other groups, particularly in the Prairies, sought to ensure their own survival by signing treaties in exchange for specific rights and land set aside as reserves. In British Columbia, where land cession treaty agreements were abandoned, Aboriginal people still struggle for recognition of Aboriginal title and rights, despite constitutional guarantees and favourable court decisions. The loss of lands and the traditional way of life, the impact of residential schools, the repressive measures of the *Indian Act* and racism against Aboriginal people continue to be felt in Canada today. It is against this backdrop — centuries of trade and ongoing, unresolved Aboriginal issues — that this discussion of Canadian First Nations women, forestry and free trade is set.

This report is written from a First Nations perspective that set the context of, and approach to, data collection. A First Nations research methodology was used to collect the words and stories of the 34 women interviewed on or near three reserves in British Columbia and Saskatchewan. Research assistants helped establish contact and bring women together in a comfortable and appropriate location. Sharing circles, rather than focus group discussions,

more closely reflected First Nations values and practice, including offering tobacco to elders in exchange for information.

First Nations women are deeply concerned about the pace and manner in which trade in timber has been undertaken. Many rely on forests as their traditional home, providing both sustenance and spiritual connection. Clear-cut logging and other forms of economic development have wreaked environmental damage, directly impacting their lives and the activities that are central to their identity as First Nations people. The contamination of land and water, and the decline of trees, animals, fish and berries leave women in these communities worried for the future of their children and grandchildren.

Forestry initiatives controlled by Aboriginal people have not consistently included the voices of women. Sidelined in resource management decisions, they are uncertain about how their communities are benefiting. Women in the interior of British Columbia have organized to resist the economic development that is springing up on their traditional lands without their input or consent.

The authors make the following recommendations regarding First Nations women and trade.

### **Aboriginal Rights and Title**

- Recognition of Aboriginal title is needed as the underlying foundation to resolve natural resource and conservation concerns.

### **Public Education and Awareness**

- Government and government institutions need to better understand and respect Aboriginal culture and spirituality.
- Develop an Aboriginal-led public education program and public school curriculum, as identified by the Royal Commission on Aboriginal Peoples (RCAP), to inform the Canadian population about the perspectives and issues of Aboriginal people, regarding their world views, histories, land and resource rights, and other contemporary concerns.
- Government officials, including cabinet ministers, should be required to spend time in First Nations communities to deepen their understanding of people and issues.
- During training of Royal Canadian Mounted Police, give information on Aboriginal title and the criminalization of First Nation peaceful and legal protests.

### **Women in Leadership**

- Take measures to improve accountability within band leadership and the inclusion of women in positions of leadership.

## **Natural Resource Management**

- Take decisive and urgent action toward the full implementation of the RCAP recommendations regarding lands and forestry.
  - The provinces and territories should improve Aboriginal access to forest resources on Crown land. This, for example, could include revision of the existing forest tenure system in Canada to allow a greater percentage of local control by First Nations people.
  - Aboriginal people should have the right of first refusal on unallocated Crown timber close to reserves or Aboriginal communities.
  - The federal government should promote Aboriginal involvement in forest management and planning.
  - Provinces should encourage partnerships and joint ventures between large timber licence holders and Aboriginal firms.
- Halt clear-cut logging and the use of more ecologically sound and sustainable systems of timber harvest, such as ecosystem-based planning and management.
- Adopt mutually acceptable co-management forestry and environmental agreements between First Nations people and governments, based on First Nations values and beliefs.
- Conduct full and meaningful consultations with entire communities of First Nations people, as opposed to just the chief and council, on natural resources issues.
- Include human beings as part of an ecosystem and include traditional ecological knowledge in environmental impact assessments. These assessments should include a full gender analysis.
- Require greater public transparency by forestry companies, including immediate and long-term logging plans in provincial and federal legislation.

## **Trade Agreements**

- First Nations men and women should be part of the political negotiations on softwood lumber and future timber export processes.
- Future trade agreements must include gender clauses and reflect all values, including environmental concerns and First Nations values. Existing clauses dealing with First Nations people must be activated and respected.



# 1. LITERATURE REVIEW

## **Feminism, Gender and Aboriginal Women**

Mainstream feminism has been criticized as inadequate and inappropriate in application to Aboriginal women. To begin, the term “Aboriginal”<sup>1</sup> refers to three distinct post-contact groups: Indian, Inuit and Métis. Each has its own identity, history and gender-specific realities, for both women and men. Given the diversity between communities and nations, defining a single Aboriginal women’s feminist perspective is neither possible nor productive. “To suggest there is a single women’s movement is ludicrous. Similarly, there is not a single Aboriginal women’s perspective or movement. Aboriginal women are women of many different nations and many different experiences” (Monture-Angus 1995: 169).

The experience of racism and colonialism endured by all Aboriginal people, regardless of community or gender, is central to the analysis. This is particularly true for First Nations<sup>2</sup> people, who were further impacted by repressive government policy and legislation, such as the *Indian Act*. As argued by two First Nation authors, any feminist analysis must reflect the wider context. “Feminism in the context of a First Nations analysis is distinguishable from mainstream feminist ideology as it incorporates not only an analysis of patriarchy but includes an analysis of the impact of colonization and state oppression” (Sayers and MacDonald 2001: 8).

At the same time, the analysis cannot be seen as separate from the core of social life and must take place within the context of family dynamics (Leacock 1981). The authors propose that for First Nations people, the core of social life is not the traditional nuclear family unit but the extended family, the band and the community. Therefore, the analysis of First Nations women’s roles must take place in the context of community.

Finally, First Nations women, in acknowledging more gender-balanced societies existed before European contact, reject the goal of seeking equality with men.

It is women who give birth in the physical and in the spiritual sense to the social, political and cultural life of the community. It is upon women that the focus of the community has historically been placed and it was, not surprisingly, against women that a history of legislative discrimination was directed by the Canadian state. Our communities do not have a history of disentanglement of women from political and productive life (Turpel-Lafond 1993: 180).

This report focusses specifically on First Nations women, but is based on gender analysis,<sup>3</sup> rather than a feminist perspective, in reviewing the literature, conducting the research and considering policy recommendations.

## Colonization and Traditional Roles

It is important to acknowledge the diversity of First Nations people across North America. That being said, current anthropologists argue that First Nations women possessed a more elevated status within pre-contact tribal societies (Albers and Medicine 1983). In fact, some argue women's access to power and influence was equal and possibly stronger than male members of their tribal group before the arrival of Europeans. This proposition is drawn from early ethnographic, explorer and missionary accounts, and from assumptions drawn from the structure of these societies.

First Nations values include group harmony, sharing, respect and balance, with co-operation and spirituality being the foundations. Co-operation was necessary among band members to secure food, resources and protection for the group (Mandelbaum 1979: 105; Bourgeault 1989: 88). For the society to be maintained, everyone was accepted; band law or practices called for less interference of the individual and focussed on the survival of the band as a cohesive unit.

Early accounts written by explorers describe First Nations societies that were egalitarian in structure. Similar values and governance structures can be found across North American tribes. Among the Iroquois, Lewis Henry Morgan wrote, in *League of the Iroquois* (1851), that their civil policy opposed the concentration of power in the "hands of any single individual, but inclined to the opposite principle of division amongst equals.... The government sat lightly upon the people, who in effect were governed very little. It secured to each that individual independence" (cited in Wright 1993: 117).

David Mandelbaum (1979: 105) found the governance structure of the Plains Cree not autocratic, coercive or hierarchical. He wrote, "the bands of the Plains Cree were loose, shifting units usually named for the territory they occupied." A band could be dissolved or formed based on the leadership qualities of its chief. This was also true for the Eastern Cree where the headman of the band had no authority over his other band members and whose leadership was based on his gift as an orator, hunter or warrior (Mandelbaum 1979: 290). The Ojibwa followed similar practices and "Ojibwa councils were composed of the principal men of the band. Each man had his say, as with the Plains Cree" (Mandelbaum 1979: 291). It's important to note that Mandelbaum's work dates from the early part of the 20th century, when the church and government had already influenced the role of Plains Cree women. Given that there were no formal coercive means to enforce obedience and that all adults needed to participate in the gathering of resources for the band, then women would have held a higher status within their societies prior to the arrival of the Europeans.

More recent scholars argue that early explorer and missionary accounts were written from a male European perspective steeped in paternalistic, hierarchical and Christian traditions. Regardless, they did write about the elevated role of women in the new world. Indeed, the Spaniards, the first Europeans to North America, described meeting a Cherokee queen on their arrival to North America in 1540 (Wright 1993: 85). They practised exogamy marriage outside their mother's clan. Women sat in council, became warriors or chiefs, or queens as the Spaniards assumed (Wright 1993: 100). Similarly, the Iroquois are recognized for the



elevated status of women. They were matrilineal with property and residence determined by the mother's clan. Frederick Engels wrote about the Iroquois Confederacy: "There can be no poor and needy. All are free and equal — including the women" (cited in Wright 1993: 117).

In the 1600s, the Jesuits established missions among the Algonquian peoples of the eastern forests. Their writings include a four-part plan to Christianize and civilize the people. They proposed to introduce a central autocratic form of government, and the European model of the patriarchal family. Divorce was to be outlawed. They also wanted to establish punishment in the society and to remove children from their parents and place them in mission schools (Anderson 1991: 164).

Currently, First Nation feminist scholars are reviewing historical and archival records, challenging previously held stereotypes of pre-contact First Nations women. *The Hidden Half* (Albers and Medicine 1983) documents female First Nations perspectives on polygamy, bride price, work roles and alternate gender roles, with a specific focus on the role of Plains tribal women. Albers and Medicine found First Nations women had control over the products of their labour and the autonomy to distribute these resources. Iroquois women grew the crops and distributed all food, including meat hunted by men. This control over food allowed them to control political decisions and, in some cases, prevent war by withholding provisions to the men.

Medicine and Albers found few rigid rules for gender roles within pre-contact society, especially those roles prescribed by European standards. These societies were egalitarian, and men did not have the power to make decisions to control what women did. Women's social and economic power was held to exist mutually with that of men. The sexual division of labour was not strictly enforced and women took on a variety of gender roles. Women could hunt, partake in war parties, trade, and become chiefs or headpersons, while Indian men could take on the duties of women, such as cooking and child care.<sup>4</sup>

### **The Fur Trade**

First Nations people were the earliest traders in the Americas, trading first among themselves and then extensively with Europeans. The practice of trade by First Nations people was based on principles of mutual benefit and respect, and environmental, social and economic sustainability. For example, early treaties from the 1600s between the Mohawks and Europeans affirmed trade and travel rights and recognized the key role First Nations people played in the early market economy of what would become Canada. In the West, treaties were negotiated to make way for settlement and allow access to resources, especially the land. Later, trade with Aboriginal people by non-Aboriginal nations, corporations and individuals became an instrument of domination and dispossession. Regional, intranational and international trade excluded Aboriginal people and severed their relationships to traditional lands and resources, weakening their economies, societies and cultures.

At the beginning of the fur trade, First Nations people and European traders, companies and governments were mutually dependent. The policy of the Hudson's Bay Company was to treat the First Nations with respect and justice but not to fraternize with them. The traders

were given strict instructions not to develop relationships with the First Nations people, especially the women (Van Kirk 1980: 14; Newman 1985: 10). However, given the isolation and the interdependence that evolved between the two groups, these instructions were set aside. Interaction included marriages between First Nations women and Company men, and trade relations between First Nations men and Company men.

A First Nations woman was valuable to the Europeans not only as a bed partner but also for her survival skills. Such a woman, because of the opportunities available to her in her own society, greatly assisted her new husband. She was valued as an interpreter, negotiator, trader, hunter and guide, and was knowledgeable in food and clothing production. Thandelthur, a Chipweyan woman, brought an entire band of 600 Chipweyan to trade at the fort through the enemy country of the Cree. She has been noted for her skill as a political negotiator, interpreter and guide (Bourgeault 1989; Van Kirk 1980). Indeed, the Churchill River region was opened for exploration by an unidentified First Nations woman when she led Henry Kelsey, the Elder, into the region in 1776 (Van Kirk 1980). Lady Calpo, a Chinook woman, increased her status and wealth by negotiating new trade relations between Hudson Bay traders and her people (Van Kirk 1980). Experienced explorers and guides knew that to not have First Nations women on a trading or exploration trip would be disastrous (Van Kirk 1980: 63).

A First Nation woman had the skills necessary to survive in the new land. She knew the food sources and medicines. As a small game hunter she was able to feed her new family and his community. Sylvia Van Kirk (1980: 58) wrote about one winter when John Dugald Cameron's wife fed an entire fort with catches from her snares. First Nations women cleaned and prepared the skins sent to England, and sewed canoes together. At York Factory, on the shores of Hudson Bay, the women made 650 pairs of moccasins during the summer (Van Kirk 1980: 54). First Nations women clearly played an important role during the early fur trade period. Unfortunately, their role would diminish as Métis women became more in demand as traders' wives. Métis women had ties to both communities, with knowledge and skills from their mothers and better understanding of their fathers' world. However, they too would be replaced as European women moved into the colonies.

### **The Present Day**

Canada's 2001 Census counted 499,605 Aboriginal females, out of a total population of 976,305 (Statistics Canada 2001a).<sup>5</sup> The Aboriginal population is young, with over one third 14 years or under. However, the next fastest growing segment of this population is women 65 years or older (Dion Stout and Kipling 1998). It has been said that Aboriginal women are the most vulnerable women in Canada, with higher rates of violence, suicide, diabetes and substance abuse than any other ethnic group (Dion Stout and Kipling 1998; Saskatchewan Women's Secretariat 1999).

From the time of the fur trade, the role of Aboriginal women continued to be under siege as their rights, privileges and responsibilities were slowly taken from them. Priests and missionaries introduced the concept of the European nuclear family, which meant a dominant male and subservient female (Anderson 1991: 164). The first *Indian Act* excluded women from tribal governments, allowing only men to vote for chief and council. First Nations women

could not vote or run in band elections until 1951. (RCAP 1996, Vol. 4: 23). The *Indian Act* introduced many anti-woman provisions, the most oppressive being that an Indian woman would lose her status if she married a non-Indian (RCAP 1996, Vol. 4: 23). This provision did much to foster division and misogynist sentiments within First Nation communities. These practices left First Nations women subjugated by men culturally, socially and politically in their own communities.

Recently, there has been an awakening to Aboriginal women's strengths. Current trends in education, employment and business suggest significant progress has been made in these areas (Saskatchewan Women's Secretariat 1999). For example, women lead the number of university graduates across the province; 13.3 percent of Aboriginal women took university classes, compared to 11.1 percent of Aboriginal men (Saskatchewan Women's Secretariat 1999; Stout and Kipling 1998). Aboriginal women have a lower unemployment rate than their male cohorts: 17.7 percent, compared to 20.8 percent (Saskatchewan Women's Secretariat 1999; Dion Stout and Kipling 1998). While more Aboriginal women are entrepreneurs and senior business people, indicating significant progress, Aboriginal women are still far from regaining the influential and prestigious roles they held in pre-contact societies.

### **Aboriginal Title and Rights**

The sound of the rustling of the gold is under my feet where I stand; we have a rich country; it is the Great Spirit who gave us this; where we stand upon is the Indians' property, and belongs to us (Chief Yellow Quill in Morris 1971: 62).

Aboriginal law is evolving, building on previous decisions and, in some cases, setting aside old decisions based on paternalistic attitudes toward First Nations people. In this paper, attention is given to areas affecting forestry and trade: Aboriginal law foundations such as the Royal Proclamation of 1763, the Natural Resources Transfer Agreement, the *Indian Act*, the Canadian constitution, and significant decisions like the 1997 *Delgamuukw* decision.<sup>6</sup> Other court rulings relevant to this project are included.

The Royal Proclamation of 1763 was seen by many as the Magna Carta for Aboriginal rights for First Nations people. It was the first recognition by the British Crown of Aboriginal title and set the process for land surrender by First Nations. Consequently, the numbered treaties negotiated between 1870 and 1921 were to settle land issues peaceably between First Nations and the new government of Canada (Frideres 1998: 51-53).

Up to the 18th century, relations between First Nations and Europeans were based on mutual interdependence. The French and English needed the support of First Nations for trade and military alliances, and their knowledge to live in a new environment (Miller 1996; Frideres 1998). After the fall of the French regime in 1760, the English in the colonies of the future United States began to be interested in land and settlement. Some historians argue the Royal Proclamation of 1763 was an appeasement to First Nations after the conflict between Chief Pontiac and European traders and settlers. Chief Pontiac led a coalition of tribes in Eastern Canada and the United States to stop further settlement by Europeans on Indian lands.

Regardless, the Proclamation was an agreement that First Nations' lands and their way of life would be protected under the British Crown.

First Nations people, including Chief Yellow Quill quoted above, knew their way of life was changing and actively sought negotiations for compensation for their land. They also understood the concept of trade sanctions. As early as 1859, the Cree Council met on traditional lands in the Qu'Appelle Valley, Saskatchewan to establish a trade sanction on newcomers into the region. They proclaimed that dried meat and pemmican should only be purchased from them and that hunting by strangers was not allowed (Carter 1990: 36). As well, the Michipicoten War, as it was called in 1849, started because the Ojibwa did not receive compensation for mining that took place in their traditional territory. This skirmish led to the signing of the Robinson Treaty in 1850 (Miller 1989: 109).

Treaties for the First Nations meant a new way of life by sharing their lands with the settlers. The treaties spelled out rights, including rights to land, rights to hunt, fish and gather, and special linguistic, cultural and religious rights, held under customary systems of Aboriginal law. In modern times, however, the non-fulfillment of the terms of the treaties has resulted in myriad court cases and claims by First Nations seeking to reaffirm those rights and acquire the land promised them under treaty.

When Canada became a country the *British North America Act*, now called the *Constitution Act, 1867*,<sup>7</sup> included section 91.24 which gave exclusive jurisdiction to the federal government for "Indians and Lands reserved for Indians." This provision led to the development of the *Indian Act*, Department of Indian Affairs and subsequent legislation dealing with First Nations or Indian people. For example, First Nations hunting, fishing and treaty rights are included in the Natural Resources Transfer Agreement of 1930. The provision protects fishing and hunting rights for First Nations peoples and allows minerals and metals found on reserve land in the Prairie Provinces to remain under the jurisdiction of the federal Crown (Woodward 1993: 244).

Canadian law is not clear on whether Aboriginal rights include mineral or metal rights. One argument is that, based on the *St. Catherine's Milling* case, which states that Aboriginal rights are merely a "usufructory" right, or use of land, those rights do not include mineral rights. *St. Catherine's Milling* is an older case that may or may not still be relevant for the discussion regarding Aboriginal title. It looked at the nature of Aboriginal title before surrender. Was it full unrestricted access similar to private ownership before the Treaty was signed or was it something else? The court ruled that the land conveyed merely "a personal and usufructory right dependent on the goodwill of the Sovereign." The other side of the argument is that First Nations owned the full benefit of their lands by virtue of possession (Woodward 1993: 241).

Not much attention has been paid to trade or resources in early *Indian Act* provisions except for the permit system. In 1880, non-Indian farmers complained about the competition by Indian farmers for agricultural goods (RCAP 1996, Vol. 1: 294). In response, the Department of Indian Affairs prohibited the individual sale of agricultural goods by an Indian without a permit issued by the Indian agent. The official reason given was that Indian farmers needed protection from swindling marketers, and that Indians should not move too quickly into

an advanced state. This, combined with the pass system, seriously undermined market availability for First Nations people. The federal government introduced the pass system to curtail the off-reserve activities of Indian people, particularly in the Prairie Provinces. Elders from southern Saskatchewan remember the humiliation and frustration they and their parents felt in applying for a pass from a reluctant Indian agent. The penalty for being off reserve without a pass included vagrancy charges under the *Criminal Code* and the *Indian Act*. The Indian agent could also withhold rations or benefits for non-compliance (RCAP 1996, Vol. 1: 296). Despite assertions by various historians that the pass system was never law, it remained an effective method of control used by Indian agents and the Department of Indian Affairs well into the 1940s and 1950s (Carter 1990: 153; Carrier 2002; Deiter c.1970s).

The last *Indian Act* provision that had some impact on trade was introduced in 1927. Here, First Nations people were not allowed to hire lawyers or raise funds for land claims against the Crown. This provision was not repealed until 1951. The permit provision is still in force in today's *Indian Act*, though rarely used. In fact, in 1949 the provision was expanded to include the trading of furs (RCAP 1996: 294). Sections of the current *Indian Act*<sup>8</sup> allow the band council to dispose of sand, clay and gravel without a formal surrender (Woodward 1993: 272). The *Indian Act*, section 57, and the *Indian Oil and Gas Act* provide the federal government with the power to enact regulations to dispose of these resources. Timber provisions that only apply to on-reserve lands and resources are also spelled out.

The *Constitution Act, 1982*, and the *Constitution Amendment Act, 1983*, recognized and affirmed Aboriginal and treaty rights in Canada. Various courts have acknowledged that First Nation entitlements, rights and interests are broader than any legislative recognition. In 1997, the Supreme Court of Canada in the *Delgamuukw* decision recognized Aboriginal title as the collective proprietary interest Aboriginal people hold in their traditional territories. This decision essentially set new precedents regarding Aboriginal law, setting aside old criteria from previous decisions, which were seen as paternalistic and ethnocentric. Chief Justice Lamer wrote:

Aboriginal Title is a right in land and, as such, is more than the right to engage in specific activities which may be themselves Aboriginal rights. Rather, it confers the right to use land for a variety of activities, not all of which need be aspects of practices, customs and traditions which are integral to the distinctive cultures of Aboriginal societies. Those activities do not constitute the right per se; rather, they are parasitic on the underlying title. However, that range of uses is subject to the limitation that they must not be irreconcilable with the nature of the attachment to the land which forms the basis of the particular group's Aboriginal Title. This inherent limit, to be explained more fully below, flows from the definition of Aboriginal Title as a sui generis interest in land, and is one way in which Aboriginal Title is distinct from a fee simple (para: 111).

This property right does not follow with previous court decisions that constructed elements needed to determine Aboriginal title or rights. For example, in the *Baker Lake* decision and the *Sparrow* decision, the Inuit and Indians were making claims for Aboriginal title and

rights, but first they had to prove they were an organized society, and that the Aboriginal right affected was an integral part of their lifestyle.<sup>9</sup> *Delgamuukw* did away with these requirements for First Nations people, because the courts found the tests were unnecessary and condescending to First Nations people.

*Delgamuukw* also dealt with extinguishment of Aboriginal title and rights. The Supreme Court of Canada recognized that Aboriginal rights are protected by section 35 of the *Constitution Act, 1982* but these rights may be infringed by federal and provincial laws; however, these infringements must be justified. Justice Lamer laid out three aspects to test for justification and extinguishment of Aboriginal title.

- “The infringement of Aboriginal Title must be in furtherance of a legislative objective that is compelling and substantial” (para. 161). The example given for this legislative objective was to protect the conservation of the fisheries; however, this example would not meet the test if the legislation was to protect sport fishing.
- “There is always a duty to consult” (para. 168). The degree of consultation depends on the nature of the Aboriginal right. Justice Lamer suggested that for provincial regulations regarding hunting and fishing rights on Aboriginal lands, this consultation may actually mean consent.
- “The jurisdiction to extinguish lies with the federal government” (para. 180). Because of section 91(24) of the *Constitution Act, 1867*, and the Royal Proclamation of 1763 only the federal Crown can extinguish Aboriginal title and this can only be done through “clear and plain” intent. Justice Lamer states that the standard is high. “My concern is that only laws with the sufficiently clear and plain intention to extinguish Aboriginal rights would be laws in relation to Indian and Indian lands.”

In those areas of Canada where treaties or land claim agreements have not been signed and Aboriginal surrender has not taken place, the question of Aboriginal title to these lands and resources has not been reconciled. This issue has led to much confusion and conflict within British Columbia (Isaac 1999: 128).<sup>10</sup> A 2002 landmark B.C. Court of Appeal decision<sup>11</sup> requires the logging company Weyerhaeuser to consult in good faith with the Haida Nation on the Queen Charlotte Islands, long the site of anti-logging blockades. However, Weyerhaeuser has appealed to the Supreme Court of Canada.

### **The Impact of Free Trade on Women and Aboriginal People**

The push to trade liberalization is already having adverse effects on Canadian women (Morris 2000; Williams 2001; Stienstra 1999). Women’s groups and feminist scholars point out that trade policies are not gender neutral and have influenced Canadian social programs, which women depend on more than men. Efforts by women to influence the trade agenda from a gender perspective have produced mixed results (Hassanali 2000).

Within Aboriginal groups and communities in Canada, the shift toward free trade in the last two decades has brought mixed reactions. For some, this process represents the final stages of

the original colonization of Aboriginal people that began 500 years ago. From their perspective, their lands and resources have long been “open for business,” under the guise of colonization, resource extraction and Canadian nation building. Some First Nations, such as the Mohawks, could benefit from free trade if future agreements address indigenous rights and community interests (Apikan 1999). More recently, groups like the Assembly of First Nations (AFN) have denounced modern-day trade agreements like the Canada–US Free Trade Agreement (CUSFTA). The AFN argued that federal support to Indian people could be construed as subsidies and that the natural resources in question remain in Indian hands under treaty or unresolved land claims (*Saskatchewan Indian* 1987). However the concerns of Aboriginal people were largely sidelined in the early free trade debate. Public resistance to free trade centred on labour rights and cuts to social spending — the relationship between the market and the state. Less has been heard about the restructuring of property relations and the struggle for land, which are pivotal issues for Aboriginal people (Simmons 1999: 125).

At a world level, Aboriginal people live on the front lines of globalization and free trade, because they tend to inhabit pristine places rich in the resources — forests, minerals, water and genetic diversity — sought for harvest and trade (IFG 2003a). As well, First Nations people have a holistic and spiritual attachment to the land and resources, and they fear current and future trade agreements will further environmental destruction, violate territorial and resource rights, and undermine self-determination. The North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO) have had severe and disproportionate environmental and socio-economic effects on the 33 million indigenous peoples of the Americas (Indigenous Peoples Summit 2001b). NAFTA’s inauguration day will be remembered for the Zapatistas uprising in Chiapas of thousands of poor, indigenous farmers known as *campesinos*. The Zapatistas called NAFTA a “death sentence” for the *campesinos* and within two years, two million were forced off their lands, because they could not compete with U.S. agribusiness (Dillon 2001: 3). In the state of Chihuahua, indigenous leaders and others have filed hundreds of citizen complaints to protest clear-cut logging and other unsustainable forestry practices on traditional lands (CECE 2002: 32).

Such resistance is increasingly common across the Americas, where thousands of Aboriginal peoples are negatively impacted by efforts to open traditional lands and extract resources. A 13-member coalition of non-governmental organizations (NGOs), currently documenting specific examples, was unable to fit all the cases on a large world map (IFG 2003b). The coalition cites 17 examples from Canada on the effects of mining, hydro-electricity, logging and environmental destruction on Aboriginal communities. Under the Asia-Pacific Economic Co-operation Conference (APEC), a forum of 21 countries bordering the Pacific Ocean, there are several resource-rich “extractive frontiers” where mining, logging and hydro development threaten Aboriginal peoples’ land bases. Indigenous people in Chile, the Philippines, Papua New Guinea and Indonesia have been removed from resource-rich areas, sometimes by military force. Other areas of concern are Australia, Canada and Thailand, where relatively large regions are occupied by indigenous majorities who lack full legal control over their territories (Native Law Centre 1997: 6).

Upcoming trade agreements have already raised alarms, prompting further resistance and action. For example, the Free Trade Area of the Americas (FTAA), when concluded, will

be the largest free trade agreement in history, encompassing 34 countries of North, Central and South America. The FTAA, by granting foreign investors access to Aboriginal lands, is seen as a direct assault on the gains indigenous people have made to protect resources and communities and ensure cultural survival (Coon Come 2001; Interior Alliance of B.C. and The Council of Canadians 2001; The Council of Canadians 2002). A particular concern, raised by Aboriginal people of British Columbia and others, is the threat to Canadian water supplies. The FTAA would increase the pressure to sell and export water, especially to the United States (Interior Alliance of B.C. and The Council of Canadians 2001; Barlow 2001). On a global level, indigenous resistance to the WTO reached a peak in September 2003 in Cancun, Mexico at the WTO's Fifth Ministerial Meeting. During these failed talks, 10,000 Aboriginal people protested and issued the International Cancun Declaration of Indigenous People (IFG 2003a). One protestor, a Korean peasant farmer, committed suicide outside the meeting by setting himself on fire (Los Angeles Independent Media Center 2003).

Historically, Canada's Aboriginal people have been sidelined in natural resource allocation such as agricultural settlement, lumbering and mining. As industry has moved into the hinterlands, more and more of the traditional lands of Aboriginal peoples have been alienated from them. Only occasionally do negotiations result in co-management resource agreements with tribal councils and First Nations chiefs and councils, and in modern day land claim agreements like the James Bay Northern Agreement and the Nisga'a Final Agreement.

More often, efforts by Aboriginal people to control lands and resources have resulted in lengthy negotiations, lawsuits, demonstrations and violence. This includes military confrontations like Oka, the occupation of Stoney Point Provincial Park in Ontario, in which protestor Dudley George was killed by police, and a confrontation at Gustafsen Lake, British Columbia, which was accompanied by a wave of blockades across the province. Some proposed developments would have severely violated sacred spaces, such as the Kanesatake burial ground at Oka that was to be covered by a golf course. Communities, such as the James Bay Cree and the Algonquins of Barriere Lake, Ontario have long struggled to control and receive the benefits of the natural resources harvested from their traditional lands and exported, frequently to the United States. As Chief Stuart Phillip, president of the Union of British Columbia Indian Chiefs, told the Standing Committee on the FTAA/WTO:

More money flows out of our territories in one load of logs, harvested without our consent, than a family of four relying upon social assistance receives in one year. Loads of timber, rivers and lakes dammed to produce hydroelectric power, tons of salmon and other marine resources are sent to foreign markets. As indigenous people we are the original owners of the land and resources, but you would never know it to see the poverty that our people live in (1999: 2).

Safeguards for Aboriginal people in trade agreements are piecemeal and ad hoc, and place no obligation on governments to support Aboriginal interests. For example, NAFTA includes a reservation that acknowledges, at least to a limited extent, some Aboriginal entitlements and provision for their favourable treatment. Annex II of the agreement states: "Canada reserves the right to adopt to maintain any measure denying investors of another Party and their



investments, or service providers of another Party, any rights or preferences provided to Aboriginal peoples.”

A similar reservation regarding Aboriginal people is included in the General Agreement on Trade in Services (GATS), the first set of multilateral rules negotiated under the WTO to govern international trade in services.

The non-recognition of Aboriginal rights within trade agreements is symptomatic of a pervasive failure by governments to deal directly and openly with Aboriginal issues (Estey Centre 2001: 2). Various writers have pointed out that Aboriginal title and rights, whether based in constitutional law or judicial rulings, are impossible to reconcile with trade liberalization principles, such as national treatment and most favoured nation treatment (Shrybman 2002: 62). Indeed, the Aboriginal world view, values and inherent rights fit poorly within an international free trade framework that sees the natural world — the land and its resources — solely as commodities to be harvested and exploited. The experience and situation of Aboriginal people in Canada is well represented by the image of a fence, coined by a popular anti-globalization commentator, that locks people away from resources, land and water, restricts their ability to move and silences their political dissent (Klein 2002).

### ***Traditional Ecological Knowledge***

Parallel to the signing of international trade agreements is a growing body of both information and international safeguards, for traditional ecological knowledge (TEK), also known as indigenous technical knowledge (ITK).

For Aboriginal people, TEK is holistic and cannot be separated from the people. It is different from Western scientific knowledge in that it is not possible to capture or compartmentalize just a single aspect (Roberts 1996). The Dene Cultural Institute defines TEK as follows.

Traditional environmental knowledge is a body of knowledge and beliefs transmitted through oral tradition and first-hand observation. It includes a system of classification, a set of empirical observations about the local environment, and a system of self-management that governs resource use. Ecological aspects are closely tied to social and spiritual aspects of the knowledge system. The quantity and quality of TEK varies among community members, depending on gender, age, social status, intellectual capability, and profession (hunter, spiritual leader, healer, etc.). With its roots firmly in the past, TEK is both cumulative and dynamic, building upon the experience of earlier generations and adapting to the new technological and socio-economic changes of the present (cited in CIDA 1999).

Article 8 of the Convention on Biological Diversity, dating back to the 1993 Earth Summit in Rio de Janeiro, Brazil, recognized the importance of TEK in sustainable development. It holds each ratifying country, including Canada, to:

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying

traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.<sup>12</sup>

This Convention, together with land and environmental protests by Aboriginal people, is pushing business and government to involve Aboriginal peoples more effectively in environmental and natural resource decisions. TEK has been included in some environmental agreements, such as the State of the Great Lakes Conference 2000 on pollution control, involving government and 63 First Nations whose territories are within the Great Lakes. Some commentators point out, however, that trade agreements, the rolling back of national environmental legislation and the globalization of financial markets have made a mockery of the Rio Summit. For example, globalization of the forestry industry in the 1990s greatly accelerated commercial logging around the world (Menotti 1998). In Canada, the advancement of global free trade has put tremendous exploitative pressure on British Columbia's temperate coastal forests, among the most significant in the world (Menotti 1998).

The gender dimensions of TEK are complex, far-reaching and yet to be fully explored. Writers such as Vandana Shiva have argued that women's biology gives them a "special" relationship with nature. Others have advocated for a more systematic study of gender roles, and issues of ownership and control of resources and land, though often in the context of settled, agricultural societies (Agarwal 1994). However, in regards to Aboriginal communities, both women and men are considered stewards of the land and have gender-specific roles and relationships to aspects of the natural world. This would vary so much over time and across different tribes in Canada that generalization is difficult. Perhaps one certainty, as the women's stories in this study will illustrate, is that the work of women that draws on indigenous knowledge — gathering food, picking medicines and raising children — is rendered all but invisible within the world of logging and international trade.

### **Free Trade and Logging in Aboriginal Communities**

On the world stage, Canada is a forestry giant. Its 253 million hectares of forested land account for one tenth of all forests in the world. Across the country, these forests are a major economic force, accounting for 11 percent of gross domestic product and providing 850,000 direct and indirect jobs. Some 300 communities depend on the forest industry (NAFA and IOG 2000: 5). Canada is the world's largest forest products exporter and depends heavily on its biggest customer, the United States.

The Canada–United States Free Trade Agreement and the United States–Canada Softwood Lumber Agreement have significantly increased trade in wood products between the two countries in the past 15 years. Reductions of tariffs on wood products, already set at low levels between the two countries, were phased out under the CUSFTA in 1989. NAFTA has had little effect on the wood products trade, which is more sensitive to economic growth, exchange rates and commodity price relationships (Kosco 1999: 1).

From 1993 to 1998, vigorous U.S. economic growth, a weak Canadian dollar and rapid growth in the U.S. housing market fuelled a brisk, billion-dollar trade in wood products. Canada's share of U.S. wood imports grew 55 percent to \$9.7 billion, significantly higher than the \$1.5 billion Canada spent on imports of U.S. wood products. Canadian wood accounts for 73 percent of the wood imported into the United States (Kosco 1999: 1).

British Columbia's forest products exports in 2001 totalled \$14.5 billion, accounting for 46 percent of total provincial exports and 8 percent of the world exports of forest products. The province is heavily dependent on the U.S. market for wood, with 65 percent of exports sent to America (British Columbia 2002). In British Columbia, 93 percent of forests are designated Crown land, with a process of land tenures — leases, licences and permits — allowing resources, such as timber, to be extracted.<sup>13</sup> A handful of large forestry companies control the vast majority of the land base in British Columbia, from initial planning stages through logging, milling and export.<sup>14</sup> In 2001, there were 91,000 jobs in the B.C. forest sector, including logging, wood manufacturing, pulp and paper manufacturing, and forest services. The logging industry alone employs 35,000 people in the province (BC Stats 2002). Ninety percent of B.C. logging occurs on lands that are also Aboriginal title lands (Sadik 2000).

Saskatchewan's much smaller forestry sector has grown tremendously in the last decade. In 2000, lumber exports abroad earned \$126 million, compared to just \$16 million in exports in 1990. Saw timber, worth just \$57 million in 1985, fetched \$235 million in 2000 (Saskatchewan Bureau of Statistics 2002).

Commercial importance aside, Canada's forests are the traditional home of 80 percent of the country's First Nations and have shaped their cultural, spiritual and socio-economic aspirations and dependencies for centuries. More than half of Canada's large intact forest landscapes — those not disturbed by large-scale human activities such as agriculture, logging, mining, pipelines and power lines — are in historic treaty areas. Modern land claims settlements contain about a quarter of Canada's intact forest landscapes (Lee et al. 2003: 45).

First Nations people depended on trees — timber for shelter, firewood for warmth, bark and other parts for medicine — for their very survival. However, First Nations people recognize the wholeness of the forest ecosystem and value cultural and spiritual aspects, as well as the wildlife, fish, timber, plants and water of the forest (Thompson and Webb 1994: 10). Elders of the Neskonlith First Nation describe how the mountain forests are central to their lives as Aboriginal people.

The mountains, pure and undisturbed, are essential to the survival of all people. Mountain ecosystems provide us Indian people with all of their physical, cultural, and spiritual needs since time immemorial. We hunt and fish in the mountains and gather roots, berries, nuts, lichens, and other edibles. The mountains are our shelter and protection. Winter and summer homes as well as temporary shelters are built from evergreen and deciduous trees. The most powerful medicines are collected in the mountains. The

source of all water comes from the mountains. The mountains are the most spiritual place for us. Young men and women in training spent as long as one year in the mountains in meditation and in spiritual quests (Society for Threatened People et al. 2002).

Although they are intimately connected with the forests, Aboriginal people have largely been shut out of the logging industry due to high start-up costs and government regulations<sup>15</sup> that favoured large industry to the detriment of Aboriginal businesses (NAFA 1993: 1). Forestry jobs require a substantial level of education and training, largely unavailable to Aboriginal people. For example, in the 14 Nuu-chah-nulth communities of Vancouver Island, only 10 to 15 person years of seasonal forestry industry employment flow to band members and in some communities only one person works full time in forestry. A few spinoff businesses have been developed to restore streams and forests damaged by previous logging and road building (Nuu-chah-nulth Tribal Council 2003).

Across Canada, there are increasing numbers of forestry joint ventures involving First Nations and industry; almost 50 partnerships include joint ventures, co-operative business arrangements, forest services contracting, socio-economic partnerships and forest management planning (NAFA and IOG 2000: 15). More than one third of these are in British Columbia, though it is not clear how First Nations specifically benefit from these ventures or what the terms of the arrangements are. For example, after years of negotiations, the Nuu-chah-nulth people of Vancouver Island directly control, or are partners in, a few licence agreements for small timber amounts, between 20,000 and 40,000 cubic metres per year. The Nuu-chah-nulth Tribal Council continues to press the B.C. government and the forest industry for larger tenures, greater community say in forestry decisions, sustainable and environmentally sound logging based on traditional practices, and possible joint ventures with logging companies (Nuu-chah-nulth Tribal Council 2003).<sup>16</sup> Under the Nisga'a Final Agreement, the Nisga'a Nation will take full control of its forest resources in 2005. Current forestry activities on Nisga'a land employ 30 people and have contributed \$445,000 to the First Nation (BC Treaty Commission 2003: 16). Critics argue this represents a miniscule portion of the industry.

At the other end, opposition to logging by many First Nations people in British Columbia hinges on two interrelated issues: environmentally unsound logging practices and the non-recognition of Aboriginal title, meaning First Nations are not remunerated for timber cut on their traditional territories. This has sparked a range of disputes, resulting in direct action and international lobbying. A partial list of 13 forestry-related court actions, roadblocks, protests and armed confrontations in Canada in the 1990s includes five in British Columbia and one in Saskatchewan (NAFA and IOG 2000: 7). Some have been backed by both Aboriginal and environmental groups. The protests over clear-cut logging of coastal old growth rainforests in Clayoquot Sound in 1993 led to the mass trials and sentencing of 932 people — the largest criminal prosecution of peaceful protestors in Canada's history (Sierra Legal Defence Fund and Forest Watch of B.C. 2002: 6). The Royal Commission on Aboriginal Peoples (RCAP) concluded that while sustainable forestry has great potential for increasing the self-sufficiency of Aboriginal people,<sup>17</sup> unsound forestry practices could greatly harm First Nation fishing, hunting and trapping. How clear-cut logging impacts hunting and trapping is vividly explained by an Ontario First Nations trapper.

After the trees in an area have been cut, all the animals leave and the area is useless for hunting or trapping. It takes many years for the animals to return. There are very few parts of my trapping area left where forestry has not driven most of the animals away. This problem has been made even worse recently, since the forestry companies have begun spraying with herbicides after harvesting. This is to kill off the deciduous trees [thereby allowing replanted coniferous trees to flourish]. It prevents the willows and poplars and other fast-growing trees from growing back. These are the trees that the moose and beaver feed on. Because the spraying prevents the growth of these trees, the animals that feed on them do not return to these areas. Consequently, animals may not return to areas that have been cut over for twenty or thirty years (INET 2003: 39).

In Quebec, 60 percent of the province's softwood comes from forests on Cree lands; logging impacts 4,000 Cree subsistence hunters (IFG 2003b). However, an Aboriginal ecosystems-based approach is not used by logging companies in land and resource management, despite advocacy from Aboriginal and environmental groups. These groups argue such an approach, which draws on traditional knowledge from elders and uses every part of the tree, will preserve the integrity of the forest and preserve the biological diversity.

Forestry that does not respect and provide for Aboriginal title and treaty rights is not seen as sustainable (NAFA 1995: 4). However, the question of unresolved Aboriginal rights has slowed the flow of timber products between Canada and the United States. For the first time, Aboriginal rights were raised in a trade dispute that led the United States in 2002 to impose countervailing and antidumping duties, averaging 29 percent on imports of Canadian softwood lumber. Canadian Aboriginal groups had argued in submissions to the U.S. Department of Commerce, and later the WTO, that the governments of Canada, Quebec and British Columbia have disregarded the rights of the First Nations people in the administration of their forestry programs. A WTO panel accepted an amicus curiae (friends of the court) brief from the Grand Council of the Cree in Quebec and the Interior Alliance of British Columbia,<sup>18</sup> who argue that timber companies benefit from a kind of subsidy when they violate treaty obligations, ignore Aboriginal title and clear-cut Native lands. The groups argue that while British Columbia fights Native land claims in court, the province allows destructive resource practices, such as clearcutting, to continue to the benefit of forest companies that harvest undervalued timber. In effect, the non-recognition of Aboriginal title constitutes a subsidy under international law (INET 2003: 9).

In Saskatchewan, the provincial government developed a northern strategy with a significant focus on the forest industry (Saskatchewan 2002). The strategy includes a partnership of government, First Nations and Métis communities, municipalities and businesses. Twelve initiatives are expected to create 10,000 jobs for the province. New moneys are to be used to build new sawmills and expand existing ones. For example, the La Ronge, Peter Ballantyne and Montreal Lake First Nations, together with the giant multinational Weyerhaeuser, are constructing a \$22 million sawmill in Prince Albert. These activities will create an estimated 3,322 direct jobs, 6,644 indirect jobs and represent a capital investment by the private sector of \$851 million (Saskatchewan 2002).

Some Saskatchewan First Nations and tribal councils, such as the Prince Albert Tribal Council and the Meadow Lake Tribal Council (MLTC), have entered into co-management agreements and partnerships for forestry resource management. The MLTC consists of nine First Nations, including four Dene (Birch Narrows, Buffalo River, Clearwater River, English River) and five Cree (Canoe Lake, Flying Dust, Island Lake, Makwa Sahgaiehcan and Waterhen Lake). The First Nations are spread across the northwestern section of the province. The MLTC is located on the Flying Dust First Nation close to the town of Meadow Lake. The Council is also recognized across Canada as a leader in self-government discussions. In 2001, the Meadow Lake First Nations and the MLTC signed a comprehensive agreement in principle toward self-government. The final agreement is expected in two or three years (INAC 2001).

The MLTC has developed a 20-year strategy to ensure sustainability and opportunities for its First Nations membership. It operates NorSask Forest Products, the largest First Nations owned forest products company in Canada. NorSask runs sawmills and cuts timber from traditional lands owned by the MLTC. The sawmills employ Aboriginal people and provide spinoff business opportunities for them. First Nations communities and individuals have created operating companies, while Métis and Non-Status Indians living in 14 northern villages and hamlets in the area have also received economic benefits. Over 90 percent of NorSask's production is exported to the United States (Estey Centre 2001: 7). Within five years, the MLTC expects to create 100 new jobs for its members in forestry. The MLTC filed a submission with the U.S. Department of Commerce for exemption for the softwood lumber products exported by NorSask, stating they are harvested from Aboriginal-controlled lands.

Women are equally underrepresented as direct employees in the forestry sector. Fewer than six percent of the 69,000 people working in the forestry and logging industry<sup>19</sup> in Canada are women. Men vastly outnumber women as employees in all categories of forestry and forestry support activities save two: women account for 71 percent of unpaid family workers in forestry and logging operations and 56 percent of unpaid family workers in support industries for forestry (Statistics Canada 2001b). With First Nations people, the figures for forestry employment are clumped together with agriculture, fishing and hunting. Overall, First Nations women are underrepresented. Across Canada, they account for just under 21 percent of the total work force in these categories, with 18 percent in Saskatchewan and 15.6 percent in British Columbia (Statistics Canada 2001c).

## 2. THE COMMUNITIES

### Saskatchewan

#### *Flying Dust First Nation*

The Flying Dust First Nation is located outside the town of Meadow Lake in west central Saskatchewan. This Cree community is part of a group of First Nations whose ancestors signed Treaty 6 in 1876. Today, some 56 percent of the band's 962 members live on 6,967 hectares of reserve land. Under the current treaty land entitlement structure, the Flying Dust First Nation is entitled to purchase an additional 13,723 hectares of land. The NorSask Sawmill and Millar Western Pulp Mill are both located just outside the reserve (MLTC 2001). There are 15 businesses on reserve, with only a handful connected in any way to forestry. There are no figures publicly available on the community's level of federal funding.

### Interior of British Columbia

Disputes over logging in British Columbia, involving Aboriginal people, logging companies, and provincial and federal governments have occurred throughout the province. In the interior, Aboriginal communities contend the province allows the widespread clearcutting of indigenous hunting and fishing grounds and ignores federal legislation that requires buffers of trees to be left around streams and lakes. Their traditional territory of 25.7 million hectares of land, covers almost one third of the province and extends into Alberta and the United States. The Interior Alliance of B.C. consists of five nations in the south central part of the province and represents 21,000 people, including the Secwepemc and St'at'imc Nations.

#### *The Neskonlith First Nation*

The Neskonlith First Nation is located 50 kilometres east of Kamloops in south central British Columbia. A little more than half of the band's 550 members live on 2,700 hectares of reserve land. The community receives \$7.2 million annually in federal funding, from Indian and Northern Affairs Canada, Health Canada and the Canada Mortgage and Housing Corporation, including \$31,000 for economic development. The Neskonlith community is Secwepemc people, also known as the Shuswap. The Secwepemc people are a nation of 17 bands whose territory extends from the Columbia River west to the Fraser District and south of the Arrow Lakes. The Secwepemc Nation was traditionally a political alliance of separate and independent communities, united by a common language (Secwepemctsin) and by a similar culture and belief system. The population of the Secwepemc Nation today is 7,200.

#### *The Lil'wat Nation (Mount Currie First Nation)*

The Mount Currie First Nation, located near Pemberton, British Columbia has 1,800 members. About two thirds live on the band's 2,930 hectares of reserve land. They receive about \$13.5 million annually in federal government funding, including \$381,000 for economic development. Mount Currie is one of 11 communities of the St'at'imc Nation, which is located on the western edge of the Interior Plateau and extends into the Coastal Mountains. The St'at'imc people, known by the Europeans as the Lillooet, were important traders between their interior allies and the coastal people.

### 3. METHODOLOGY

The research included literature reviews of ethnographic and historical accounts of First Nations people in Canada, trade documents, government, First Nations and business reports, and environmental group reports on economic development and Aboriginal peoples.

The research project proposed data collection in two communities, but the budget also allowed for research at a third site. Although forestry takes place in and around Aboriginal communities across Canada, sites in Saskatchewan and British Columbia were chosen because of their specific histories with respect to forestry and Aboriginal people. British Columbia combines a long history of forestry activities against a backdrop of few signed treaties and ongoing, unresolved disputes between Aboriginal people, federal and provincial governments and forestry companies. In contrast, all of Saskatchewan is covered by treaties (2, 4, 5, 6, 8 and 10). A young but growing player in the timber export market, Saskatchewan's forestry industry includes tribal councils and bands as business owners and partners. Would the impact of trade in forestry products on First Nations women, and their response to it, differ between these two contexts?

The research sites chosen were known to be communities on or near areas where timber was harvested for export. Contact was made with the community via the local tribal council, band office or individuals knowledgeable about the community. At each site, the researchers hired research assistants — women who were well known and active community members. The assistants briefed women in each community about the research and invited those interested to participate at a convenient and private meeting place arranged by the assistants. The assistants opened doors for the researchers who, as outsiders, may have found it difficult to build trust and obtain the women's consent and participation. With the assistants, finding participants did not prove difficult as they were respected and trusted members of their communities. The research assistants reported that none of the communities had documented research protocols as part of band policy. The researchers contacted the chief and council in each community only on the advice of the participants and the research assistants.

The researchers conducted five sharing circles in three communities in the summer and fall of 2002. The researchers made inquiries to ensure all local cultural protocols were followed. Sharing circles, rather than focus group discussions, were seen to better reflect community values and traditional ways of seeking knowledge and information. Unlike focus group discussions, sharing circles can include aspects of spiritual practice and teachings. For example, before each circle, elders were offered tobacco, in keeping with traditional protocols on requesting information, particularly if the topic touches on spiritual matters. In some communities this practice was all but lost and the women were honoured to accept the tobacco. In one community, the women requested that a prayer be said to start the circle. In a sharing circle, respectful behaviour is usually expected (i.e., everyone has a chance to talk, participants should listen patiently and attentively, and it is not good to interrupt, speak out of turn or get up and leave midway). The circles included three with elders, one with younger women and one with a mixed aged group.



In each circle, the researchers explained the project fully, including the overall aims, the data collection process and the anticipated results. Participants were assured that confidentiality would be maintained and were given an opportunity to ask questions before being requested to sign consent forms and give their permission to start the tape recorder. The researchers spent considerable time introducing themselves, talking about their lives and families, to give participants time to know them and feel comfortable. This process is critical in First Nations communities, where relationships and family ties are central. In addition, the complex and unequal relationship between First Nations people and the federal government means the aims and outcomes of federally funded research must be fully and honestly explained, and the researchers checked out by participants.

Most participants spoke freely during the discussions and were eager to share their experiences about the impact of logging and other economic development activities. At one site, the researchers spent more than an hour negotiating with the women participants about the question of consent. Some raised concerns about how the information would be used and whether they might be publicly identified, as they are facing court charges in connection with their activities. These participants agreed verbally to the interview but felt uncomfortable signing their names to paper.

At this site, the researchers toured the areas where band members have set up blockades or camps to protest the existence and expansion of the Sun Peaks Ski Resort. The researchers saw trenched roads, destroyed cabins and camps, and sites where teepees and sweat lodges had been bulldozed or torn down. Together with the research assistant, they visited the only camp that remains, on the outskirts of the resort, and were followed and videotaped by resort security officials during their visit. At the other sites, researchers toured the community, visiting salmon fishing sites, viewing clear-cut areas and touring sawmills.

### **The Participants**

Thirty-four women (22 elders and 12 younger women) participated in the five sharing circles. They ranged in age from the early 20s to 85. The majority were band members while a few had married into their communities. The younger women (aged 50 or below) had worked in health and social development for their own band; some worked as consultants. Several had attended university or post-secondary institutions. The elders were all grandmothers or great-grandmothers and participated in traditional activities, such as berry and medicine picking, canning, fishing and crafts. Most had attended residential schools and many had worked in paid employment. Some of the elders had married out of their communities but moved back home after being widowed. One elder had multiple university degrees and was a lecturer and author. Several had travelled extensively to attend international conferences on the rights of indigenous people.

## 4. FINDINGS

In all three communities, the data collection highlighted key themes about the research. First, the women view the impacts of logging as one aspect of the colonization of Aboriginal people. The increase in logging as a result of the Canada–United States Free Trade Agreement, they insist, must be viewed against their history. This includes treaty signing (or the lack thereof), the loss of lands and the traditional way of life, the impact of residential schools, the repressive measures of the *Indian Act*, ongoing racism against Indian people and current-day political struggles, both vis-à-vis federal and provincial governments and within communities themselves. Second, in British Columbia, the women discussed the impacts of various types of economic development — ski resorts, cattle ranching and suburban growth — together with logging since they view them as similar and interrelated. Finally, at times the participants, rather than express how logging affected them specifically as women, spoke more broadly about the impacts on their people as a whole.

This perspective is advocated by other researchers. Aboriginal women researchers argue that gender-inclusive analysis by itself does not take into consideration the unique historical and cultural circumstances of Aboriginal women (Sayers and McDonald 2001). The women's relationship with the land and the interconnectedness of their communities does not allow for an exclusively women's perspective. They were not ready to establish their struggles as separate from those of the men, although they acknowledge support from the men varied. When asked why not as many men were involved in the protests, the women said some of the men are still caught in the cycle of dependency and are not yet ready to participate.

For the sake of discussion, the findings are discussed in four categories: environmental, cultural, economic and social, though all are interconnected. A final section summarizes the relevant gender issues cutting across the four categories.

### **Environmental Impacts**

Many of the elders spoke of childhoods closely connected to the land and the physical environment. Families and communities survived by gathering and processing traditional foods that formed the bulk of their diets, supplemented by basic groceries such as flour, tea and sugar. According to the season, the people snared rabbits, caught fish, hunted for elk, deer and moose, gathered wild eggs, and picked and canned berries — saskatoons, blueberries, huckleberries and cranberries, among others. Some families planted vegetable gardens, in addition to gathering wild potatoes, wild turnips and mushrooms.

*In the summer we used to pick berries. All of us kids, we go and stay in Island Hill for about a week. We used to pick a lot of blueberries, bring them home, can. We'd make jam, put them away. And for the meat part we'd put them away in a well. We would put our meat there. Sometimes we would can some. Same with the fish (Flying Dust elder).*

Some women, particularly those in British Columbia, said they still depend on traditional foods for a significant portion of their diets. One woman and her daughter spoke of canning 40 jars of applesauce for their winter stores. They also can salmon, huckleberries, corn, beans and other vegetables from their community garden. She estimated that at least half of her total food comes from traditional food sources and not from a grocery store.

All the women reported profound and distressing environmental impacts that ripple through the ecosystem, both on their reserves and on lands they claim as traditional territories. The harvesting of forests, particularly clearcutting, destroys the animals and plants used for food and medicines, both as sustenance and for spiritual purposes, and disturbs watersheds. Suburban expansion and other economic activities, such as ranching and resort development, exacerbate the environmental destruction.

*The water, the rivers are getting lower and lower. And our fish are suffering. Our animals that depend on those creeks are suffering. It's just like a chain reaction, caused by man for the sake of the almighty dollar. And I resent that as an elder, an intrusion into my culture and the sacredness of our connection to Mother Nature (Neskonlith elder).*

Some women spoke of the scarcity of certain animals, such as rabbits, that once served as a traditional food source.

*The next generation is going to starve to death 'cause there's no more animals. Lakes are polluted, you know fish and ducks and all that. You never see a prairie chicken any more. We used to eat them. They were good. You know you'd just see them on the road. They used to shoot them (Flying Dust elder).*

Other participants related anecdotes of finding fish or animals they believed had been left diseased by logging and ranching, and, in one community, the storage of polychlorinated biphenyls (PCBs).<sup>20</sup>

*Somebody went to hunt at Sun Peaks<sup>21</sup> and they got a deer with sores on it. And it's the cause of eating the grass that's fertilized and drinking the spew coming out of Sun Peaks. The animals are getting dirty (Neskonlith elder).*

*Even the wild meat now, it makes you sick. Everything is sprayed you know. All the chemicals they put in the field; everything is picked from there. It has disease. This summer there were warnings against eating the deer. They were diseased (Flying Dust elder).*

*How far you have to travel now to find game that you think is worth eating? You know, because of all the contaminants, all the pollution, that's occurring right close by. Like our fish...I remember that one year when \_\_\_\_\_'s wife actually had one glowing.... There was one glowing and that was the PCBs, remember? And many years ago, when I used to bring them (my children)*

*with me to fish camp on the Fraser River, one year we were catching our fish and drying them and every fish we had, remember, those long tapeworms. We had to pull out these worms that were just incredibly long. They were so infested and that was contaminants (Mount Currie woman).*

Plants also provide an important source of food and medicine. The women spoke of species disappearing, or that they have to travel further into the bush, sometimes driving up to two hours, to find plants and bushes that once existed within walking distance of their homes.

*All our fruits that used to grow up on the mountains...a few years back they used to put sheep to graze up there and sheep won't eat grass. They'll eat twigs. They chop down everything. There's absolutely nothing left. We have to go miles and miles to get our huckleberries, our high bush cranberries, it used to be plenty full with a lot of good vitamins. I could give you a list of names of stuff that our people ate that is slowly disappearing (Neskonlith elder).*

As the species vanish, so does the traditional knowledge about the plants and how to use them. In one community, some women were studying ethnobotany, trying to learn details about 200 plants that one of the late elders of the community shared with a young man, now their teacher.

*It is not only the plants. It's us not knowing the language of the land, knowing what those plants are in the language, how to use them and what they are for. And even just the everyday language (Neskonlith woman).*

Some women in British Columbia reported difficulty in finding suitable cedar roots and birch and cherry bark to make baskets.

*The quality of the cherry bark used for decorating is really bad...and they're having to go further and further. We tried to get some this spring and it's really, really thin. It had to be quite thick to make good strong baskets (Neskonlith woman).*

In addition to the decline in certain species, logging impacts the immediate environment of people's homes and communities.

*[The logging trucks] were going all the time. The dust was flying all the time. All the homes and all the people that lived there, they had gardens, but the gardens wouldn't grow because the dust was just so heavy on the plant life out there. It was just awful (Mount Currie woman).*

In one community, women complained that forests just outside the reserve had been clear-cut on both sides of the road, in a kind of "massacre" that destroyed the beauty of the land. On reserve, trees and bush have been logged out or cleared off for agriculture.

*They give us free trees now to plant on the reserve where they clear-cut and cleared away for agriculture, like fields and cattle and horses, and now they are giving us free trees to plant in our yards and bring the bush back (Flying Dust elder).*

Some participants pointed out the irony of facing a housing shortage on reserve despite the availability of trees around them. Cutting trees is illegal without a provincial permit, which is usually only provided to private commercial loggers and logging companies.

Logging has a huge impact on water systems, with streams and watersheds drying up, being diverted or becoming polluted. The women reported they are no longer able to drink out of the creeks and streams as they once did.

*Every time you see a truck with logs it really has a bad impact on us. On everyone. I hear that from a lot of people. Because we know that was the deer and the habitat, and everything, the water system. Like you know, we live up the mountains, we'd be able to drink water right out of the creek. A lot of those places there's cattle now. You can't drink the water out of the creek anymore (Neskonlith woman).*

*I never thought I'd see the day when I'd be carrying around a little paid-for cup of water and we're sitting below the glaciers. We're so close to the ice fields where the water comes from. And yet we are already getting polluted rivers and lakes (Neskonlith elder).*

In British Columbia, a particular concern is how this will impact the salmon, a crucial traditional food source. Mountains that have been clear-cut do not hold moisture in the soil, resulting in erosion and mud slides.

*When they do the clearcuts there's nothing to stop the slides, the mountain slides. Then it all goes into the river and into the spawning grounds. And then it rips apart the willows and stuff where the salmon spawn.... Fisheries goes in and does repairing projects and replants all that stuff again. But it is just now that people are coming to realize the damage that has been done so just now making projects so you can go in and try to fix up what forestry destroyed. Trying to, eh (Neskonlith woman).*

Women in Mount Currie spoke of plans to develop a \$500 million all-season ski resort in Melvin Creek, part of the traditional territory of the St'at'imc people. The proposed resort would involve massive clear-cut logging in a valley they believe is the last natural watershed in their territory.<sup>22</sup>

*I have to keep this land the way it is, as our ancestors used it and as we are using it to collect our berries and our medicines. I have to save it for the animals, for our water, our last untouched natural watershed. I have to save it 'cause the plan is, if that ski resort goes through, 76 cut blocks of logging,*

*that would take out all the logs in that valley, all of the logs, just so they could ski from every direction into that valley and that would destroy the last natural watershed. I can't allow that to happen (Mount Currie elder).*

The women did not feel efforts at reforestation helped slow the environmental degradation, because planting one or two species of economically valuable trees does not re-create a forest destroyed by clearcutting. Rather, it creates a tree farm where a forest once stood. As well, they pointed out, forest companies do not “replant the bears” or other animals.

*I said [to the logging company representatives] you bulldoze everything out of the way that you don't need for that almighty dollar, regardless of the little creatures that depend on that for their living. They were put here for a purpose and you guys just destroy their livelihood. Where's the little squirrels today? The hazelnuts are all gone, the cones off the trees that they used to put away for their winter supply. What did you put back in return for them? All this destruction (Neskonlith elder).*

The women also spoke of health impacts on their people. The loss of traditional foods, together with the commercialization that is increasingly forcing people to live off store-bought foods creates health problems, such as diabetes and dental concerns.

*When you look at our life, we never needed hospitals, we never had jails, because we lived right. We were doing something right... The food that we ate that grew on the mountains had a lot of antibiotic. Now that very same food is disappearing... What we eat today is poisonous as compared to what we ate a long time ago (Neskonlith elder).*

*We used to eat everything, berries, fruit. We used to have good meals then in the old days. Everybody was healthy. The food we eat all the time today, the food to eat, we get sick of eating. Everybody has sugar everything (Flying Dust elder).*

Such health issues are not included as part of environmental assessments, which consider wildlife and other aspects of the ecosystem, but not the impact on people who live on the land.

## **Cultural Impacts**

First Nations people recognize the wholeness of the forest ecosystem and value the cultural and spiritual aspects, as well as the wildlife, trees, plants, water and fish. Many elders spoke of the land as the source of spirituality for Indian people. For example, for the St'at'imc, the Melvin Creek Valley, site of a proposed ski resort, is the home of the Sutikalh, or Winter Spirit. This valley, considered a spiritually powerful area, has long been used for vision quests and by medicine men who fasted and prayed there to renew their powers.

The women in British Columbia spoke about the land being sacred and that the Creator, through the land, provided everything they needed to survive as people for thousands of years. Simply going to the mountains is a spiritually uplifting experience.

*The first thing you have to understand is our spirituality. If I am feeling depressed about something, all I have to do is drop everything and go up the mountain. I find my serenity. It's a beautiful feeling. I even take little children (Neskonlith elder).*

In return for what the land offers them, elders say, people have treated it with respect, and expressed gratitude for the sustenance it gave them. One way of giving thanks is by offering tobacco and prayers.

*We have to remember as Aboriginal people our spirituality came from our connection to Mother Nature. That was our firm belief. If I watched my mother, my grandmother, go to the forest to get their medicine, tools or materials they needed to survive, they never went into the forest, just break, break, chop, chop. I've always seen my mother and my grandmother say a prayer of thanksgiving to acknowledge the Creator who put all those things there for our benefit (Neskonlith elder).*

*Anything you get from the mountains, wherever you get your things from, roots, whatever, berries, always make sure you leave a little offering. Tobacco.... If you're going to take a handful of berries, where you'd like something, always leave a little offering, even if it's from your cigarette (Neskonlith elder).*

Many participants said that a Western concept of nature, with human beings supreme and able to harvest or exploit the resources of the land, directly clashed with the Aboriginal world view.

*I made them [logging officials] understand where we're coming from and why it is important for us to protect the mountain. Because it is so sacred. To them it is just another mountain with a bunch of trees on it.... This is our way of life. We never believed in destroying Mother Nature. Everything, even our legends, we are teaching our children to respect, right down to the lowest little creature (Neskonlith elder).*

Many participants saw themselves as stewards, saying they had to protect wildlife and plants that could not speak for themselves. Some spoke of this role as having been predestined to them by the Creator.

*I have to save our medicines, our berries, our animals. We have to coexist with them. We have to live in harmony with Mother Nature. We have to. We are just keepers of this land. We are not to use or abuse it (Mount Currie elder).*

*We are the keepers of the Earth. When I take a look back at some of our history, even at some decisions that were made here recently, it makes you wonder, why are they doing that... When did we start forgetting what our real role is here on this Earth? It's not to make money, it's not to get the almighty best dollar from any kind of job. Our destiny has been set before us by the Creator since way back, even before we knew what it was. Who are we to think we are going to change our role (Mount Currie woman)?*

Because of this close connection, many of the women spoke of being distressed and grieved about what they saw. They found it particularly painful to go out to gather berries, bark or medicine and come across a freshly clear-cut block of land.

*It's like returning to your home and nothing is there (Neskonlith woman).*

*It's gone forever. It just hits you. It hits you right here. It hits you and it is so shocking. You don't know what to do. You are almost in tears. And then who do we have to scream at then? Who's going to listen to us anyways? A lot of the areas are getting like that... Everyone of us has certain areas that we go to and it's the same. Houses are going up, resorts are going up, ski trails are going up. Something's going up there. Development is happening and then you go and you look, and it's just so shocking... You know, that's really, really hard to take. And it really hurts, because then I think of what happened to our elders when they used to go back to these places. And I think that and I know what they feel like... I know what they went through, because I see it and I feel it. You know it's gone, just like that. Just by some big machinery coming in and taking it all (Neskonlith woman).*

*We see a bunch of trees dug up and bare land just sitting there, it's kind of like, for me, violent or something. You know a lot of healing for our people comes from, you have a hard day, you go out and sit by the river, you go out to the plants, you go out, be out where it makes you feel better. So just the healing that comes from that is violated (Neskonlith woman).*

Participants in British Columbia spoke of the destruction of spiritual sites, including sweat lodges set up outside the Sun Peaks resort. The following day, cross-country ski trails had been groomed over top of the site where the lodges were built.

*Thinking of the spiritual impact, they bulldozed two sweat lodges. That's like burning a church... Those are our ancestors. I felt like it was our ancestors in those lodges (Neskonlith woman).*

In Mount Currie in 1991, the logging company Interfor began cutting trees outside the community cemetery, located on a mountainside near the shore of Lake Lilloet. It is the resting place for many St'at'imc people who died when a smallpox epidemic decimated their population in the 1900s. Community members blockaded the road to stop the logging.



*They were wanting to continue [logging] all the way through and they were taking down gravesite markings, evidence that there was a gravesite there. They were destroying it and saying well there's no gravesite there. But what they were doing really was destroying it just so that they could log through. But one of our guys he actually lay in front of one of the machines. They were coming with a great big cat and they were going to run over him and he just said he hung onto the ground and prayed to the Creator, if you are going to take me now, take me but I'm going to save our land. And they just stopped like right there, close by him (Mount Currie elder).*

The logging was halted, but 12 community members, half of them women, including young women, were charged and served one month in jail. Many refused to use their registered birth names and instead provided authorities with their Indian names as a form of protest.

In British Columbia, women elders are in the forefront of the resistance, which takes time away from their other activities as elders, such as sharing cultural knowledge and teaching. An oft-repeated feeling is the need to save the forests for future generations. A particular concern is how they will teach their children and grandchildren about their culture if more and more of the land is permanently altered.

*To me everything out there means so much...it is like everything we are trying to teach the young people. Are they just going to read about it in a book? Are they ever going to taste a sikelelly berry? We don't want our children to be learning this from a book. We want it hands on, come right out there and they learn, right out there (Neskonlith elder).*

### **Economic Impacts**

In all three communities, participants reported that the harvest of timber, as well as other economic development activities, brought few tangible benefits to them and their families. On the contrary, they felt the environmental destruction and assault on their traditional way of life made it harder for them to survive both economically and culturally.

*Out of all the trees that left our territory, we didn't see any benefit. Like to the people. There was no resources coming to the people even though it was our land. Nothing. They just stole all the resources. I see that now. I didn't see it when I was younger when there was a lot of logging in the area. I didn't know then but I sure know now (Mount Currie elder).*

The women in the B.C. bands said their people received no direct economic return as timber companies negotiate cutting licences and pay stumpage fees to the provincial government, apart from when logging is done on reserve. In Mount Currie, companies received a 50-year lease to log most of the reserve, paying a negligible amount per year, which is held for the band in a trust account in Ottawa.

*I don't see any impact of a positive nature as a result of our resources being reaped. I don't see any impact for us. I see the destruction.... I see the*

*external logging companies infiltrating into our communities now and yet they are getting a lot of benefits. They're exchanging poor land for good land and I don't know what else they're doing. It doesn't seem to be very upfront to me because as a band member, I don't know what they are doing. I can't even tell you because it's quiet. They're selective logging. The main people that work within our traditional territories are people that belong to those companies or are friends of the companies. So there's no training for our people and there's really no future in logging anymore. The forest industry is going down. It's very seasonal, very unpredictable now (Mount Currie woman).*

At Flying Dust, many of the elders recall their fathers cutting poles and hauling them by horse and wagon to Meadow Lake, where they would be sold for as much as \$5 a load. However, Status Indians had to obtain a permit to cut trees and, until 1951, a pass from the Indian agent to leave the reserve and sell any goods they had.

*It started getting commercialized when I was a kid 'cause I remember travelling from camp to camp with my mother and that's what they did. They cut trees down. They hauled them with horses. They would peel them and that's what I remember about logs being commercialized and I remember the huge piles of trees and logs going through a kind of a mill process. I was a small child then, but I remember because we used to have sawdust piles all over the place and this is where we played 'cause this was our playground.... This I remember in the 1950s, early 1950s. It probably started earlier cause some of those sawdust piles were really high and that's how I would gauge it (Flying Dust woman).*

The women at Flying Dust reported the band earned \$100,000 per year in dividends from the Tribal Council's timber company, but they had no idea how that money was used.

There were few jobs for Aboriginal people at any of these ventures, the exception being the MLTC, where approximately 60 percent of the work force is Aboriginal. The original sawmill at Flying Dust, which operated during the 1950s, employed only one Aboriginal man, who came from another reserve. People working in the logging industry needed to complete a three-year certificate program in forestry to get jobs in the industry. A handful of women working in the industry were largely confined to reception or clerical duties. There were a few exceptions, including a couple of women loggers or those who worked at businesses with their husbands, cutting or replanting as private contractors. At Flying Dust, participants said women were more likely to work at the band office or tribal council than in the forestry industry.

In British Columbia, the women said the number of Aboriginal people working in the forestry industry has declined as the overall number of jobs in the sector has declined. One participant had worked for a logging operation that recently closed down.

*Most of the First Nations members are leaving the logging industry. I think there's maybe only, three, four, five, whereas before they used to make up maybe three outfits from Lillooet. It's getting really scarce. You almost have to go out of your town, out of your district, to get a logger to come in for you now, because there's not that much security there anymore. Like if you're working for one company, they'll shut down, because of the stumpage rates, etc. It's not worth it (Mount Currie woman).*

On top of gender and qualification barriers to employment, some women reported racism, though not necessarily in the logging sector. One described her experience in applying for a job in the nearby resort town of Whistler, developed in the 1970s on land the St'at'imc people claim as their traditional territory.

*The guy [at the ski resort] says to me, "gee your writing's pretty good for an Indian." And he says, "it's really legible too...and not only can I read it but you seem to be very literate. You seem intelligent for an Indian." I was sitting there. And I just looked at him and said "What does all this have to do with my interview? ...The final thing he said to me is, "you know what I really have no problem with you but it's the people that I work with. It's fine if they just hear you on the phone but if they walk in and they see that you're a Native person or an Indian, I'll probably lose business so I can't hire them" (Mount Currie woman).*

Elsewhere, band members were prevented from taking scraps of cut timber as firewood and to make cedar shingles. One woman told how her sister tried to collect shake blocks (blocks of leftover wood used to make shingles) that are normally piled up and burned. She was stopped and the truck she borrowed almost confiscated.

*They still burn it, ya. Because we tried to go and get wood at one of the those places up in Duffy Lake there. They're logging up there. We were going to go get wood for our camp and we were up there. We got a couple of truckloads for our camp and all of a sudden there was a big gate put there and everything and we weren't allowed. And then fall time came and they burned it. There's a great big fire behind. We just wanted to burn it in our campfire (Mount Currie woman).*

## **Social Impacts**

Logging, unwanted economic development and the resistance against it had wide-ranging social impacts for the women, including evolving gender roles, tension in communities, stress for themselves and family, and in British Columbia especially, an increasingly political role in their communities.

There are divisions in communities between those who support development and those who do not, but these divisions are not necessarily along gender lines. In some families, women struggled with opposing the logging while being married to men working in the industry.

While women spoke of some men supporting their efforts, they said the largely male Indian leadership neither consulted them nor reported back to them. In Mount Currie, the women spoke of being made fun of by the men when their 1990 blockade in support of the Mohawks at Oka stopped the flow of logging trucks through the area. The Flying Dust women felt excluded from the decision-making process in their community and were uncertain how to make themselves heard. In British Columbia, women spoke of blocking the Tribal Council office in Kamloops, trying to prevent an election that voted out their chief as head of the Tribal Council, because he is opposed to development. Sometimes women felt that economic development plans in their community were simply presented to them as a *fait accompli*.

*I hate this word but they call it community information meetings. We have these meetings where we get informed about what's already taken place. We don't get asked. We don't get to give our consent. We get told what is going on there (Mount Currie woman).*

When asked why they were actively involved or interested in the impact of logging or economic development in their communities, many women said their roles as elders or as caretakers for children compelled them to action.

*I really look at this as the second chance to save our lands. I'm not afraid of anything or anybody. We'll stand up for our land, our rights, as women, for my son and my grandchildren and their grandchildren. I have to 'cause no one is going to do it for me (Mount Currie woman).*

Some noted that men in their communities may have full-time paid jobs or be struggling with alcohol and drug addictions. Others said their own life experiences — coming from politically active families or feeling a deep sense of injustice — pushed them to the forefront.

*One day I was really thinking about all our lives being stolen. My father was a councillor and I remember him fighting for our lands all the time. Our grandfather was chief and I remember him when he was chief, he was fighting for our lands. All of this started coming back to me. Then the opportunity came that I just became fully involved in saving our land for our people and our future children and grandchildren. That's the teachings that I got from my ancestors (Mount Currie woman).*

*It just took a matter of time for the significance of being an Secwepemc and learning the language and the way the Government of Canada operates...the thing that really did it for me was when I realized I couldn't be proud of who I was. You know, my identity was taken away as a Native person. We were separated from our siblings, alcohol was used as a factor to break my family down, jobs were little, and men were so highly recognized and women weren't and I found that very unfair. All the different things when you really look at it and you start reading the history of the way they write it and how we know it are so different. It makes you wonder. And all the racism, the*

*prejudices that they have against us. Still today they don't recognize us as a people (Neskonlith woman).*

A sense of being silenced compelled many to become involved, particularly in Mount Currie, where women in the band have manned various blockades since the mid-1970s. The women in British Columbia expressed a deep sense of frustration at being unheard and being frustrated by courts and other white-dominated systems that did not take their concerns seriously. That forced them, they felt, to resort to acts of political resistance to make themselves heard in the hope of changing their situation.

*They should talk to us. I mean we're the ones who have to work hard to get food on the table; we're the ones that are really concerned, you know. They should talk to us, not just go ahead, boom, boom, boom. Next thing we know it's all planned, then of course what happens is we set up a roadblock to stop it. I know that roadblocks are not the answer, but sometimes that is the way they view us (Mount Currie woman).*

Some women reported that both the logging and their involvement in the resistance created considerable stress. Being arrested, charged and jailed, sometimes multiple times, is described as "living in constant crisis." One young woman spoke of the rage she felt when a traditional log winter house she worked on for two months at a camp was destroyed by Sun Peaks employees.

*When we went there they were laughing. And I was mad and I was swearing. I was so mad and I hurt so much but I couldn't cry, I couldn't anything. All I could feel was rage, like I was ready to kill someone. I felt rage like that. And then I had to be restrained. They had to pull me away.... I never felt that anger, like pure rage, in my life 'til that night when I went back and I seen the Sun Peaks employees just laughing, just laughing at us (Neskonlith woman).*

Some spoke about feeling frustrated and shocked by not being respected by people and institutions, including the court system.

*Our land is our home, our land is our culture. It's who we are, because we were never made to stay in one spot. We're nomadic, we survived on the land...when I brought that up in court the judge said out of his mouth that it was ridiculous, bordering on ridiculous. That's what he told me in court. And when he says that to me, he's saying that to all our people. This is a judge in the year 2002 (Neskonlith woman who appeared in court for obstruction following a 2001 blockade).*

Others were deeply hurt by seeing how the environmental effects impact their community, particularly the younger generation.

*It really alarms me when I see the destruction to the land and our way of knowing in indigenous science comes from that connection to the land. ... So*

*it really affects me that way, on a really spiritual and a really deep level. ... I saw some of the suffering that our people, our young people are still struggling with and I think the destruction of the land has a direct relationship to that, the loss of culture, the loss of connection to the land and the ways of knowing that come through that has been lost. The younger generation struggles, because they are trying to live in a world of really conflicting values, mainstream values versus the values that are taught through the land and the knowing that comes from the land. So that hurts me as well (Neskonlith woman).*

All said the way forward for Aboriginal people was through the women, who they believed would one day regain the positions of influence they held in earlier times. For many their increasing political involvement was already an indication of this.

*We have to sit here as women and start meeting and educating ourselves, getting over this fear of being verbal and vocal and stepping out of our place in society as it was deemed for us to be just as the caretakers of the household. Now we're reversing it. We do have a voice (Mount Currie woman).*

*Let us be heard. That is what I am looking for. I want to be heard (Neskonlith elder).*

## **Summary**

For the First Nations women in this study, colonization is continuous and unrelenting. The growing export of Canadian timber has exacerbated this process, with impacts that force new gender dimensions and realities, much as the fur trade did. The steady destruction of forests further strains a connection to the land that is central to their identity as First Nations people, with troubling implications for future generations. For women, clear-cut logging is shrinking access to the traditional foods and medicines many still gather and process, much as their mothers and grandmothers would have done. The disappearance of the forests is reducing their own ability to know the land, live off it as much as they can, and pass this knowledge to their children and grandchildren. Coping with such far-reaching changes is stressful, perhaps doubly so for women who find themselves on the front line as activists for their families and communities. When asked to consider the impacts of forestry on their lives, the women clearly stated that logging did not improve their well-being. In fact, it threatened their very existence.

Economically, women could cite few tangible benefits from logging, either in jobs or visible improvements to their community. Forestry remains male-dominated, and the vast majority of First Nations people working in this area are men. While men with jobs and some band leadership would promote the economic benefits from logging, the women's perspective differed. They felt the unevenly shared financial gains came at an enormous cultural and environmental price. The gender differences were clear: the women's overriding concerns were the health and well-being of their children, family and communities, and the environment. Some First Nations men share their concerns, but the women perceived the

influential men in their communities as more focussed on resources and financial return. Economic considerations, they felt, dominated over social, cultural and environmental ones.

Overall, the women felt excluded from the various political processes that so affected their lives. At a band level, elected women leaders were an exception, either as chief or in council. Women elders did not talk about being consulted for advice or influencing the political process in more traditional ways. Having the ear of the chief and council is even less likely if the women are actively opposed to their direction and decisions. Sometimes community consultation processes confirmed their sense of exclusionary and non-transparent decision making. Information meetings served as a platform where women were told what had already been decided somewhere else. Despite guidelines, international conventions and legal safeguards,<sup>23</sup> governments and private industry are not required or even impelled to consider gender issues or share real decision-making power with women at any negotiating table. Nor are they likely to do so, if they follow the example of some First Nations organizations and band level leadership.<sup>24</sup>

Women also felt shut out of political processes at the provincial and federal levels. For example, there are only three Aboriginal women members of Parliament (two Inuit and one Dene) representing constituencies in the Northwest Territories. Others felt that the court system that charged them for activities to protect their land was deeply biased, viewed them as criminals, and failed to appreciate or understand their perspective. Many women expressed scepticism about any kind of progress, saying that federal government policies have for a long time ignored the interests and wishes of Aboriginal people as a whole. Many recommendations, like those contained in the Royal Commission on Aboriginal Peoples, have yet to be followed up and implemented.

This is not to say women have been passive. Rather, due to the impact of logging and their near exclusion from formal political processes, they are agents of change in their own ways. For some, this means simply struggling to raise families in a changing environment and keep traditions intact. Others, especially those in British Columbia are activists, organizing and resisting with activities that sometimes put them in conflict with the law. Their silencing and lack of inclusion in decisions affecting their lives has some taking bold steps to ensure their voices and concerns are heard.

## **5. RECOMMENDATIONS**

First Nations women in Canada face, and are affected by, myriad national policies on trade, governance and natural resource management, for example, that are devoid of gender analysis in any form and largely fail to consider their world view.

When asked about recommendations, the participants spoke more about areas that directly impact their lives, and less about trade policy itself. The impacts of trade agreements on Aboriginal people are impossible to discuss in a vacuum. Ahead of any international trade agreements are band level politics, federal policies and laws about First Nations people, forestry regulations and practice, and treaty negotiations that all determine if and how trees are cut down in the forests that so many First Nations women consider home. The domestic attitudes and treatment toward them as First Nations women are carried into, replicated and reinforced in the international trade agreements.

The authors make the following recommendations regarding First Nations women and trade.

### **Aboriginal Rights and Title**

- Recognition of Aboriginal title is needed as the underlying foundation to resolve natural resource and conservation concerns.

### **Public Education and Awareness**

- Government and government institutions need to better understand and respect Aboriginal culture and spirituality.
- Develop an Aboriginal-led public education program and public school curriculum, as identified by the Royal Commission on Aboriginal Peoples (RCAP), to inform the Canadian population about the perspectives and issues of Aboriginal people, regarding their world views, histories, land and resource rights, and other contemporary concerns.
- Government officials, including cabinet ministers, should be required to spend time in First Nations communities to deepen their understanding of people and issues.
- During training of Royal Canadian Mounted Police (RCMP), give information on Aboriginal title and the criminalization of First Nation peaceful and legal protests.

### **Women in Leadership**

- Take measures to improve accountability within band leadership and the inclusion of women in positions of leadership.



## **Natural Resource Management**

- Take decisive and urgent action toward the full implementation of the RCAP recommendations regarding lands and forestry. That is:
  - The provinces and territories should improve Aboriginal access to forest resources on Crown land. This, for example, could include revision of the existing forest tenure system in Canada to allow a greater percentage of local control by First Nations people.
  - Aboriginal people should have right of first refusal on unallocated Crown timber close to reserves or Aboriginal communities.
  - The federal government should promote Aboriginal involvement in forest management and planning.
  - Provinces should encourage partnerships and joint ventures between large timber licence holders and Aboriginal firms.
- Halt clear-cut logging and the use of more ecologically sound and sustainable systems of timber harvest, such as ecosystem-based planning and management.
- Adopt mutually acceptable co-management forestry and environmental agreements between First Nations people and governments, based on First Nations values and beliefs.
- Conduct full and meaningful consultations with entire communities of First Nations people, as opposed to just the chief and council, on natural resources issues.
- Include human beings as part of an ecosystem and include traditional ecological knowledge in environmental impact assessments. These assessments should include a full gender analysis.
- Require greater public transparency by forestry companies, including immediate and long-term logging plans in provincial and federal legislation.

## **Trade Agreements**

- First Nations men and women should be part of the political negotiations on softwood lumber and future timber export processes.
- Future trade agreements must include gender clauses and reflect all values, including environmental concerns and First Nations values. Existing clauses dealing with First Nations people must be activated and respected.

## APPENDIX: CHRONOLOGY OF EVENTS AFFECTING FIRST NATIONS IN BRITISH COLUMBIA

- 1760 The area that will become British Columbia is home to Aboriginal people in more than 30 tribal groups and many hundreds of communities.
- 1763 Britain's Royal Proclamation of 1763 reserves land for Indian people until they are ceded or purchased by the Crown.
- 1778 Captain Cook is the first European to arrive on the West Coast.
- 1823 Early European settlements and trading posts are established in British Columbia.
- 1851 Hudson Bay Officer James Douglas signs 14 treaties with the inhabitants of Vancouver Island. Shortly after, the British abandon the treaty process.
- 1867 The *British North America Act* forms a nation of the five eastern colonies.
- 1862 A smallpox epidemic kills one third of the Aboriginal people.
- 1871 British Columbia joins the new Canada. As with the eastern colonies, Aboriginal people are not included in the discussion about the union.
- 1876 The *Indian Act* consolidates all laws relating to Registered Indians, leading to the creation of residential schools and restrictions on hunting and fishing.
- 1884 As the European population surpasses the Indian population in British Columbia, the government bans the potlatch, the major social, economic and political institution of Pacific north coast First Nations.
- 1891-98 Communities and chiefs, including the Nisga'a, protest the arrival of settlers and those heading to the gold rush, and try to discuss the land question with provincial officials.
- 1921 The Judicial Committee of the Privy Council, the highest court of Canada, rules that Aboriginal title is a pre-existing right that "must be presumed to have continued unless the contrary is established."
- 1926 Chief Pierrish of the Neskonalith goes to London to petition the British government. He is intercepted by the High Commissioner of Canada and persuaded to return home.
- 1927 The government bans the sun dance, hereditary governments, fund-raising for land claims and any off-reserve meeting of more than three Indians. These laws were not repealed until 1952.

- 1960 Registered Indians are granted the right to vote in federal elections. Before 1960, First Nations people were required to give up their Indian status to be considered Canadian citizens under the law.
- 1973 The Supreme Court of Canada overturns a lower court decision on the *Calder* case and recognizes land rights based on Aboriginal title.
- 1982 The *Canadian Constitution*, section 35, affirms existing Aboriginal and treaty rights.
- 1990 The B.C. government agrees to negotiate land claims following an Indian roadblock at Duffy Lake Road to oppose the encroachment of logging and the illegal storage of PCBs on sacred burial grounds.
- 1990-93 British Columbia, Canada and the First Nations Summit establish the British Columbia Treaty Commission (BCTC) process.
- 1993-94 The BCTC begins the treaty negotiation process, and initial meetings are held with 42 First Nations whose statements of intent to negotiate are accepted by the BCTC.
- 1997 In the *Delgamuukw* case, the Supreme Court of Canada provides its first comprehensive statements about Aboriginal title, recognizing oral history and claims to land.
- 1995-99 Over 70 percent of British Columbia's First Nations are negotiating treaties with the governments of Canada and British Columbia.
- 1999 Aboriginal people in the interior are charged with stealing timber when they start logging without a provincial permit. Chiefs go to the United States and Europe to tell timber buyers that the non-recognition of propriety interests in timber amounts to a subsidy.
- 2000 The Nisga'a Final Agreement, negotiated outside the BCTC process, is passed by the Senate, having been ratified in the House of Commons, by the B.C. legislature and by the Nisga'a.
- 2001 The Interior Alliance of British Columbia and the Grand Council of the Crees submit information to the U.S. Department of Commerce investigating the calculation of duties to be imposed on Canadian softwood entering the United States.
- 2002 The U.S. Department of Commerce reaffirms an earlier decision that Canadian softwood lumber is subsidized. Canada appeals. The Interior Alliance submits the first indigenous amicus brief ever to a panel of the WTO.

2003 The Government of British Columbia, in a speech from the throne, apologizes to the province's Aboriginal people and acknowledges the historical wrongdoing. The UBCIC, while appreciating the admission, continues to press for recognition of Aboriginal title in the land and resources of the province.

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## ENDNOTES

<sup>1</sup> For the purposes of this paper, the term “Aboriginal” is applied to all Indian, Métis and Inuit people for any event happening after the coming into force of the *Constitution Act, 1982*, except where a specific group is identified. (R.S.C. 1985, App.II, No.44, being Schedule B of Canada Act 1982 (U.K.), 1982, c.11.)

<sup>2</sup> First Nations, a term without a legal definition, refers more specifically to Indian people in Canada, both Status and Non-Status.

<sup>3</sup> Gender-based analysis is a tool to integrate gender considerations systematically in the policy, planning and decision-making processes. It takes into account the full diversity of both women and men, their specific experiences, issues of participation, resources and decision making, and the differential impacts of policies, programs and socio-economic trends on them (SWC 2003). For example, gender-based analysis recognizes that gender roles in any given society are dynamic and fluid, interactive between genders, and can change across time, space and life spans.

<sup>4</sup> Gender diversity in First Nations communities has been the focus of recent studies such as Will Roscoe’s *Changing Ones: Third and Fourth Genders in Native North America* (1998) and *The Spirit and the Flesh: Sexual Diversity in American Indian Culture* (1992) by Walter Williams.

<sup>5</sup> Statistics Canada defines the Aboriginal population as those who identified with one or more Aboriginal groups: North American Indian, Métis or Inuit. About two thirds of the Aboriginal population includes persons who identified as North American Indian. (They reported being a member of an Indian band/First Nation and/or reported being a Treaty Indian or a Registered Indian as defined by the *Indian Act* of Canada. Hence the Aboriginal population cited here does not include Non-Status Indians.) The Aboriginal population also includes those who did not identify with an Aboriginal group but who reported that they were Registered/Treaty Indians or band/First Nation members.

<sup>6</sup> *Delgamuukw v. British Columbia* [1997] 3 S.C.R.

<sup>7</sup> *Constitution Act, 1867* (U.K.), 30 & 31, Vict., c.3.

<sup>8</sup> *Indian Act*, 1985, R.S.C., c.1-6.

<sup>9</sup> *Baker Lake v. Min. of Indian Affairs & Northern Development* [1980] 1F.C. 518,[1980] 5 W.W.R. 193; *Guerin v. R.* [1984] 2 S.C.R. 335 [1884] 6 W.W.R. 481, *R. v. Sparrow* [1990] S.C.R. 1075 (S.C.C.).

<sup>10</sup> Modern-day treaties in British Columbia remain a highly contentious issue. Treaty negotiations that broke down in the 1990s have been resumed with some bands. Others,

such as the Neskonlith and Mount Currie First Nations included in this study, together with organizations such as the Assembly of First Nations and the Union of B.C. Indian Chiefs, reject the treaty-making process. They say they cannot agree to the extinguishment of Aboriginal of Aboriginal rights and title that is part of such treaties and was included, for example, in the Nisga'a Final Agreement. For a chronology of British Columbia's relationship with Aboriginal people, see the Appendix of this report.

<sup>11</sup> *Haida Nation v. B.C. and Weyerhaeuser* [2002] B.C.C.A. 462.

<sup>12</sup> The Convention on Biological Diversity.1992. Convention Text, Article 8(j) and Decision IV/9 adopted at the fourth Conference of Parties. <<http://www.fnfp.gc.ca/sectione/5section/tek.html>>. Accessed December 11, 2002.

<sup>13</sup> In late 2002, the B.C. government introduced the Forest and Range Practices Act, a new forestry code intended to "achieve high-quality forest management without reducing any environmental standards" (Ministry of Forests 2003). However, aboriginal leaders, environmental groups and provincial unions have criticized the legislation for favouring forest corporations and failing to protect fish, streams and the environment. They note that forestry regulations will be impossible to enforce following the layoffs of up to one-third of the staff of the Ministry of Forests (BCGEU 2002; West Coast Environmental Law 2002; UBCIC 2002; Sierra Club of B.C. 2002).

<sup>14</sup> In British Columbia, 10 integrated forest products companies holding long-term tenures control more than 55 percent of the provincial annual allowable cut. First Nations groups argue that it is becoming increasingly hard to obtain information, such as forest cover data, about logging in their territories since companies are only required to share specific logging plans on request (INET 2003).

<sup>15</sup> For example, long-term tenures and minimum cut and processing requirements. Before the institution of long-term tenures under the 1948 *Forest Act*, B.C. First Nations people were involved in the early industry. In 1874, a commercial sawmill near Port Simpson employed Tsimshian people and others as loggers and sawmill workers. The reform of the tenure system bankrupted many First Nation operators and contractors (INET 2003: 4).

<sup>16</sup> In 2003, the Maa-nulth Nations, five members of the Nuu-chah-nulth Tribal Council, reached an agreement in principle for a modern-day treaty settlement with the governments of Canada and British Columbia.

<sup>17</sup> In regards to forestry, RCAP recommended federal and provincial government action to grant Aboriginal people better access to forest resources on Crown land, allow them first refusal on unallocated Crown timber close to reserves or Aboriginal communities, and increase their involvement in forest management and planning, and joint ventures with large timber licence holders.

<sup>18</sup> In the past, environmental groups criticized the destruction of the temperate rainforests on the coast, but 69 percent of the province's annual allowable cut comes from the interior, the

traditional territories of the Interior Alliance Indigenous Nations. While the ecosystems of the interior range from dry grasslands to alpine areas, the interior indigenous people most extensively use the montane forests, which include species of fir, spruce, pine, cedar and hemlock (Interior Alliance Indigenous Nations 2002). In the logging industry, most species are classified and traded as softwood lumber.

<sup>19</sup> This includes logging, timber tract operations, forest nurseries and the gathering of forest products.

<sup>20</sup> Mount Currie band members spoke of a PCB storage site, which was established north of their community in the late 1980s. They have held several protests, asking for the facility to be shut down and the PCBs removed.

<sup>21</sup> Located in the traditional hunting and gathering grounds of the Secwepmec, Sun Peaks is a ski resort 35 km northeast of Kamloops. Formerly known as Tod Mountain, in 1992 it was bought by the Nippon Cable Company of Japan and expanded into the Sun Peaks Ski Resort. Chiefs of eight Secwepemc First Nations signed a protocol agreement with Sun Peaks in 1997, but now oppose expansion plans that would see the current 4,000 beds in the resort increased to 20,000. Sun Peaks owns some of the land in fee simple, while the rest is leased for recreational use from the province. In 1998, the Neskonlith First Nation asked that work on the expansion stop immediately, citing ecological concerns and the unresolved issue of Aboriginal title. The company refused. Since October 2000, Neskonlith has established four Skwelkwek'welt protection centres in protest. In response, Sun Peaks obtained court orders to relocate or destroy the centres, together with two sweat lodges. The company has also attempted to restrict access by trenching and fencing back roads leading to the resort. Band members have blockaded roads, picketed construction sites, halted land clearing by laying down in front of bulldozers, and disrupted public meetings held to discuss granting the resort municipal status. At least 54 band members, including elders, leaders and youth, have been arrested and charged with mischief, intimidation and other charges. In December 2002, four youth were sentenced to 90 days in jail in connection with the dispute (UBCIC 2002). In early 2003, two elders, including a 74-year-old woman, were found not guilty on contempt of court charges for refusing to leave their land (Skwelkwek'welt Protection Centre 2003). The band maintains a small tented camp at the entrance to the resort (Pritchard and Shoemaker 2002).

<sup>22</sup> The proposed Cayoosh Resort is to be developed by former Olympic gold medal skier Nancy Greene-Raine and her husband, Al Raine. In 1991, the B.C. Ministry of Environment, Kamloops Region, opposed the development proposal, citing the habitat's importance for grizzly bears, mountain goats and alpine fauna. The plan was abandoned in 1993, only to be revived in 1994 after the then employment minister Glen Clark met with Greene-Raine and Raine. In an October 2000 referendum, 83 percent of Mount Currie band members voted no to the proposal. A protest camp has been established there since May 2000. The resort is expected to bring up to 12,000 visitors a day into the valley (SPEC 2000). The Mount Currie band's traditional territory also includes the present-day site of the Whistler ski resort, developed in the 1970s. The women interviewed feared a successful bid by Vancouver to

host the 2010 Winter Olympics would speed the construction of the proposed Cayoosh Resort.

<sup>23</sup> For example, the *Canadian Charter of Rights and Freedoms*, the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) and federal government guidelines on gender.

<sup>24</sup> One interesting effort to include Aboriginal women has been undertaken by the B.C. Treaty Commission. In 1999 the Commission, noticing the lack of female faces at the negotiating table, organized focus group discussions to gather Aboriginal women's perspectives on the treaty process and learn ways to reach them. However, it is not yet clear if and how this initiative, documented on the last page of the Commission's 2003 annual report, will effect a more gender-sensitive approach to treaty negotiations (B.C. Treaty Commission 2003: 47).



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