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## ON THE COVER

African Queen, by Ayo Ogunseinde

# LUKANKA



By Rudolph C.  
Ryser, PhD

Activist scholarship offers the world careful and systematic thought and analysis with a conscious understanding that knowledge has applications in the lives of human beings and all other life. The knowledge from Fourth World scholars benefits specific communities by capturing the essence and details of cultures in all their aspects. As I have pointed out in previous editions of the Fourth World Journal conducting research and preparing analyses is crucial, but facilitating the actual testing of ideas or implementing studied proposals in Fourth World nations is essential.

Once again, scholars offer deeply informative scholarship that explains, describes analyzes, and proposes valuable insights touching on deep cultural realities and knowledge, obstacles, and opportunities before Fourth World nations, and in this issue in particular hopeful analyses pointing to new solutions to longstanding problems. Please feast on these remarkable exhibits of activist scholarship.

Co-authors **Dr. Mohammed Enaikele** and **Mr. Adeniyi Taofeeq Adeleke** engage in a scholarly examination of the Yoruba's "*Ifa Mythology*" that is expressed in oral presentation giving meaning and description to human destiny as reflected in the Yoruba's beliefs and rituals. In ***Ifa Mythology of Human Destiny Among the Yorubas of South-Western Nigeria: An Oral Literary Account*** the authors provide a brief background about the Yoruba people and provide a description of their

methodological approach to understand the Ifa during an annual festival. Giving the reader an account of Ifa origins and the nature of its basis in the Yoruba knowledge system, the authors describe through rich narrative this complex and deeply profound tradition and legendary body of knowledge.

CWIS Research Intern **Lisa Nolte** traveled from her home country of Germany to accept an assignment to live and work with the Otomi community of San Francisco Xochicuatla of 4000 people. Her task was to assess and report on the continuing conflict between the State of México and the Xochicuatla over México's construction of a privately-owned highway passing straight through San Francisco Xochicuatla territory west of México City. In her thorough report, **San Francisco Xochicuatla and the Implementation of the Project 'Autopista Toluca - Naucalpan,'** Nolte reveals the Mexican government's disregard of Xochicuatla leaders and people and their violation of the spirit of the UN Declaration on the Rights of Indigenous Peoples adopted in 2007. She describes what she refers to as "structural difficulties" that are foundational to the conflict between state and nation. These, she spells out in sections of the report "Legal Pluralism in Indigenous Communities," as well "Mexican Context" where the economic and political circumstances the government of Mexican must contend with in the regional and international environment. Nolte describes the "rights violations" that continue today

despite the decade long effort of Xochicuautla to obtain legal, political, and diplomatic relief from violations of the Declaration and even domestic Mexican law from international organizations.

**Susan McBroom** inquires into the underlying factors causing the enactment of Canadian Bill-262 that installed protocols for regularizing Canadian laws with the United Nations Declaration on the Rights of Indigenous Peoples (UNDP). In her detailed article, **Resource Extraction: The Enduring Legacy of Interference through the Papal Bulls**, McBroom examines the Canadian “resource extractive industry” and the consequent interference in Canada’s original rejection of the UNDP. She explains how Canada’s initial objection to the UNDP was rooted in the Roman Catholic Papal Bull that pronounced the “Doctrine of Discovery” and the right of kingdoms to colonize distant territories. She deeply explores the historical and contemporary political realities of power and money in the relations between Fourth World nations and states.

In **Anishnabe N’oon Da Gaaziwin, An Indigenous Peacemaking-Mediation Nexus** the authors **John Beaucage, Alicia Kuin, and Paul Iacono** offers a narrative description of a “hybrid process for nation building” based in Anishnabe N’oon Da Gaaziwin (listening to the voice of the people). The author Beaucage is from the Wasauksing First Nation and served as the Grand Council Chief of the First Nations of the Anishinabek Nation. Working with Kuin and Iacono of the York Street Dispute Resolution Group the article concludes that the Hybrid Process supports the necessary resources required to promote strong lines of communications to build relationships between the contenting parties.

**Rudolph Rjyser**, CWIS Chairman, explores an expansion of the terms of reference defining what constitutes genocide by examining the results of colonial interventions by the French and the English into Nitassinan (the region of the St. Lawrence Valley in southeastern Canada in the 16<sup>th</sup> century).

### In **Cultural and Social Death as a Crime Against Humanity: Métis and the Loss of Nindoodemag**

Ryser discusses how the European concept of “mixed” or “Métis was used as a term to divide Fourth World families and communities and how the colonial project directly undermined the cultural and social architecture of Fourth World society in the 16<sup>th</sup> and 17<sup>th</sup> centuries. He asserts that new international law is necessary and must be established by Fourth World nations to account for the “destruction of a people in whole or in part” to include destruction of nindoodemag lineages that defined the role each person would play in society.

Former General Assembly Chairman of the Unrecognized Peoples and Nations Organization (<http://www.unpo.org/>), **Mr. Göran Hannson**, offers his analysis of “how poorly the global State system is working” in his article, **The Crisis of the State System**. As a strong advocate of “regionalism,” as Fourth World nations’ political status in Europe is known, Hannson recounts the emergence of the modern state system from its birth at the hands of the Roman Catholic Church in 1638 with the Treaty of Westphalia and likens the present circumstance in Palestine/Israel to illustrate his point that the state system is in “crisis.” He lauds the reduction of state powers in the European Union as a positive good that reduces the chance of wars and the consequence of “stronger regions.”

CWIS Policy Director and Senior Researcher **Dina Gilio-Whitaker** reviews Eric Cheyfitz’s **The Disinformation Age: The Collapse of Liberal Democracy in the United States** with a sharpened pen to celebrate Cheyfitz’s analysis of the failures of democracy. She points out that Cheyfitz’s critique of equal opportunity as rhetoric instead of reality from the annals of the history that is the United States of America causes him to look to Fourth World peoples in the Americas as the “realistic antidote” to the failures of capitalism and the promises not realized in US societies. ■



# Yorubas' Ifa System and Human Destiny: An Oral Narrative Account

By Enaikele, M. D. and A.T. Adeleke

## ABSTRACT

Ifa mythology is one of the most well-known African divination systems and is unique to the Yoruba people. Ifa provides explanations for why humans have different destinies. This study explores the oral tradition of Ifa mythology and how its emphasis on human destiny has come to enact itself in the Yoruba people's beliefs and behavioural responses, as expressed in rituals performed by Ifa priests. The study was conducted during the Ifa festival at Osogbo. Six officiating priests at the festival were purposively selected as key informants. Nine worshippers were also interviewed. Using participant observation methods, the study's findings reveal expository and ostensive views of reality using a narrative approach to present the Ifa mythological account of Yoruba world view of human destiny. Ifa reveals hidden facts about the past, present, and future. It also provides explanations and solutions to calamities, anxieties, uncertainties, health challenges, material well-being, and the fulfilment of destiny. Ifa mythology preserves a way of life of a people that projects Africa in all its dimensions of myth, customs, traditions, history, beliefs, heritage, and rituals.

**Key Words:** Ifa mythology, human destiny, Yoruba, Southwestern Nigeria, oral tradition

## INTRODUCTION

Sociologists and anthropologists are commonly faced with the problem of providing an all-encompassing definition of human destiny. The challenge is that some definitions may be desirable for sociologists and anthropologists, but not acceptable to philosophers and theologians. Despite this, sociologists and anthropologists agree that the concept of human destiny is generally expressed through myth. All cultures create myths. Myths express human imagination in a rich diversity of ways by creating a world view. They are expressed in oral and literary traditions and these traditions are important means of preserving and transmitting culture, traditions, values, and belief systems. Drawing from anthropology, the mythical conception of "God", human life, death, and destiny reveal a striking similarity across cultures (Oke, 2004). This raises a fundamental question of how human beings across cultures have developed a common mythical concep-

tion of "God", human life, death, and destiny in such a way that gives intelligibility and meaning to the world.

Oke (2004) notes that intelligibility, logical thinking, explanation, and meaning of the metaphysical world were visibly present in the Neanderthal stage of human evolution. At that stage, the metaphysical was dominated by a search for explanation and meaning of the abstract force and mystery called "destiny" that influences human life. Belief in the metaphysical explanation of human destiny may have given rise to religion and inspired the worship of God. Humans have tried to communicate with a Supernatural Being to influence metaphysical and spiritual forces in the course of their struggle for survival, amidst often unfriendly militating forces of nature. He concludes that belief in God is evident throughout the history of humankind.

Taylor (1983) illustrates further that metaphysical conception of human destiny is in essence an attempt to rationalise the mysteries of the human experience in

one's journey through life. It explains the supernatural world and the meaning with which people construct their reality of either success or failure and life's contradictions. That destiny accounts for one's circumstances of birth, social position, health, and successful achievement or failure in life. It provides individuals with practical guidelines and addresses the central question of human existence. Destiny takes us beyond the physical to the realm of the supernatural, and is deeply rooted in the cosmic and spirituality of human existence. As with religions the world over, indigenous African religions have used the notion of destiny to outline the purpose of individuals on earth (Awolalu and Dopamu, 1979).

## YORUBA OVERVIEW

The Yoruba are prominently found in Southwestern Nigeria, comprising Osun, Oyo, Ogun, Ondo, Ekiti and Lagos states. They are also found in parts of Kwara and Kogi states in the Northcentral region. Apart from Nigeria, the Yoruba diaspora can be found in neighbouring West African countries like the Republic of Benin and Togo, in South America, particularly Brazil, and in some Caribbean countries like Cuba, Haiti, and the Dominican Republic, where the Yoruba were forcibly taken to during the 17<sup>th</sup> and 18<sup>th</sup> century trans-Atlantic slave trade (Elebuibon 2004).

The Yoruba people have a unique history, myth, folklore, culture, and language. Studies of the world view of human destiny among the Yoruba reveal that they have a complex conception of human destiny built around Ifa mythology. Yoruba consult Ifa divinities in order to determine hidden facts about the destiny of a new born baby; how much happiness or unhappiness, prosperity or misery, fortune or misfortune a person will have in his/her journey through life. But in recent times, these practices are fading, especially with the growing intolerance toward indigenous religions and traditional divination systems (Idowu, 1973). This is attributed in large part to centuries of

African cultural contact with western civilization and especially the influence of Christianity and Islam on Yoruba culture and traditions.

Christianity was first brought to Nigeria by Augustinian and Capuchin monks from Portugal. The first official mission in Yoruba land was in Badagry, a town outside of Lagos, where the Church of England established a Methodist church in 1842. Arabs from the north first brought Islam to Nigeria in the 11<sup>th</sup> Century and by the 16<sup>th</sup> Century it had gained prominent acceptance in northern Nigeria. In the 19<sup>th</sup> Century, Fulani reformists (followers of Uthman Dan Fodio) took Islam across the River Niger to the Yoruba of Southwestern Nigeria, attempting to eradicate indigenous religions, including Ifa, and introduce Islamic culture and values (Ozigboh 1988). They described Ifa as primitive, idolatrous, and fetishistic (Awolalu and Dopamu 1979), and viewed it as a threat to the goals and ideals of Islam.

The experience of demonizing indigenous religions is not unique to Africa. In his book, *Elementary Forms of Religious Life*, Emile Durkheim provides a systematic expression of the term "primitive religion" to describe the religious beliefs and practices of Australian Aborigines, which, in context, are similar to indigenous African religions. He states that the religion is prehistoric—with the culture of the Palaeolithic, Mesolithic and Neolithic ages—even when available evidence for prehistoric religions was so limited as to render any meaningful construction, labelling, and speculative view of the religions (Oke, 2004). Largely perpetuated with obstinacy and dishonesty via academic and theological inventions, such views represent prejudice and racial thinking calculated to draw a distinction between western religions and indigenous religions.

Despite centuries of persecution, the Ifa divination system persists and was declared, in 2005, by the United Nations Educational, Scientific and Cultural Organization (UNESCO), as an "endangered cultural heritage" that needed to be safeguarded from extinction (UNESCO, 2008). As a response, the World Oral Literature





**Fig. 1: Map showing location of Osogbo in Osun state.** Source: <http://www.satellitecitymaps.com/africa-map/nigeria-map/osun-state-map/osogbo-map/>. Retrieved November, 2017.



**Fig.2: Map showing location of Osun Osogbo Sacred Grove.** Source: <https://www.africanworldheritagesites.org/cultural-places/traditional-cultural-landscapes/osun-osogbo.html>. Retrieved November, 2017.

Project was established to inspire scholarly interest in exploring the “endangered oral tradition/cultural heritage” of indigenous peoples around the world (World Oral Literature Project, 2016). Oral tradition represents a unique expression of a people’s heritage and culture. So, the loss of oral tradition is invariably a loss of the social thought of a people. In an attempt to preserve Ifa mythology, this study explores and investigates the oral tradition of Ifa mythology built around human destiny and how this has come to enact itself in the

people’s thoughts, beliefs, and behavioural responses as expressed in rituals performed by Ifa priests.

## RESEARCH METHODS

This study was carried out in Osogbo (Figure 1), the capital of Osun state in Southwestern Nigeria. According to oral history, the name Osogbo was coined from the mythical story of Oso-igbo, the “forest, or grove, of wizards” that lies along the bank of the Osun River. The river goddess of the Osun River has the ability to give children to barren women, and the power to heal the sick and afflicted. Today, Osogbo shares boundaries with major towns like Ikorun, Ilesha and Ede, is reputed as a major commercial and industrial city, and is famous for its annual Osun Osogbo Festival, held in August, which has attracted UNESCO World Heritage recognition.

The study was conducted during *Odun Ifa* (Ifa festival), an annual festival similar to inter-congregational thanksgiving harvest ceremonies. It is jointly celebrated among Ifa priests in the following indigenous communities: Isale-Osun, Ooke-Bale, Ita-Olokan, Igbonna, Oloba-Ile, and Oluode. The festival involves elaborate ceremonies and rituals for five days in order to initiate new *Babalawo* (Ifa priests); offer thanks for past blessings and protection; and to ask for future benevolent rewards for worshippers, especially for those seeking the fruit of the womb. The festival is celebrated with consultation of *Orunmila* (the divinity), with invocation of verses from the *Odu ifa* (Ifa literary corpus), ritual sacrifices, and breaking of kola-nut. The festival is usually an occasion for people with votive offerings (*Ebo eje*) to redeem their pledges to Ifa divination. Above all, the festival provides the means by which worshippers are brought together to share meals and for newly initiated Ifa priests to show appreciation by entertaining friends and well-wishers.

The sampling method used to select key informants was purposive. The six key informants were heads of

Ifa priests (*Agba Awo*), since they were the most qualified for interview purposes. Nine worshippers were also interviewed. These worshippers were those who came with votive offerings to redeem their pledges to Ifa divination.

We (the researchers) took part in the Ifa festival. Using participant observation, we were able to submerge ourselves into the social world of the Ifa adherents by showing intimate relationship as friends and as well-wishers, while maintaining our research objective. Data were gathered through observing and asking questions. Field notes of data were taken, in privacy, after each social contact. The interviews were conducted in the Yoruba language to enable informants to provide information without any inhibitions. As for the translation of information to English, we made efforts to strike a balance between literal and literary translation, even where some Yoruba words are so culturally bound that their usage has no English equivalent. Questions were not arranged in a fixed questionnaire. Answers to questions were gently probed to give the key informants a moment to reflect and gather their thoughts to elaborate on stereotypical answers so as to deepen the researchers understanding, especially to resolve doubt and ambiguity of concepts in the information given. In particular, preferences were given to answers focused on explanation of Ifa mythological account of human destiny, Ifa literary corpus, and how cosmological myth is expressed in ritual and ritualistic action of Ifa priests.

## DISCUSSION

### Ifa Mythological Account of Human Destiny

The Ifa mythology of human destiny is embedded in narrative oral tradition of the Yoruba. The religion largely came into existence and formed around the myths and mysteries of the Supreme Being (*Olodumare*), the universe, human creation, death, and destiny. The Yoruba people worship Olodumare through

the divination of *Orunmila Eleri-ipin*, meaning the witness to all human destiny. Ifa explains the mysteries of life, the creation of the universe, and the hidden facts about the past, present, and future. It explains the circumstances of birth and why humans all have different destinies that chart the course of one's life and why ritual sacrifice is pivotal to the fulfilment of human destiny.

According to Ifa mythology, there are two worlds: the earth (human world) and the sky heaven (spiritual world). Ifa rates Olodumare as the Supreme Being, who dwells in the sky heaven since time immemorial when the earth was still void and covered with endless pools of waters. Olodumare sent the *Orisa-nla* divinity to the world to create the earth with a snail-shell full of sand, a hen, a pigeon, and wall-gecko. The biblical account of the creation of the earth is not much different: "In the beginning, God created heaven and earth. The earth was without form and void; and darkness was upon the face of the deep. And the spirit of God moved upon the face of the waters" (The Holy Bible, Genesis 1: 1-2).

Ifa, as a religion, evolved from the unique experiences of the Yoruba people, preserves their way of life, and projects attributes of their myths, traditions, heritage, and rituals. Ifa has no written literature of sacred scriptures. The behaviour of the worshippers is guided by internalisation of the religion's norms, values, taboos, and belief system. The religious belief and practices are learned orally by the worshippers through participation in the religious ceremonies.

Ifa uses sacrifice, purification, prayer, song, liturgy, poetic verse, literary corpus, festivals, and ceremonies to convey its cosmology. Ifa is believed to have the cosmic power of revealing the past, present, and future; and all matters connected with human destiny, expressed variously as *Ori*, *Akosedaye*, *Ayanmo*, *Akosile*, *Ipin*, *Akunleyan* and *Kadara*. Ifa expresses the will of Olodumare, Orunmila (the arch divinity and spiritual priest of Ifa) and other divinities. Essentially, Ifa is the





BY AYO ADEWUNMI

### A group of Yoruba Dancers from Osun State, Nigeria in thier Traditional “Adire” attires.

foundation of all Yoruba divination systems.

The Ifa cosmological account of human destiny is not obscure. According to Ifa cosmological myth, before coming to this world, every human being is given a free-will to choose a destiny (*Ori*, *Ipin*, or *Akunleyan*). In Yoruba metaphysical thought, a human being is called *Eniyan* (meaning one who is given a free-will to make a choice). The literal meaning of the term *Ori* is the physical “head” but the cosmological meaning is “destiny”. The Yoruba philosophical interpretation of *Ori* means an individual’s personal God (*Eleda eni*) that guides, protects, and caters to the individual in his/her journey through life. This is expressed in the Yoruba philosophical thought as: *Ori ti o je eleda eni ni a ba ma bo nitori wipe oogun lo ni ojo iponju, ori eni lo ni ojo gbogbo*, meaning that *Ori*, the personal god of an individual, should be worshipped because charms are meant for trouble days alone but *Ori* takes charge of all days.

According to Ifa, *Ori* is intractably and spiritually

connected with human destiny. Ifa sees destiny as a parcel or package containing the sum total of both good and bad fortunes that *Ori* has allotted to each individual person. This is expressed in the Yoruba philosophical thought as: “*Ti ibi ti ire ni a wa ile aye*”. *Ori* is chosen at creation from among a large number of several *Oris*. Choosing *Ori* is done by kneeling down before *Olodumare* in the presence of *Orunmila* to bear witness to the type of *Ori* one has chosen. This is why *Orunmila* is often referred to as *Eleri-ipin* (witness to all human destiny).

At the departure from heaven to earth, one passes through the gate of heaven (*Ibode-orun*) and the water of forgetfulness (*Omi-igbagbe*). At the gate of heaven, one is expected to declare the content of his/her destiny before the heavenly gate keeper (*Onibode-orun*), where shadow (*Ojiji*) is conferred to make the individual a mortal being. Individual shadow is considered to be a human’s counterpart or companion wherever they

go while alive. Once the shadow is conferred, it is believed to be permanent and unalterable. In indigenous Ifa views the shadow has spiritual symbolism. This is why a spell or charm cast on one's shadow can affect the physical essence of the person.

While at the gate of heaven, where one is expected to declare the content of his/her destiny, evil and terrestrial forces mill around waiting to possess a child so as to be their ambassador on earth. This is where gullible children believed to be *Abiku* (a child that dies repeatedly shortly after birth) or *Emere* (a mischievous spirit incarnate in infants) who burden their parents by dying soon after birth, are possessed. These forces have the power to know the secret of life and they take advantage of this to lure or trick the innocent soul coming to earth. At this stage, the destiny of the child can be altered. This is why it is a taboo among the Yoruba for a pregnant woman to walk in the hot afternoon or late at night.

From the gate of heaven, one passes through *Omi-igbagbe* (water of forgetfulness). The cosmological symbolism of *Omi-igbagbe* is that the cry that a child makes at birth causes him/her to forget or lose memory of the destiny he/she has chosen. The choice of good or bad destiny (*Ori rere* or *Ori buruku*), therefore, determines how much happiness or unhappiness, success or failure, prosperity or misery a person will have on his/her journey through life. This implies that every encounter and experience of humans on earth is predestined and predetermined at the point where one chooses destiny.

Ifa cosmological interpretation of *Olorire* (one with good destiny) is the person who is fortunate or successful, while *Oloriburuku* (one with bad destiny) is the person who experiences a chain of misfortune or ill-luck. Another Ifa cosmological account of destiny is that even if one has chosen good destiny, his/her success depends on how well one can favourably appease or propitiate the cosmic, spiritual, and supernatural forces through ritual sacrifices (*Ebo*), prayers (*Adura*),



PHOTO PROVIDED BY AUTHORS

**Figure 3: Opele (divining chain).**

offerings (*Itore anu*), good character (*Iwa*), having a good mind or good intentions towards others (*Inurere*), abstinence from adultery and fornication, and making charms and amulets to neutralise the machinations of witches and wizards.

## Ifa Priests

Ifa priests use a divining chain called *Opele* [Figure 3], which is placed on a white piece of cloth and finger prints on the divination wooden tray called *Opon-ifa* [Figure 4]. Ifa priests undergo rigorous apprenticeship training to acquire the knowledge of the Ifa literary corpus [see Appendix 1]. There are sixteen volumes—each one containing sixteen chapters of *Odu-ifa* with a large number of verses. When combined, there are a total of 256 chapters that address calamities, health problems, anxieties, uncertainties, material well-being, and the fulfilment of destiny. Each of the sixteen chapters has extensive narrative verses, prose, and poems about Orunmila and other divinities. According to Ifa mythology, the symbolism is that sixteen is cosmologically associated with the sixteen cosmic/spiritual or celestial elders (*Awon agbaagba merindinlogun*). These elders express the mystery of celestial bodies controlling





PHOTO PROVIDED BY AUTHORS

**Figure 4: Opon-ifa (divination wooden tray).**

human destiny and events around the world, which Ifa priests must acknowledge, pay homage to, and show respect for before casting the divination chain Opele. The symbolism of sixteen corroborates Awolalu and Dopamu's (1979) report of divinations worshipped among African cultures like Ga, Ewe, Fon, Tiv, Akan, Ashanti, Mende and Komo, where the number sixteen has a central and key cosmic/spiritual significance to their divination systems.

Ifa priests are also sometimes referred to as herbalists or doctors. With their spiritual powers, they are believed to possess the ability to read someone's destiny through his/her forehead, foot prints, and palm, even before consulting their divination chain and wooden tray. The lines on an individual's right or left palm are intractably and spiritually connected to his/her destiny. This is expressed in the Yoruba philosophical thought, *Ateleowo ni a ba ila, a ko mo eni to koo*, meaning that all human beings mysteriously discover lines on their palms but do not know the designer. With incantations (*Ofo*), an Ifa priest can gaze into the cosmic/spiritual realm through the lines on the palms to provide explanations for—and solutions to—a person's problem.

Ifa priests also render services connected with ad-

ministering treatment for ailments and serious health challenges that are spiritually connected. They provide charms and rings for protection, luck, love attraction, and for warding off misfortunes and evil. They are deeply knowledgeable about herbs, shrubs and trees, animals, and nature; and the various means by which these properties can be put to use to propitiate the supernatural, cosmic, and spiritual forces.

## Ifa Ritual

Ifa mythological thought believes in the existence of witchcraft and the mystical power to tamper with one's good destiny. This relates to the meaning that Ifa symbolically attaches to charms, ritual sacrifices, and good character if one wants to succeed and have fulfilment of a good destiny in life. Cultural anthropologists seem to have no direct explanations for the non-empirical forces behind charms or the spiritual strength of charms other than the fact that perception about the efficacy of charms is socially constructed by the individual and definitions given to reality that justify the use of charms and the situations meant to be addressed. Charms are generally used to earn what cannot be obtained in an ordinary manner. We can, therefore, infer that making charms to achieve fulfilment of good destiny is not fetishistic as evangelists, preachers, and adherents of other religions (notably Christianity and Islam) tout.

Each culture and religion has a unique way by which people seek the influence of the supernatural and non-empirical forces through the use of different material objects to have protection or overcome evil machination. Roman Catholics, for example, believe in the spiritual power of the crucifix and rosary for protection. Muslims believe in the use of amulets and pocket-size versions of the Quran for protection. In Ifa mythology, if a man has chosen a bad destiny, with the necessary and appropriate rituals, prayers, offerings, and good character he/she can rectify it. Also, a person with good Ori (destiny) but with bad character

and obsessed with fornication and adultery can also have his/her good destiny turn bad. Other issues that can make good destiny turn bad include cursing (*Epe*), taking false oath before gods (*Ibura etan*), machination by evil ones—especially sorcerers, witches and wizards—and also the evil that one carelessly brings upon oneself (*Afowofa*).

One of the most pervasive forms of Ifa cosmological myth is expressed in ritualistic action (*Etutu*). The forms and nature of these rituals are diverse. Usually, they are performed to solicit favour of the Supernatural Being and spiritual forces for good luck; good health and fulfilment of destiny; or to ward off evil. Rituals, common in all religions, are ceremonies in which something is offered to the Supernatural Being or spiritual forces and the outcome is the reinforcement of the belief that the Supernatural Being or spiritual forces will show benevolent mercy and accede to requests. According to Ifa, the fulfilment of good destiny is the ability of one to harness the power of cosmic and spiritual forces by propitiating them with ritual sacrifice.

Where ritual sacrifices (“Ebo”) are connected with appeasing the cosmic, spiritual, and Supernatural forces to rectify bad destiny, votive offering (*Ebo eje*) may be demanded annually by Ifa divination: *Riru ebo eje a ma gbe eni, airu ebo yi ni iyonu*, meaning the consequences of failure to redeem pledges of votive offering are usually severe. While the Ifa priest chants and uses his divining chain and wooden tray, he calls on the grand Ifa spiritual divinity and witness to all human destiny to reveal what can be done to remedy the bad destiny.

Cosmic, supernatural, and spiritual forces are mostly appeased with the following items: rat (*Ekú*), fish (*Eja*), a male goat (*Obuko*), pig (*Elede*), cock/hen (*akuko/abo-adie*), chicken egg (*Eyin-adie*), pigeon (*Eyele*), snail (*Igbin*), banana (*Ogede-omini*), white bean cake (*Ekuru*), palm-oil (*Epo-pupa*), roasted yam (*Isu-sisun*), roasted corn (*Guguru*), kola-nut (*Obi*) and a

bowl of water (sometimes dew-water). In most cases, ritual items are presented to the temple of Esu divinity (*Ojubo esu*) by the Ifa priest. Sometimes, the clothing of the individual with bad destiny can also be submitted for onward delivery to the cosmic, supernatural and spiritual forces. The Esu divinity who serves as client messenger in the spiritual realm, has also shared in the blood of the animal sacrificed and would then order the negative forces accompanying the individual’s destiny to cease action because the individual has offered a ritual sacrifice (*Ebo*) in exchange for misfortunes, failures, ailments, unhappiness and bad destiny. Esu divinity can be cunning—difficult to predict and placate—and can disapprove of any ritual. The omen displayed by the kola-nut reveals if a particular sacrifice is accepted (*Ebo-ru*) or rejected (*Ebo-fin*). The outcome of the omen is to symbolically reinforce assurance on the acceptance or rejection of the ritual sacrifice offered.

According to Ifa cosmology, there are many cosmic and spiritual forces between the Supreme Being and humans—especially on matters connected with human destiny and events around the world—over which they (the spiritual forces) have control. There are two overarching forces in the cosmic realm: benevolent and malevolent. What ritual sacrifice essentially does is to appease the malevolent forces to stop the frustrations, hardships, and life troubles; and to rearrange the cosmic forces to bring solution to these challenges for the ultimate fulfilment of well-being, fortune, and happiness of the individual. Misfortunes will continue, except when stalled. Therefore, it becomes necessary to propitiate the benevolent forces in the cosmic realm for the individual to receive the desired outcomes.

The ritual process involves the priest presenting the sacrifice on a flat clay pot (*Ikoko-isasun*) to the Esu temple. It is the duty of the Esu divinity to deliver the sacrifice to the cosmic forces. Esu divinity is one of the divinities closest to Olodumare (Supreme Being). It reports to Olodumare on all matters of ritual and human



conduct. Multifaceted in character, Esu divinity can be invoked to harm someone's destiny and can also be invoked to offer remedy to bad destiny and misfortunes. Because of this character, human beings generally attribute the cause of their problems, frustrations, failures, and bad destiny to Esu divinity. Esu divinity is the one that tempts human beings, afflicts them with ailments, and makes life miserable for them—especially when they have sinned against the Supreme Being. This is the reason why Esu divinity is personified as the devil or Satan by Christianity and Islam. It is only Ifa that can thwart Esu's intrigues and Ifa priests are the one that understand how to placate Esu divinity with rituals and praises.

In using their divining chain, the Ifa priest recites verses from the Ifa literary corpus, saying aloud the invocations and incantations connected to the situation. Thereafter, the individual with bad destiny is asked to whisper his/her problem on money, which he/she will then place on the divination tray. When this is done, the priest proceeds to call on Orunmila, the witness to all human destinies, and acknowledges the Supreme Being. It is compulsory that the priest also acknowledges the sixteen cosmic ancestral spirits to witness the proceeding.

In the process, the individual's mother's name is frequently mentioned while calling on the grand Ifa spiritual divinity. The cosmological significance of this is the belief that the destiny of the mother can bring fortune to that of the child. Sometimes, where votive offering is not required, an individual with bad destiny may be asked to go and make offerings to the Ori of the parents if such person wants to overcome ill-luck and misfortunes associated with his/her bad destiny. If the parents are dead, animals can be offered to appease the paternal/maternal spirits. Examples involve asking the individual to present his/her supplications, requests, and problems to their paternal/maternal spirits through the left ear of a male goat to be offered as sacrifice. Others include breaking a snail into a bowl

of water to wash the individual's head into a flowing stream with a sponge and black soap—specially prepared for the individual—and his/her forehead marked with the animal's blood. Sealing the ritual sacrifice is the breaking the kola-nut to reveal the omen and whether the sacrifice is accepted or rejected. Once a destiny has been chosen (good or bad), it becomes permanent and totally impossible to change by ritual sacrifice or charm (*Ayanmo ko gba ebo beni ko gba ogun*).

The Ifa account of using certain animals, plants, fruits, and materials from nature to communicate human requests to the cosmic and spiritual realm is clear. Each animal has distinct spiritual properties capable of relaying certain human requests to the cosmic, supernatural, and spiritual forces. For example, a female pig and banana have distinct spiritual properties of potency required for rituals connected with barrenness. A woman with good destiny of fruitfulness can have her womb blocked by sorcerers, witches, and evil—which she may have brought upon herself through fornication and abortion. Yet, apart from *Emere* (the mischievous spirit incarnate women), who may have spiritually taken the oath of barrenness at the gate of heaven when coming to earth, no one is endowed at creation with the destiny of barrenness.

According to Ifa belief, a person is composed of three parts: the body, soul, and spirit. When the body dies, the soul and the spirit returns to the spiritual realm. The spirit is capable of doing good or mischief to the living (Ikenga-Metuh 1990, Blockson 1987). This is why the spirit of the dead parent is in essence taken as sacred, deified, and venerated among the Yoruba. The spirits of dead parents—if well propitiated with great respect, ritual sacrifice, and rites—will guide the children's destiny in their journey through life. Ifa states further that, in the case of those who suddenly die (not by evil brought upon themselves) without fulfilling their days on earth as allotted by their destiny, these people (*Akudaya*) can metaphorically transmi-



BY FHADEKHEMMY

### **A Yoruba bride hugs her mother on her traditional wedding day.**

grate into existence elsewhere to live like a normal human being—get married and have children—and complete their destiny. While they can do almost everything humans do, they are very difficult to recognise. They disappear and relocate elsewhere once a familiar person or member of their former family discovers their transmigration.

Ifa adherents welcome a new baby with an important ritual ceremony at the child's naming, which marks a rite of passage. Generally, the ceremony is important in revealing the child's destiny, the type of trade he /she should take to, and marriage partner. This ceremony takes place on the ninth day for a boy child and seventh day for a girl child, superstitiously connected with the belief that a man has nine ribs while a woman has seven ribs. During the ceremony, the ancestral spirits are invoked for blessings. The materials for naming include palm-oil, salt, bitter-kola, kola-nut, alligator pepper, sugar-cane, honey, fish and

a bowl of water. Each of these materials is symbolic. For example, honey, salt, and sugar-cane symbolise sweetness of life; alligator pepper symbolises fruitfulness; bitter-kola symbolises old age; water symbolises peace; and kola-nut symbolises the warding off of evil. Unfortunately, in recent times, the ritualistic activity of consulting the Ifa divination to reveal the destiny of a child has diminished.

## **CONCLUSION**

Since time immemorial, one question that has engaged human consciousness is whether events are caused or they just happen? Are human experiences (good or bad) in life inevitably programmed as destiny; or is everything that has happened or will happen been predetermined as destiny? Furthermore, are disasters, wars, and other calamities programmed, predestined, and governed by cosmological and

supernatural forces? The question of destiny is one of the most equivocal religious issues because destiny expresses the mystery of the world—and the existence of a Supernatural Being.

The analysis of Ifa world view of human destiny indicates that the Yoruba of Southwestern Nigeria fundamentally recognise two different types of divinities: a Supreme Being called Olodumare and subordinate divinities called Orisa. The Supreme Being is recognised as God and Creator of the universe, while the subordinate divinities allotted with different responsibilities at the cosmic realm report to Him and serve as intermediaries between humans and Creator.

Though viewed by some as primitive, fetishistic, and idolatrous, the belief in Ifa is real to adherents and it works for them. The Ifa mythological account of human destiny—including the myth, oral traditions, cultural values, beliefs, social experiences and ritual sacrifices—helps to elucidate the Yoruba cosmology and adds to the rich biocultural diversity of human expression. ■

## REFERENCES

- Awolalu, J.O. & Dopamu, P.A. (1979). *West African Traditional Religion*. Ibadan, Nigeria. Onibonoje Press and Books Industries Nigeria Limited.
- Blockson, C.L. (1987). No Where to Lay Down Head. (In) *The Official Journal of the National Geographic Society*. Washington, D. C. Vol. 172 (2).
- Elebuibon, I. (2004) *Ifa: The Custodian of Destiny*, Ibadan, Nigeria. Penthouse Publications.
- Gobo, G. (2008). *Doing Ethnography*. London, Sage publication.
- Idowu, E. B. (1973). *African Traditional Religion: A Definition*. London. SCM Press, Ltd.
- Ikenga-Metuh, E. (1990) *African Humanism: A Cultural Factor in the Development of the Nigerian Personality*. (In) *Nigerian Cultural Heritage*. Edited by Ikenga-Metuh, E. and Ojoade, O. Jos, Nigeria. Imico Publishing Company.
- Johnson, S. (2009) *The History of the Yorubas from Earliest Times to the Beginning of British Protectorate*. Lagos, Nigeria. CSS Press and Bookshops Ltd.
- Oke, E.A. (2004). *An Introduction to Anthropology*. Ibadan, Nigeria. Emmi Press.
- Ozigboh, I.R. H. (1988). *An Introduction to the Religion and History of Islam*. Nigeria. Fourth Dimension Publishing Company.
- Taylor, R. (1983). *Metaphysics*. New Jersey. Prentice Hall Inc.
- UNESCO. (2003). *Convention for Safeguarding of the Intangible Cultural Heritage*. Paris. Retrieved from [http://portal.unesco.org/en/ev.php-URL\\_ID=17716&URL\\_DO=DO\\_TOP-IC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOP-IC&URL_SECTION=201.html).
- UNESCO (2008) *Ifa Divination system*. Retrieved from <https://ich.unesco.org/en/RL/ifa-divination-system-00146>.
- World Oral Literature Project. (2016). *University of Cambridge Museum of Archaeology and Anthropology*. Retrieved from <http://www.oralliterature.org/>.



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## APPENDIX 1

## 256 CHAPTERS OF IFA LITERARY CORPUS ("ODU IFA")

16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1		
Ogbe ofu	Ogbe ose	Ogbe irete	Ogbe otura	Ogbe oturup on	Ogbe ika	Ogbe osa	Ogbe ogunda	Ogbe okanran	Ogbe obara	Ogbe owonri n	Ogbe irosun	Ogbe di	Ogbe wehin	Ogbe oyeku	Eji ogbe	1	
Oyeku ofu	Oyeku ose	Oyeku irete	Oyeku otura	Oyeku oturup on	Oyeku ika	Oyeku osa	Oyeku ogunda	Oyeku okanran	Oyeku obara	Oyeku owonri n	Oyeku irosun	Oyeku idi	Oyeku biwori	Oyeku ogbe	Oyeku meji	2	
Iwori ofu	Iwori ose	Iwori irete	Iwori otura	Iwori oturup on	Iwori ika	Iwori osa	Iwori ogunda	Iwori okanran	Iwori obara	Iwori owonri n	Iwori irosun	Iwori idi	Iwori oyeku	Iwori bogbe	Iwori meji	3	
Idi ofu	Idi ose	Idi irete	Idi otura	Idi oturup on	Idi ika	Idi osa	Idi ogunda	Idi okanran	Idi obara	Idi owonri n	Idi irosun	Idi iwori	Idi oyeku	Idi gbemi	Odi meji	4	
Irosun ofun	Irosun ose	Irosun irete	Irosun otura	Irosun oturup on	Irosun ika	Irosun osa	Irosun ogunda	Irosun okanran	Irosun obara	Irosun owonri n	Irosun idi	Irosun iwori	Irosun takeleku	Irosun agbe	Olosun meji	5	
Owonri n ofu	Owonrin ose	Owonrin irete	Owonrin otura	Owonrin oturup on	Owonrin ika	Owonrin osa	Owonrin ogunda	Owonrin okanran	Owonrin obara	Owonrin irosun	Owonrin idi	Owonrin iwori	Owonrin oyeku	Owonrin sogbe	Owonrin meji	6	
Obara ofu	Obara ose	Obara irete	Obara otura	Obara oturup on	Obara ika	Obara osa	Obara ogunda	Obara okanran	Obara owonri n	Obara irosun	Obara idi	Obara iwori	Obara oyeku	Obara bogbe	Obara meji	7	
Okanran ofu	Okanran ose	Okanran irete	Okanran otura	Okanran oturup on	Okanran ika	Okanran osa	Okanran ogunda	Okanran obara	Okanran owonri n	Okanran irosun	Okanran idi	Okanran iwori	Okanran oyeku	Okanran sode	Okanran meji	8	
Ogunda ofu	Ogunda ose	Ogunda irete	Ogunda otura	Ogunda oturup on	Ogunda ika	Ogunda osa	Ogunda okanran	Ogunda obara	Ogunda owonri n	Ogunda irosun	Ogunda idi	Ogunda iwori	Ogunda oyeku	Ogunda bede	Ogunda meji	9	
Osa ofu	Osa ose	Osa irete	Osa otura	Osa oturup on	Osa ika	Osa ogunda	Osa okanran	Osa obara	Osa owonri n	Osa irosun	Osa idi	Osa iwori	Osa oyeku	Osa logbe	Osa meji	10	
Ika ofu	Ika ose	Ika irete	Ika otura	Ika oturup on	Ika osa	Ika ogunda	Ika okanran	Ika obara	Ika owonri n	Ika irosun	Ika idi	Ika iwori	Ika oyeku	Ika gbemi	Ika meji	11	
Otunru pon ofu	Otunru pon ose	Otunru pon irete	Otunru pon otura	Otunru pon oturup on	Otunru pon ika	Otunru pon osa	Otunru pon ogunda	Otunru pon okanran	Otunru pon obara	Otunru pon owonri n	Otunru pon irosun	Otunru pon idi	Otunru pon iwori	Otunru pon oyeku	Otunru pon gbe	Otunru pon meji	12
Otura ofu	Otura ose	Otura irete	Otura oturup on	Otura ika	Otura osa	Otura ogunda	Otura okanran	Otura abara	Otura owonri n	Otura irosun	Otura idi	Otura iwori	Otura oyeku	Otura orire	Otura meji	13	
Irete ofu	Irete ose	Irete otura	Irete oturup on	Irete ika	Irete osa	Irete ogunda	Irete okanran	Irete obara	Irete owonri n	Irete irosun	Irete idi	Irete iwori	Irete oyeku	Irete gbe	Irete meji	14	
Ose ofu	Ose irete	Ose otura	Ose oturup on	Ose ika	Ose osa	Ose ogunda	Ose okanran	Ose obara	Ose owonri n	Ose irosun	Ose idi	Ose iwori	Ose yeku	Ose logbe	Ose meji	15	
Ofu ose	Ofu irete	Ofu otura	Ofu oturup on	Ofu ika	Ofu osa	Ofu ogunda	Ofu okanran	Ofu obara	Ofu owonri n	Ofu irosun	Ofu idi	Ofu iwori	Ofu oyeku	Ofu nogbe	Ofu meji	16	



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TAKEN BY LISA NOLTE, MAY 2017

**Graffiti in San Francisco Xochicuautla, “Xochicuautla Resiste y Existe” (Xochicuautla Resists and Exists).**

# San Francisco Xochicuautla and the Implementation of Project ‘Autopista Toluca – Naucalpan’

A REPORT FROM THE CENTER FOR WORLD INDIGENOUS STUDIES

By Lisa Nolte

## INTRODUCTION

In the last few decades there has been a shift within public international law towards recognition of indigenous peoples’ identity and their specific rights. While integration of indigenous peoples by giving up their identities was the common goal of most Latin-American countries since the 1940s, many of these countries have increasingly recognized their multi-ethnic and

multi-cultural identities. This shift at the state level is reflected by a global indigenous rights movement at the international level, with the *International Indian Treaty Council* (1974) and the *World Council of Indigenous People* (1975) as the first prominent non-government organizations raising indigenous questions in public. Perhaps the most influential institution is the UN Working Group on Indigenous Populations, con-



PHOTO BY LISA NOLTE

### Valley of San Francisco Xochicuautla.

vening different indigenous groups from all parts of the world and organizing assemblies.

Several international treaties and instruments attempt to protect indigenous peoples' rights today, the ILO Conventions 107 and 169 (the only legally binding documents exclusively targeting the protection of the right of indigenous peoples), international human rights packages and the Committee on the Elimination of Racial Discrimination (CERD) being of particular importance. ILO Convention 107 from 1957 reflects the goals of the then-sought after assimilation of indigenous peoples and was revised to Convention 169 in 1989. With ratification from Norway and Mexico, the Convention came into force in 1991, the preamble recognizing the demand for self-determination and self-determined development, self-administration, control over institutions, and the practicing of a particular lifestyle including religion and language. The topic of land, particularly the areas traditionally inhabited and used by indigenous peoples—most of whom didn't know concepts of private property in the western sense before colonization—is addressed in a separate section. Indigenous groups mainly used the

land they inhabited without regulating access through proprietary rights. Only colonization and the expansion of white settler populations made it necessary for indigenous groups to adapt to the legal system by also demanding property rights. The ratifying states—including Mexico—are obliged to comply with the current standards in dealing with indigenous groups. Nevertheless, there are unfortunately many situations around the world where governments (at federal, state, and municipal levels) and businesses disregard and violate the rights of resident indigenous peoples. This often occurs regarding questions of land rights, as is the case in the Otomí indigenous community of San Francisco Xochicuautla, Mexico.

## **SAN FRANCISCO XOCHICUAUTLA AND PROJECT AUTOPISTA TOLUCA-NAUCALPAN**

San Francisco Xochicuautla is an indigenous Otomí community of close to 4000 inhabitants in the municipality of Lerma in the state of Mexico, about 50 kilometres from the capital. The Otomí are an indigenous ethnic group and part of the early complex cultures of





PHOTO BY LISA NOLTE

**Denuded forest due to Toluca-Naucalpan highway construction.**

Mesoamerica believed to have been the original inhabitants of the central Mexican Plateau region (Altiplano) before the arrival of Nahuatl speakers by whom they were marginalized and gradually replaced. In early colonial times, Otomí speakers helped the Spanish as allies and mercenaries, which allowed them to extend into other territories. Traditionally the Otomí people worshipped the moon and have preserved shamanism practices and prehistoric beliefs until today. As with many Mesoamerican peoples, the Otomí strongly depended on maize, beans, and squash as well as the century plant (agave) which was used for fiber and alcohol production, all of which still play an important role today.

In 2007, the building of a new highway connecting the International Airport of the city of Toluca with Naucalpan and the northwest area of the Metropolitan zone of the capital was announced, with the planned highway going straight through the San Francisco Xochicuautila community’s land. The contract for the construction of the highway was given to Juan Armando Hinojosa Cantús’ Grupo Higa by the former Governor of the State of Mexico, Enrique Peña Nieto,

now President of Mexico, despite both being involved in a massive political scandal. The development of the new highway directly links the Toluca Airport and surrounding area with the capital, making access much quicker. This in turn is intended to intercept part of the air traffic in the capital. Furthermore, the construction of the highway is planned to be followed by the development of an exclusive residential area, which through the highway will be easily accessible.

**IMPACTS ON THE COMMUNITY AND ENVIRONMENT**

Although the highway directly connects the community with the city (where many of the residents work), making access much quicker and easier, it will be a private highway—mean usage will cost money. So far, all discussions about making access for the involved communities free have failed, making the one positive outcome untenable. Regarding the toll of the highway, one community member complains cynically: “We need to pay for them to cause us harm.”<sup>1</sup>

<sup>1</sup> “Tenemos que pagar para que nos causan daño.”



On an ecological level, the construction of the highway, being a megaproject, destroys over 600,000 square meters of ecologically protected and culturally sacred land. It cuts off the sacred route of the Otomí pilgrimages to *Necelaugua* and *Cerro de Campana*, sacred places of the Otomí within a forested area. According to the Otomí of the Alto Lerma's cosmogony, life began at the Cerro de la Campana. Besides this direct severe restriction, the development of the highway and thus deeper connection to Mexico City and its outskirts, has an immense impact on the resident's traditional way of life. Next to the cultural and religious impact, the destruction of the natural environment for the construction of the highway as well as its use has a tremendous effect on the local ecosystem. Parts of the planned construction site are within the *Gran bosque de Agua* (Great Water Forest). Named by Greenpeace as one of the world's most astonishing forests, it is home to two of the most important rivers in the country—the Lerma and Balsas Rivers—and two percent of the world's biodiversity, regulating climate and air quality in the region and providing food.

It is estimated that more than 3,000 species of plants, 195 species of birds, and 350 species of mammals, reptiles, and amphibians inhabit the forest, 10 percent of those being exclusive to Mexico. Three out of ten species of mammals and one out of ten species of birds in Mexico are found in the forest and studies by the *Universidad Metropolitana* classify around 80 percent of the forest's surface as of high and very high hydrological importance. The National Commission for the Knowledge and Use of Biodiversity (CONABIO) stated 296 species of flora and fauna in the area are subject to special protection or are in acute danger of extinction, such as, for example the coyote, eagle, and dozens of wetland species. Furthermore, the forest produces three-quarters of the water consumed in Mexico City, as well as all of Cuernavaca's and parts of Toluca's consumed water. Because of the immense impact on those who live within the area, as well as those

who live in surrounding areas, part of it was declared a priority terrestrial region for conservation in Mexico by CONABIO. Nevertheless, the urban extension of the Federal District has advanced on the forest to a rate of almost one hectare daily in the last 60 years.

The ongoing infrastructural developments including the construction of roads and highways are favouring the formation of urban settlements in the region, as is the case in San Francisco Xochicuautla. The planned development of a residential area within the ecological reserve can only be seen as a further threat towards the environment as well as the lifestyle of the community.

## LEGAL FRAMEWORK AND RIGHTS VIOLATIONS

Ever since the announcement of the project, community members of San Francisco Xochicuautla have been fighting for their rights to prevent the highway from being built through their community and sanctuary land against their will. Even the very first topographic works, when thousands of trees were cut, leaving a broad nine-kilometre-long gap in the tree line in November 2007, were illegal as the community's population had not been asked permission beforehand. At the community's first general assembly regarding the highway project on February 25, 2008, it was found that the community delegates had previously been advised by letter about the project but had not informed the community. The project was opposed by the entire community in this assembly of *usos y costumbres* (customs and habits) as well as four following ones and it was agreed that no individual community member would start negotiating the community's land. In view of this broad opposition, government and construction business justified their selection of the so-called *padrón de comuneros* (commoners register), a group of 442 community members (out of 4,000 inhabitants) who from now on were the only ones deciding the fate of the land, by stating that decisions could not possibly be made by such a large number of people. The outside se-

lection of certain community members to decide upon the course of communal lands—described by state and municipal governments as a ‘consultative process’—as such is against Article 100 of the *Ley Agraria* (*Agrarian Law*), which says that the community determines the organization and use of its lands and its division in distinct portions according to different purposes.<sup>2</sup>

Nevertheless, the remaining community members were excluded from all further assemblies and had no possibility to partake in shaping the political process determining the fate of their land. Facing impossibility to participate, they opposed the process by engaging in protests and petitions. In the meantime, assemblies were held with only the selected community members present.

Furthermore, roughly 40,000 pesos were repeatedly offered to community members opposing the project, to give their vote in favour of the project. The money infiltration has resulted in a separation of the community, a major gap between those willing to take the money and those remaining opposed engaging in resistance. Only in one of those assemblies did 109 out of the 371 members of the *padrón* present a vote in favour of the project with the rest abstaining from their vote. According to both Article 26<sup>3</sup> and Article 27 of the *Ley Agraria* this procedure makes the outcome illegal.

This is because several factors mentioned in sections VII to XIV of Article 23 of the *Ley Agraria* apply in

this particular case, which therefore means that in order for the vote to be considered legal, a majority of the members would have needed to be present according to Article 26 or two thirds according to article 27.

The former states that half of the members plus one need to be present to make a vote legal if it is an assembly concerning matters mentioned in sections II to XIV of Article 23 of the *Ley Agraria*<sup>4</sup>. The latter confirms that resolutions of assemblies are only valid if voted for by the majority of the present members, and in certain cases a majority of two thirds is required.<sup>5</sup>

Based on this legal position the community achieved the issuing of a definite and irrevocable court injunction, nullifying both the outcome of the assembly as well as the assemblies itself, held to achieve permission for the project. Despite the injunction, construction began, and protected by the ‘security forces of the state of Mexico’ workers started cutting down more trees. In response to the unheeded verdict, President Enrique Peña Nieto issued a decree of expropriation on July 9, 2015. However, according to article 1 of the *Ley de Expropiación*, the act of expropriation

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4 VII. Señalamiento y delimitación de las áreas necesarias para el asentamiento humano, fundo legal y parcelas con destino específico, así como la localización y relocalización del área de urbanización;

VIII. Reconocimiento del parcelamiento económico o de hecho y regularización de tenencia de posesionarios;

IX. Autorización a los ejidatarios para que adopten el dominio pleno sobre sus parcelas y la aportación de las tierras de uso común a una sociedad, en los términos del artículo 75 de esta ley;

X. Delimitación, asignación y destino de las tierras de uso común así como su régimen de explotación;

XI. División del ejido o su fusión con otros ejidos;

XII. Terminación del régimen ejidal cuando, previo dictamen de la Procuraduría Agraria solicitado por el núcleo de población, se determine que ya no existen las condiciones para su permanencia;

XIII. Conversión del régimen ejidal al régimen comunal;

XIV. Instauración, modificación y cancelación del régimen de explotación colectiva

5 “Las resoluciones de la asamblea se tomarán válidamente por mayoría de votos de los ejidatarios presentes y serán obligatorias para los ausentes y disidentes. (...) Cuando se trate alguno de los asuntos señalados en las fracciones VII a XIV (se trata de varios) del artículo 23 de esta ley, se requerirá el voto aprobatorio de dos terceras partes de los asistentes a la asamblea.”

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2 “La comunidad determinará el uso de sus tierras, su división en distintas porciones según distintas finalidades y la organización para el aprovechamiento de sus bienes.(...)”.

3 “Para la instalación válida de la asamblea, cuando ésta se reúna por virtud de primera convocatoria, deberán estar presentes cuando menos la mitad más uno de los ejidatarios, salvo que en ella se traten los asuntos señalados en las fracciones VII a XIV del artículo 23, en cuyo caso deberán estar presentes cuando menos tres cuartas partes de los ejidatarios.

Cuando se reúna por virtud de segunda o ulterior convocatoria, la asamblea se celebrará válidamente cualquiera que sea el número de ejidatarios que concurran, salvo en el caso de la asamblea que conozca de los asuntos señalados en las fracciones VII a XIV del artículo 23, la que quedará instalada únicamente cuando se reúna la mitad más uno de los ejidatarios.”

can only be applied in the context of public interest or rather cases regarding public use.<sup>6</sup> Undeniably, the construction of a private highway, whose use would have to be paid for as well as the construction of an exclusive residential area can hardly be classified as ‘of public use or interest’. Nevertheless, despite various rights violations construction is ongoing and the time for completion of the highway is short.

## STRUCTURAL DIFFICULTIES

In order to understand the situation in San Francisco Xochicuautla and identify difficulties and obstacles—and opportunities—it is necessary to see the ongoing developments against the background of the underlying political and legal structures that the case is imbedded in, which determine the involved actors’ conduct.

## LEGAL PLURALISM IN INDIGENOUS COMMUNITIES

As in many Latin American countries, there are different indigenous and European forms of organization coexisting in Mexico. After independence from Spain, the Mexican state developed on the basis of the concept of a national culture that systematically excluded indigenous people. Thus, in many cases, they could exist relatively autonomously within the national state. However, the distribution of resources and the further development of territories have increasingly been the subject of tensions and inconsistencies and lead to numerous protests all over the country. These include the gap between the idea of a plural economic system and the reality of an extremely centralized government and state-controlled economy, as well as the contradiction between the discourse on the protection of nature and the factual expansion of extractive projects into protected areas and indigenous territories, which is the

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6 “La presente ley es de interés público y tiene por objeto establecer las causas de utilidad pública y regular los procedimientos, modalidades y ejecución de las expropiaciones. Se consideran causas de utilidad pública. (...)”

source of the conflict in San Francisco Xochicuautla. Thus, the distribution and use of natural resources and the impact of the expansion of extractive industries, and the government’s general development strategy based on the exploitation of natural resources are at the centre of political and civil society conflicts and debates. Furthermore, the developments at an international level protecting indigenous rights through a series of documents has created a contrast between the model of the pluralistic national state on one hand and the indigenous right of self-determination on the other. Consequently, San Francisco Xochicuautla’s legal position is the result of the interplay between these international developments as well as the national and federal tendencies and their structural changes, which frame the scope for action of the municipality, its political leaders, and its individual factions.

In this regard, legal pluralism—meaning the coexistence of different forms or categories of legal systems within a social context or a political organization—plays an important role in comprehending the complex legislation of indigenous communities. Often referring to state law existing next to recognized or unrecognized customary law, in indigenous communities it also includes international conventions, religious norms, intra-organizational internal policies as well as local laws, such as *usos y costumbres*. These indigenous customs and habits are based on traditions memorized and transmitted from the ancestors, without the need for a writing system. As in the case of San Francisco Xochicuautla, the community’s authorities are elected by the general assembly of the community, who has a say in all questions regarding the population and so directly determines the course of the community.<sup>7</sup>

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7 San Francisco Xochicuautla is divided into four geographical sections. Every three years each section elects two people. The resulting sum of eight is presented in the general assembly and elected as first, second, and third delegate, president of COPASI (the Council of Citizen Participation), secretary, and treasurer, the remaining two supporting the former six. Furthermore, each section chooses twelve people as commandants, a kind of local police existing next to the municipal police residing in a different community.





PHOTO BY LISA NOLTE

## Nopal Feast

### MEXICAN CONTEXT

Mexico's economy and population are the second largest in Latin America. As an important regional and global player with considerable economic success and a member of important international forums such as the G20 and the OECD (Organization for Economic Cooperation and Development), the country still faces major social and environmental difficulties. Although Mexico has signed the main international human rights conventions, the country so far fails at implementing them consistently. By signing the Agenda 2030 on Sustainable Development with its 17 development objectives, Mexico committed to promoting a peaceful society relative to sustainable development, providing access to justice for all people and building effective, accountable, and inclusive institutions at all levels

(Objective 16 of the Agenda 2030). To achieve this goal, the involvement of civil society with all its subgroups, a key player in sustainable development, is of great importance.

Since 1917, Mexico has been a presidential federal republic with the president being the head of the federal government as well as the highest representative of the state. The president is elected directly by the people for a single, six-year term, the so-called *sexenio*. The president owns the right of initiative in legislative proceedings and a veto penalty for legislative initiatives from the Congress, accrediting him with a particularly high degree of authority. In addition, the president is superintendent of the Mexican military and appoints its highest ranks, a number of high state officials as well as the Attorney General.

The country has been suffering for decades from the inability to undertake reforms. After the end of the 70-year rule of the *Partido Revolucionario Institucional* (PRI) in 2000, the people's expectations were again disappointed by the following governments of the party *Partido Acción Nacional* (PAN), leaving the PRI, with Enrique Peña Nieto as president, to return to power in 2012. Mexico continues to face the challenges of an imperfect democratic development with major deficiencies in the rule of law and legal certainty, and an interpenetration of the state, politics, and organized crime resulting in widespread corruption in politics, administration, and the judiciary. Scandals involving high-ranking politicians—including the president—are the order of the day. Among other things, this leads to many crimes not being prosecuted. In the corruption index of the non-governmental organization *Transparency International*, Mexico has steadily deteriorated in recent years. According to *Reporters without Borders*<sup>8</sup>, Mexico ranks 147<sup>th</sup> out of 180 analyzed countries in 2017 regarding press freedom. In fact, aside from Afghanistan, Syria, and Iran, Mexico was considered one of the most dangerous countries

<sup>8</sup> See: <https://rsf.org/en/ranking#>

in the world for journalists in 2016. Media representatives being murdered or abducted or simply disappearing is not a rarity in the country. Many of them report on drug trafficking, corruption, and the merging of politics and organized crime. As the famous case of Carmen Aristegui—sentenced to prison after having revealed the involvement of President Peña Nieto in a major corruption scandal—shows free expression hardly applies to Mexico’s media world. Seeing that most perpetrators go unpunished, many media representatives avoid delicate topics and self-censorship is considered common.

## MEXICAN INDIGENOUS LAW

The *Indígena* law in Mexico continues to be internationally controversial. In 2002, the complaint of 320 communities against a debatable reform of the *Indígena* law—implemented shortly before—was dismissed by the Mexican Supreme Court. The act addressing rights and culture of the 11 million indigenous Mexicans aimed to improve their social situation and changed various articles of the Mexican Constitution. Despite being based on a 1996 agreement between the government and Zapatista rebels in the southern state of Chiapas, the original draft was modified by the Mexican Senate.

The most reactionary forces of the former government party (PRI) and the then-government party (PAN) surprisingly quickly found an agreement, limiting the rights of self-determination of indigenous peoples and so destroying the basic intentions of the COCOPA (Commission of Concordia and Pacification) Initiative (also known as the San Andrés Accords).

Though the states with a majority of the indigenous population opposed it, when an agreement to pass the act by the majority of the 31 states’ parliaments was foreseeable, it was ratified by the Standing Committee of the House of Representatives instead of the congress-plenum, without waiting for the final vote count. With the procedure thus completed, the whole

act is contrary to Article 135 of the Constitution<sup>9</sup>:

*“This Constitution may be added or amended. For additions or reforms to become part of it, it is required that the Congress of the Union, by the vote of two-thirds of the individuals present, agree to reforms or additions, and that these are approved by the majority of the legislatures of the States and of Mexico City. The Congress of the Union or the Standing Commission, in their case, shall compute the votes of the Legislatures and the declaration of having been approved the additions or reforms.”*

Considering that the 62 indigenous ethnic groups were not included in the legislative process, it is additionally incompatible with the ILO Convention 169. The bitter blow against the democratic, parliamentary practices was broadly criticized. Luis Soberanes, then Chairman of the National Human Rights Commission and the former principal of the *Universidad Nacional Autónoma de México*, spoke out for the revision of the act, calling it “a most degrading counter-reform against the constitution.”

In view of this, the protection of existing rights regarding autonomy, communal property, and the use of resources within the territory and their defence are of major significance. Both Article 14 of ILO 169 and Article 27 of the Mexican Constitution guarantee these rights. ILO 169, Article 14 states: The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by

<sup>9</sup> ‘La presente Constitución puede ser adicionada o reformada. Para que las adiciones o reformas lleguen a ser parte de la misma, se requiere que el Congreso de la Unión, por el voto de las dos terceras partes de los individuos presentes, acuerden las reformas o adiciones, y que éstas sean aprobadas por la mayoría de las legislaturas de los Estados y de la Ciudad de México. El Congreso de la Unión o la Comisión Permanente en su caso, harán el cómputo de los votos de las Legislaturas y la declaración de haber sido aprobadas las adiciones o reformas’





PHOTO BY LISA NOLTE

### San Francisco Xochicuautla Fiesta

them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.” This last sentence may be seen as a strong reference to the legal principle ‘Prior in tempore potior in jure’, protecting the rights of the first people inhabiting a certain area. The Mexican Constitution, Article 27<sup>10</sup> furthermore states: “The juridical personality of the cooperative and communal population cores is recognized and their property of the land is protected, both for human settlement and for productive activities. The law will protect the integrity of the lands of indigenous

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10 “Se reconoce la personalidad jurídica de los núcleos de población ejidales y comunales y se protege su propiedad sobre la tierra, tanto para el asentamiento humano como para actividades productivas. La ley protegerá la integridad de las tierras de los grupos indígenas. La ley, considerando el respeto y fortalecimiento de la vida comunitaria de los ejidos y comunidades, protegerá la tierra para el asentamiento humano y regulará el aprovechamiento de tierras, bosques y aguas de uso común y la provisión de acciones de fomento necesarias para elevar el nivel de vida de sus pobladores.”

groups. The law, while respecting and strengthening the community life of cooperatives and communities, will protect land for human settlements and regulate the use of lands, forests, and waters of common use and the provision of necessary development measures to raise the standard of life of its inhabitants.” However, the formal recognition of indigenous rights alone does not provide adequate protection if they are not effectively implemented.

## OPPORTUNITIES

With the CWIS-initiated *Joint Statement of Constitutional and Customary Indigenous Governments* (2014), submitted to the United Nations Permanent Forum on Indigenous Issues 13th Session’s Agenda Item 3: *Principles of Good Governance Consistent with the UN Declaration on the Rights of Indigenous Peoples: Articles 3-6 and 46*, signed by indigenous nations from all over the world, hopes of community members resisting the project were high. Seeking support, community members sent a proposal aimed at strengthening



the intergovernmental cooperation to other signatory nations of the statement. This letter is to be seen as an invitation to jointly identify concrete steps in the process of seeking the establishment of mechanisms for a democratic dialogue and negotiations between the nations' governments and state's governments. In order to achieve the implementation of the recommendations mentioned, they suggested agreeing upon an intergovernmental coalition. To the disappointment of the involved members the addressed nations did not show interest in strengthened cooperation, most not even replying to the request. Despite this blow many community members recognize the importance of outside involvement in the case and its impact on the possible outcome, one member stating, "We need diffusion, solidarity, and accompaniment, so that sight of the problem is not lost." Another one feared: "The day that the world forgets about Xochicuatla, is the day that the government will do what it wants with the rights of the community and its natural resources."

In light of this, publication of reports of the case becomes a key factor for raising consciousness. The limitation and restriction of press freedom in Mexico severely hinders free information flows and particularly information concerning critique towards the government. Especially against this background, support and cooperation between indigenous nations struggling from similar situations nationally and internationally become key factors in establishing of concrete and binding mechanisms for democratic dialogue between state's governments and indigenous nation's governments. Although the legal framework regarding the recognition of indigenous rights exists, it lacks implementation as well as observance. In this regard, further cooperation with other nations is needed to establish concrete processes, mechanisms, and instruments in order to implement recommendations contained in the Joint Statement and other declarations. Additionally, indigenous nations' positions will

be strengthened in their various struggles to enforce their interests as in the case of San Francisco Xochicuatla.

## CONCLUSION

The expansion of political involvement of indigenous peoples has led to a shift in international public law towards the recognition of their own identities and the need for self-determination and self-administration, with a focus on economic independency in the last decades. But despite numerous international regulations, treaties, and regulations aimed at protecting indigenous peoples and their specific rights, there is a lack of binding and effective implementation. The formal recognition of indigenous rights alone does not provide adequate protection, if these are not effectively implemented. In this regard, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) does not include concrete methods to implement the stated recommendations. Additionally, there is a lack of instruments controlling and binding state governments to comply with other agreed-upon regulations. This is reflected on the state level as well, where declarations and rights internationally agreed upon fail to be implemented and respected via clear phrasings in the states' constitutions. The realization of indigenous self-determination and self-administration often requires structural policy changes. In order to comply with indigenous rights, particular geopolitical conditions need to be met and concessions need to be made, that are from state governments' perspectives in many cases undesirable restrictions, as is the case in San Francisco Xochicuatla, whose situation is the result of complex underlying political and legal structures.

Besides the obvious rights violations—which until today fail to be officially recognized—the community's struggle is also impacted by various at least partly-relating factors. First, the community's unity was affected greatly by the division caused by the selection of the

recognized community members and the exclusion of the remaining population, the offers of money, and corrupt methods alike, resulting in even deeper gaps. In that sense, the community is no longer a unity with a common goal but split by different interest groups.

Second, despite the various international and national organizations involved in observing the political process and offering support, the implementation of the rights protecting the course of the community's land failed. After a decade of cooperating with various organizations and individuals and actively trying to engage other parties to gain support, achieved success is minimal. Despite the violation of international as well as national rights, the project has by no means been dismissed. In view of this, many community members have lost faith in the supporting organizations. As one community member stated: "What they [the organizations] say is not worth much if they don't do it. There is a big gap between what is said and what is done." Another member mentions resignedly: "They [the organizations] come, stay for a while, and talk to us and then they leave and forget about Xochicuatla. Hopefully, through increased cooperation between nations, publication of illegal cases will be facilitated, putting rights violations in the centre of international debates. That in turn will make the obvious discrepancies between international indigenous law conventions and national implementation public and lead to international and national actors jointly addressing this need for change, as well as implementation of the already-existing legal framework to protect indigenous rights globally. ■

### ABOUT THE AUTHOR



Lisa Nolte was born in Cologne, Germany. She holds a Bachelor's degree in Sociology and Applied Human Geography from the University of Trier and is in the final stage of completing her Master's degree in Societies, Globalization and Development at the University of Bonn. During her studies, she has travelled extensively and gained work experience at the Goethe centre in Panama, the Friedrich-Ebert-Stiftung in Lusaka, Zambia, and at the Luxembourg Institute of Socio-Economic Research. This report was written as part of Lisa's internship with the Center for World Indigenous Studies, where she conducted research on the indigenous community of San Francisco Xochicuatla.

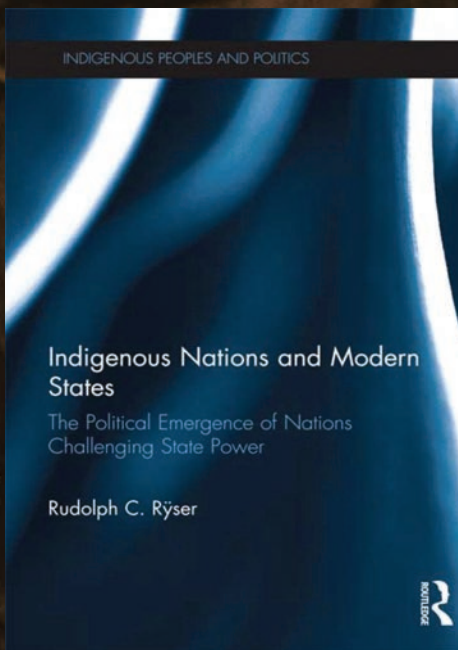
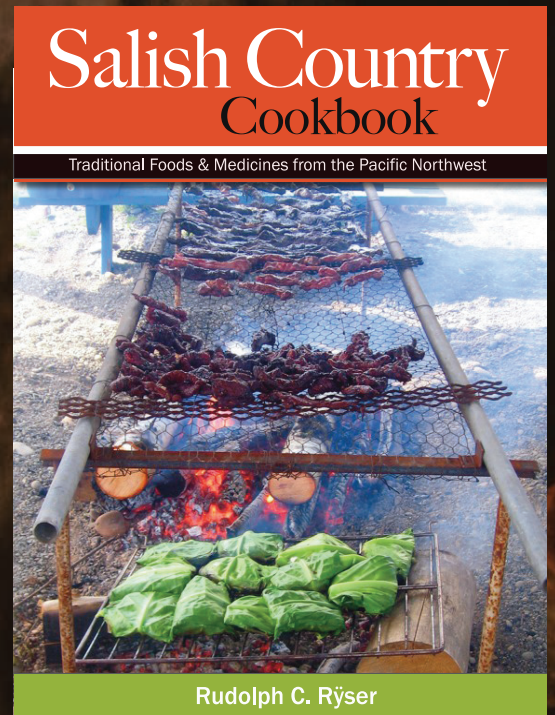
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# Resource Extraction: The Enduring Legacy of Interference through the Papal Bulls

By Susan McBroom, PhD, MSHSA, BSN

With aggressive tactics by companies with government support to extract resources<sup>1</sup> and the continued effort to pass Bill C-262,<sup>2</sup> an act which calls on Indigenous people and the Government of Canada to ensure the laws of Canada harmonize with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),<sup>3</sup> it is necessary to delve deeper into what underlies the resource extractive industry and the emergence of this legislation.

This article begins with a brief discussion of the UNDRIP and the refusal of Canada to participate in the World Conference on Indigenous Peoples. Delving deeper brings forward three particular papal bulls or proclamations that encouraged interference—the disruption of relationships—and gave expression to the Doctrine of Discovery and colonization. This interference continues today in the vivid example of the resource extractive industries. Because the papal bulls are the structural foundation for the Doctrine and colonization, reconciliation necessitates rescinding those bulls. Passing Bill C-262 re-establishes the relationship between Indigenous and non-Indigenous peoples; one characterized by respect, trust, equity and collaboration.

## INDIGENOUS VOICES AND THE DECLARATION OF INDIGENOUS RIGHTS

The UNDRIP “took 80 years for indigenous voices to arrive on the podium of an official United Nations meeting” (United Nations Permanent Forum on Indigenous Issues [UNPFII], 2007, The long road to the Permanent Forum, para. 13). Prior to the Declaration, Indigenous peoples were not heard in the creation of rights meant to affect them (Organick, 2010, p. 174). The UNDRIP addressed:

*Both individual and collective rights; cultural and identity rights, in addition to rights to education, health, employment, language and others. It outlaws discrimination against indigenous peoples and promotes their full participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own visions of*

*economic and social and cultural development. (UNPFII, 2007, Further steps on the road, para. 6)*

So why did Canada initially refuse to sign? The stated concern was that the rights conflicted with the Canadian Constitution. The eventual signing of the Declaration appeared to be cause for celebration. The signature, however, was conditional. As Prime Minister Stephen Harper said: “the Declaration is a non-legally binding document that does not reflect customary international law nor change Canadian laws ...” (Aboriginal Affairs and Northern Development Canada, 2010, para. 4).

Canada was absent from the World Conference on Indigenous Peoples in September 2014 where an Outcome Agreement that called for implementation of the UNDRIP was unanimously adopted (United Nations General Assembly, 2014). This included: finding mechanisms to hold states accountable for adherence to the Declaration; insuring “free, prior and informed

consent before adopting and implementing legislative or administrative measures that may affect them”; and preventing and eliminating violence against Indigenous Peoples (no. 3). Canada was the only United Nations member to file objections (Lum, 2014, para. 8; TRC, 2015, p. 189). In a statement to the UN (2014), Canadian leadership claimed:

*Free, prior and informed consent ... could be interpreted as providing a veto to Aboriginal groups and in that regard, cannot be reconciled with Canadian law, ... Canada cannot support paragraph 4 ... given that Canadian law ... states the Crown may justify the infringement of an Aboriginal or Treaty right if it meets a stringent test to reconcile Aboriginal rights with a broader public interest. (para 4 & 9)*

While it is generally understood that the UNDRIP is not legally binding (Favel & Coates, 2016), there is concern that violations of the UNDRIP will draw the ire of the national and international public, particularly if mechanisms for accountability are implemented through the Outcome Agreement.<sup>4</sup>

The Truth and Reconciliation Commission (TRC), in its 2015 Final Report, reaffirmed the importance of the UNDRIP, indicating it should be the framework for reconciliation (p. 190), and the new federal leadership affirmed its commitment to the UNDRIP. While Prime Minister Trudeau indicates that the government is committed “to build[ing] a nation-to-nation, Inuit-Crown, government-to-government relationship – one based on respect, partnership, and recognition of rights” (Canada, 2017, June 21, para 3), he (Canada, 2017, June 14) negated the necessity for Bill C-262 suggesting that the appointment of “six ministers ... [to] review “federal laws, policies and practices to ensure compliance with international standards” was the practical approach (John, 2017, May 8, para. 9). Recently however, Justice Minister Jody Wilson-Raybould indicated that the Liberal “government will support Bill

C-262” (Tasker, 2017, November 21).

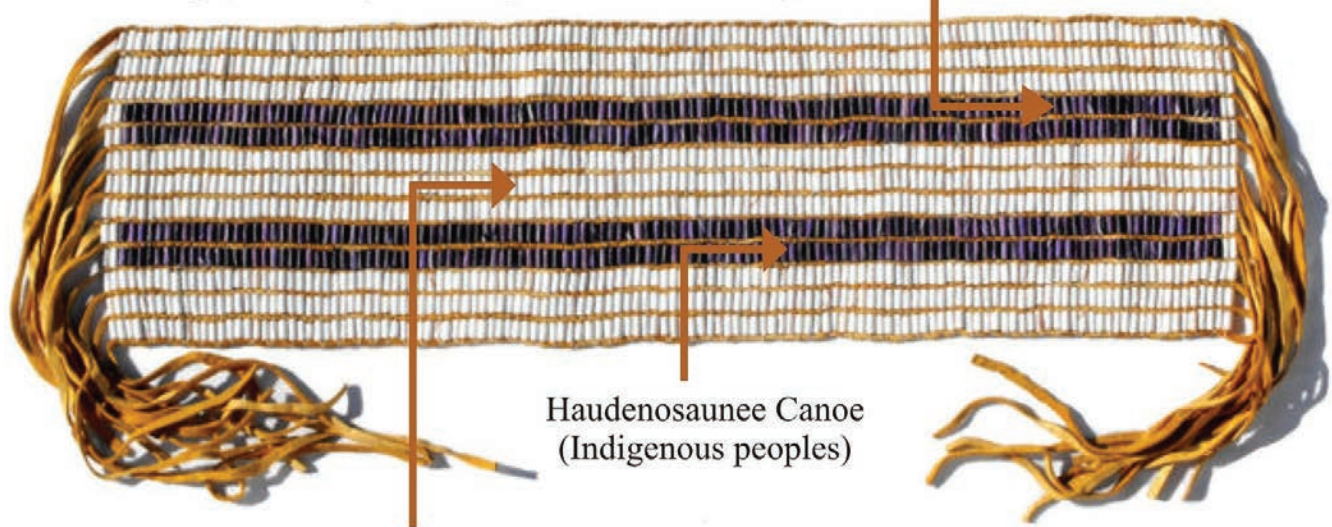
Could this be a political ploy or is it a commitment to meaningful change in relationships between Indigenous and non-Indigenous peoples in Canada? Do we, as settlers, understand the nature of our historical and current relationship with Indigenous peoples and the necessity for fundamental change?

## THE NATURE OF INTERFERENCE<sup>5</sup> AND THE PAPAL BULLS

Delving deeper reveals the nature of interference through three particular papal bulls which gave expression to the Doctrine of Discovery and colonization. Clare C. Brant M.D., member of the Wolf Clan and the Mohawk Nation, began a conversation about the ethics and principles that guide Indigenous behavior in the late 1970’s. According to Dr. Brant (1990), the “ethic of non- interference is a behavioural norm of North American Native tribes that promotes positive interpersonal relations by discouraging coercion of any kind, be it physical, verbal, or psychological” (p. 122). Implied is respect for all that is provided by the Creator (e.g., all people, animals, plants, land). The respect between human beings is shown through cooperation and arriving at consensus, and avoiding behaviours such as “instructing, coercing or attempting to persuade” (p. 122). These latter behaviours negate respect for each person’s contribution and instead attempt to establish dominance.

The *Tékeni Teiohá:te’ Kahswéntha* or Two Row Wampum, the treaty between the Dutch<sup>6</sup> and later Western society and the Haudenosaunee, offers a framework that further illuminates the ethic of non-interference. The Belt contains two separate purple rows of wampum representing two vessels travelling the same river. One vessel, a ship, contains the Dutch and today Western society, with their respective languages, laws and customs, while the other, a canoe, contains the Haudenosaunee and, for purposes of this work, Indigenous peoples with their respective traditions and ways

### Dutch Ship (Non-Indigenous ship or Western Society)



### White Wampum - Principles of respect, trust, friendship and sharing

of living and being. Three white rows of wampum lie on either side of these vessels (purple rows) signifying the purity of the agreement and symbolizing, respect, trust, friendship, and sharing for peaceful coexistence.

Connecting these principles is a fundamental, explicit assumption of a kinship relationship which is symbolized by the “sinew” or the threads that connect each and every row and bead of wampum.<sup>7</sup> These sinews represent the threads of energy that connect all of Creation. The essence was and continues to be the spirit of the relationship. Through these principles, Indigenous and non-Indigenous peoples retained complete independence or sovereignty. Both vessels would remain connected without interference. As Indigenous and non-Indigenous peoples, we are all connected, with the capacity to interfere, thereby weakening or severing the sinews. Alternatively, through the practice of non-interference the sinews gain strength.

I contend the spirit of the relationship, within the *Tékeni Teiohá:te’ Kahswéntha*, contained sinews of interference from the beginning, as a result of the papal bulls or proclamations—*Dum Diversas* (1452) and *Romanus Pontifex* (1455) and *Inter Caetera* (1493).<sup>8</sup> For instance, *Dum Diversas* and *Romanus Pontifex* issued by Pope Nicholas V authorized King Alfonso to

“... search out and conquer all pagans, enslave them and appropriate their lands and goods” with the latter bull extending and clarifying territorial demarcations belonging to Portugal (Davenport, 1917, p. 12). In *Inter Caetera*, Pope Alexander indicated that “the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself” and further extended the means to demarcate territory (Alexander VI, 1493, May 4, para 1). These proclamations were the means to justify war, confiscate property, and strip people of their individual and national identities and sovereign rights.

European nation leaders relied on these papal bulls to embed the Doctrine of Discovery within international law and rationalize their respective behaviours to confiscate lands and annihilate those that stood in the way. Richard J. Miller (2008) dates this Doctrine to medieval times and the Crusades, where wars were justified in defense of Christianity, and law and policy were interpreted by the Pope entrusted with the affairs of all peoples. Essentially, the Pope believed in a duty to interfere in the affairs of people who did not hold similar views and ways of living in the world. This un-



holy alliance between individual European nations and the church, with the economic and manpower support from private companies, would fuel “discovery” in the Americas.<sup>9</sup> Miller contends the Doctrine of Discovery continues to negatively impact law and policies to the detriment of Indigenous peoples’ rights to trade, property, government, and self-determination.

Steven Newcomb (2008) traces the Doctrine to the Conqueror model and maintains the model is embedded in Western history and thought. Claiming that the nature of the conqueror is to dominate, from the Latin word *dominus*, our actions are to subdue, control and possess (p. 23). George Lakoff (2009) argues “that when people define their very identity by a worldview, or a narrative, or mode of thought, they are unlikely to change ...” (p. 59). In essence, this way of thinking remains part of the Western worldview, which is embedded in societal, political, and economic norms and laws/policies. This raises the necessity of acknowledging and repudiating the papal bulls in order to move forward.

Inextricably linked to the papal bulls and the Doctrine is colonization. According to Newcomb (2008),

*The term colonization is derived from the Latin colere, ‘to till, cultivate, farm (land).’ Thus [he says] colonization can be thought of in terms of the steps involved in a process of cultivation: taking control of the indigenous soil, uprooting the existing indigenous plants (peoples), overturning the soil (the indigenous way of life), planting new colonial seeds (people) or transplanting colonial plants (people) from another environment, and harvesting the resulting crops (resources) or else picking the fruits (wealth) that result from the labor of cultivation (colonization). (p. 14)*

John Mohawk Sotsitsowah’kenhne adds that “Colonization interrupts the pattern of learning to survive and substitutes learning to serve” (Mo-

hawk, 2010, p. xv). Tom Porter Shakokweni’ónkwás says that “it makes you disown yourself; you deny your own truth; you speak a foreign language; so we are surrounded by denial and become superficial human beings” (as cited in Beaton, 2000). Fundamental to colonization is oppression wherein groups of people are victimized in order to steal their cultural identity (language, traditions, governance, etc.), and land and resources.

Wolfe (2006) Veracini (2011) and Barker (2015) contend that there is a distinct difference between the colonizer and settler colonizer. While both are intertwined, the former “... reproduces itself, and the freedom and equality of the colonised is forever postponed” (Veracini, 2011, p. 3), and the latter abides or is complicit with colonizing structures while rejecting continued colonization. Patrick Wolfe (2006) indicates that the primary motive for settler colonization is access to territory which necessitates the elimination<sup>10</sup> of Indigenous peoples (p. 388). He argues that this is “structural” genocide rather than a genocidal event (i.e., Holocaust, Tutsis in Rwanda) with long-term consistency regardless of election results (p. 402). A variety of instruments (e.g., military, economic, assimilation policies, law) are used to maintain dominion and continue this genocide<sup>11</sup> and theft.

I contend that the papal bulls are the structural foundation for the initial and continued use of the Doctrine, the imposition of colonization and continued interference. As previously mentioned, the papal bulls disrupted the spirit of the relationship intended within the *Tékeni Teiohá:te’ Kahswéntha*. The foremost intent of these bulls was to interfere with spiritual practices with force as necessary. The related intent was, and continues to be, the theft of land and resources. However, for Indigenous peoples, life and land are inseparable. The consequence has been and continues to be interference with every aspect of living and being in the world and with all Creation, as

everything is interrelated.<sup>12</sup>

For instance, and according to Vine Deloria Jr. (2003), Indigenous peoples give the “highest possible meaning” to the land, the “sacred landscapes” where revelations are experienced (pp. 61 & 66). He indicates that “Tribal religions are actually complexes of attitudes, beliefs, and practices fine-tuned to harmonize with the lands on which the people live” (p. 69). Keith Basso (1996), indicates that place names are encoded with a deep, rich story with unique characters and lessons tied inextricably to the ancestors. Each place name with its story evokes a way of connecting to one’s self, community, and ancestors so as to learn, affirm, and act in accordance with moral principles. N. Scott Momaday (1968), in his fictional narrative *House Made of Dawn*, offers further depth of meaning to life and land being inseparable.

In other words, everything that is needed to know in order to be and live well is contained in place. Rooted in the relationships with all of Creation emerges identity and the corresponding responsibility to find and move with the rhythms of the land. As a result, the lessons for living well and caring for all Creation in that particular place are known to its people. When one life form is displaced, the balance is forever changed. The papal bulls sought to disrupt this relationship, and that interference remains persistent today.

One striking example is found in the resource extractive industries.

## CANADA AND THE EXTRACTION INDUSTRY

Alain Deneault and William Sacher (2012) in *Imperial Canada Inc.: Legal Haven of Choice for the World’s Mining Industries*, offer a history of the extractive industry in Canada and its unfettered cooperation with financial institutions, including the Toronto Stock Exchange, and federal and provincial governments. They indicate that:

*The federal and provincial governments of this country have continued to support practices inherited from their colonial origins... and they have shaped Canada according to their interests, making it a country based on mineral extraction and the exploitations of natural resources. (p. 9)*

The authors offer a case study of Quebec while making clear that similar strategies are employed across Canada. Some of these strategies include: allowing extractive corporations through favourable tax credits and allowances to “lessen their profits, or even reduce them to zero” (p. 134); reducing the negotiated percentage amount of royalties and lessening the total payment based on lessening the profit; abandonment of mining sites by owners without the legal and regulatory mechanisms necessary to minimize the risk of restoration costs to the state and ultimately by the public (Auditor General Quebec, 2009, p. 10); using inauthentic consultations to distract attention from the truth; using propaganda (e.g., public service announcements, plans, etc.) and acknowledging findings from contrary evaluations (i.e., auditor general) without subsequent change in business practices (Deneault & Sacher, 2012).

Deneault and Sacher maintain that the media in Canada does not offer the truth about the abuses occurring here or abroad. Rather, we maintain an illusion that enables complicity, while watching ads that distract from reality, and investing in or enabling others to invest (pension funds) in companies who harm. There is little or no awareness of our reputation as a “mining power” abroad with little affinity to peacekeeping and equality. The threads of interference harken back to the intrusion of Europeans and continue today. For instance, the Canadian Network on Corporate Accountability (CNCA) with the Justice and Corporate Accountability Project (JCAP) (2014) identify in their examination of abuses abroad:

*In addition to causing physical harm to individ-*

*uals, Canadian companies are engaged in a wide range of human rights violations. These include: failure to respect Indigenous rights to self-determination and to free, prior, informed consent, creating social divisions and attempts to thwart democratic processes; pressuring local governments (sometimes with the help of the Canadian embassy) to bring greater police and military presence in the local area; encouraging criminalization of dissent and social protest; serious and long-lasting environmental harms that can threaten public health; and displacement. (p. 10)*

*Are these not the harms that have and continue to occur in Canada? As we learn more about the Canadian North and Keystone Pipeline and the extractive industry abroad, are we willing to consider “the environment, including land [, water, plants,] and wildlife, voiceless and without agency – [which] inevitably ends up the biggest loser of all” (Fejzic, 2014, September 17)?*

## THE CANADIAN NORTH AND KEYSTONE PIPELINE SYSTEM

The Canadian North has been referred to as the “new frontier” particularly with reference to resource extraction. The Conference Board of Canada (Rhéaume & Caron-Vuotari, 2013) indicates that “Canada’s Northern regions will depend on natural resource development as the main source of growth for employment and businesses, and for the generation of incomes” (p. 1). The Board also cites a number of challenges that impact the pursuit of resource extraction, including: navigating existing regulatory processes; inadequate or non-existent infrastructure (i.e., communication technology, roads); shortage of skilled labour; engagement of local and Indigenous communities, although “companies are not obligated to do it;” environmental stewardship; and mitigating mine closures (p. ii).

The Government of Canada has been aggressive in mitigating challenges to the regulatory regimes. This aggressive approach directly impacts existing treaties and negotiated land claims with Indigenous nations. These treaties and land claim negotiations and agreements, done in good faith, include processes and mechanisms for co-management of resources by all governments (federal, provincial and Indigenous). Important is that Indigenous governments included all of us in co-managing the resources, in spite of a negative record for keeping agreements/promises. Unfortunately, and subsequent to these signed agreements, federal and provincial/territorial governments would find reasons not to adhere to the terms. As a result, reports are commissioned to identify perceived obstacles and recommend practical solutions in the name of progress and economic development.

In one example, Neil McCrank was commissioned as a result of a “Cabinet Directive on Streamlining Regulation issued on April 1, 2007 (p. 1). One significant recommendation in his subsequent report states that “Once the Land Use Plans have been approved, the MVLWB [Mackenzie Valley Land and Water Board] should be established as the only Land and Water Board in the Valley. This would include the elimination of the regional panels” (p.16). The intent was to eliminate local Land and Water Boards through amendments to existing Gwich’in, Sahtu and Métis, and T’licho land claims agreements. The consequence was one regulatory body (MVRMA) which ultimately silences local Indigenous and non-Indigenous voices in order to expeditiously extract resources. Many of the recommendations emerging from the report found their way into a suite of legislation that resulted in the passage of C-4713 with Royal Assent on June 19, 2013, and C-15 with Royal Assent on March 2014. The T’licho government, however, was successful in seeking an injunction halting this proposed restructuring through the Northwest Territories Supreme Court. The appeal



# Keystone XL Pipeline Project



CBC NEWS

Source: TransCanada

of that decision was put on hold by the new federal government in December 2015 (Quenneville, 2015, December 11).

Could the decision not to move forward with the appeal signal a change in policy? Perhaps a closer look at the Keystone XL Pipeline can provide insight. This extension or Phase IV of the Keystone Pipeline System, proposed by TransCanada, is planned to begin in Hardisty, Alberta, and extend south to Steele City, Nebraska (TransCanada, 2017). While the Canadian NEB approved the project in March 2010 (Canada, National Energy Board, Hearing Process and Decision, para. 10), a number of delays occurred within the United States concerning its environmental impact. In Novem-

ber 2015, the State Department of the United States advised President Obama that the pipeline would not be in the nation's best interest. The President concurred and Prime Minister Trudeau was disappointed. Everything changed, when in March 2017, President Trump approved the resubmission of the TransCanada permit. Prime Minister Trudeau welcomed the subsequent approval by President Trump (Canadian Broadcasting Corporation [CBC] News, 2017, March 24).

Alternatively, an alliance of First Nations vowed to prevent the "Northern Gateway and Keystone XL pipeline projects" through the courts, if necessary (CBC News, 2017, March 20, para. 1). Chief Reuben George of the Tsleil-Waututh First Nation said, "We, as a nation,

have to wake up ... We have to wake up to the crazy decisions that this government's making to change the world in a negative way" (para. 27). On May 17, 2017, Indigenous leaders from Canada and the United States met in Calgary, Alberta, the home of TransCanada, to sign a 16-page Declaration opposing the Keystone XL pipeline and expansion of the oilsands. Chief Stan Greir of the Piikani Nation and member of the Blackfoot Confederacy said:

*We don't oppose development and we don't oppose other exploration opportunities for various tribes at their discretion ... But rather what we are saying here, with this declaration... is there needs to free, prior and informed consent when it relates to Indian country. (CBC News, 2017, May 17)*

A change in policy does not appear to be on the horizon. Our Canadian history is rooted in the resource extractive industries (Deneault & Sacher, 2012; Gordon & Webber, 2016). Once again, the pattern repeats with Indigenous voices calling for free, prior and informed consent.

## CANADA ABROAD

Similar behavior occurs abroad (CNCA & JCAP, 2014; Gordon & Webber, 2016; Working Group on Mining and Human Rights in Latin America, 2010). In 2010, the Working Group on Mining and Human Rights in Latin America reviewed 22 mining projects operating within nine countries within the region. The examination of Canada, in particular, was due to the: significant presence of Canada-based extractive companies in the region, "between 50 percent and 70 percent of the mining activity" (pp. 3-4); financial, legal and political support by the Canadian government; and abuse of human and community rights of the local populations with consequent harm to the environment.

The authors note that while the presence of Canadian extractive companies is not new it has signifi-

cantly increased. They indicate that one of the factors concerns the "Canadian government's efforts to secure a new policy of cooperation with foreign states" (p. 4), and illustrate such efforts with the creation of the Canadian International Institute for Extractive Industries and Development whose purpose is to "promote Canadian mining companies in developing countries" (p. 4).

The cases unconcealed harm to the environment, particularly to the water; forced displacement of local populations and animals; community division and the breakdown of the social fabric; criminalization arising from social protests; adverse economic impacts such that the community becomes dependent with no economic benefit; violent deaths and injuries to those that oppose the projects; adverse health impacts; and theft of property.

Further, the authors indicate that the government of Canada in its concerted support of the extractive industry: does not require compliance with international human rights standards; interferes with the legislative processes in host countries in order to draft favorable mining regulations; uses embassies to shield extractive companies from complaints; and possesses an inadequate legal framework for accountability.

In a 2014 submission titled, Human Rights, Indigenous Rights: Thematic Hearing for 153rd Period of Sessions Inter-American Commission on Human Rights, the Canadian Network on Corporate Accountability (CNCA) with counsel from the Justice and Corporate Accountability Project (JCAP) added their voice "concerning systematic Indigenous and human rights violations experienced by mining-affected communities" (p. 2). The authors voice the Canadian government financial and political support of the extractive industries with only an appearance of accountability for harm done. They indicate there are an array of "best practice" standards written by extractive companies and related industry associations, and by the Government

of Canada that offer the illusion of responsibility and accountability. Closer examination however, reveals there are no vehicles to insure free, prior and informed consent, transparent investigation of complaints and accountability and reparations for harm done. The responsibility remains voluntary with the industry while the financial, legal and political support continues on behalf of the Canadian government.

In July 2015, the United Nations Human Rights Committee, in its sixth periodic review of Canada, said:

*The State party should (a) enhance the effectiveness of existing mechanisms to ensure that all Canadian corporations under its jurisdiction, in particular mining corporations, respect human rights standards when operating abroad; (b) consider establishing an independent mechanism with powers to investigate human rights abuses by such corporations abroad; and (c) develop a legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad. (p. 2)*

While the Committee addressed a number of other areas of concern (e.g., missing and murdered Indigenous women and girls, excessive use of force during protests, prison conditions, equality of pay, situation of Indigenous peoples, etc.), they also said:

*The State party should consult indigenous people to (a) seek their free, prior and informed consent whenever legislation and actions impact on their lands and rights; and (b) resolve land and resources disputes with indigenous peoples and find ways and means to establish their titles over their lands with respect to their treaty rights. (p. 6)*

In November 2016, the British Columbia Supreme Court ruled in favour of the plaintiffs in the case of *Araya v Nevsun Resources Ltd* (2016). This landmark ruling held Nevsun Resources, a British Colum-

bia-based company, to account for human rights abuses (i.e., forced labour, torture) at the Bisha mine in Eritrea (Ting, 2017). While the ruling is under appeal, the door has been opened for claimants to seek remedies in Canada for the abuses of its extractive companies abroad.<sup>14</sup>

Further, the Osgoode Legal Studies Research Series released a report (Imai, 2017) which documented the “violence and criminalization associated with the Canadian mining industry in Latin America... over a 15-year period” (p.4). The findings indicate that:

*the incidents appear to be the tip of the iceberg, as the methodology precluded the inclusion of other incidents and other countries;*

*Canada is recognized abroad for its lack of oversight concerning extractive companies. For example, in 2016, 180 Latin American organizations called on Prime Minister Trudeau demanding action;*

*there is no indication that governmental mechanisms and policies are addressing the problem; and*

*there is no evidence that there is insufficient capacity within the government to address complaints. (p. 4)*

What has occurred since the release of these reports and the landmark ruling? In November 2016, likely in response to the ruling by the British Columbia Supreme Court, the federal government signaled serious consideration of the appointment of an independent human rights ombudsman to oversee mining operations abroad (Mazereeuw, 2016, November 9). This election pledge was affirmed by Prime Minister Trudeau in January 2017 (mining-technology.com, 2017, January 24). There has been no announcement of an appointment as of November 22, 2017.

Once there is an awareness of what is occurring, there is an associated responsibility to prevent further harm. After all, the consequences have implications for



every human being and subsequent generations. The question becomes whether we, as settlers, can embrace a different way forward to stop the interference? Are we ready to take steps toward reconciliation?

## PRACTICING RESPECT AND RESPONSIBILITY

A 2016 Public Opinion Poll suggests that “eighty ten (84%) non-Aboriginal Canadians ... believe individual Canadians have a role to play in efforts to bring about reconciliation” (Neuman, p. 35). An essential step is the elimination of the structural foundation of domination found in the papal bulls. These papal bulls maintain the threads of violence and disruption of relationships that have given expression to the Doctrine of Discovery and colonization. Efforts have long been underway to call on the Vatican to rescind the papal bulls. For instance, in the 1970s, “the ANASAZI Alliance wr[ote] to the Catholic Church asking for the papal bull of 1493 to be annulled by Pope John Paul II” (Native Village, n.d., 1984). The response, expressed a “hope that they all had jobs” (1984). The Indigenous Law Institute continued the effort, and in 1993 wrote an open letter to “Pope John Paul II to formally revoke the Inter Caetera papal bull of 1493” with no response (1993). The global effort by the Institute and others (e.g., International Council of Thirteen Indigenous Grandmothers, n.d.; Loretto Community, n.d.; Assembly of First Nations, 2012; World Council of Churches Executive Committee, 2012; the United Nations Permanent Forum on Indigenous Issues, 2013) continued. On May 4, 2016, an Indigenous delegation met with Cardinal Silvano Tomasi, Chair of the Pontifical Council for Justice and Peace about the papal bulls (Barnsley, 2016, June 1). Cardinal Tomasi agreed to further discussions about the response from the Vatican. However, on August 1, 2016, the response suggests there is no intent to rescind the papal bulls (Tomasi, 2016). What is needed is additional non-Indigenous voices in

the effort. Without the papal bulls, a new relationship between Indigenous and non-Indigenous peoples can move forward on a solid and equal foundation.

Further, passing Bill C-262 affirms our intention and commitment to adhere to the rights of Indigenous peoples and begin practicing non-interference. Concerns about passing this Bill suggest that it is “impractical, it could undermine recent progress towards greater economic opportunity and self-sufficiency for Canada’s Indigenous peoples” (Favel & Coates, 2016, p. 27). There are also concerns about the “incompatibility of certain elements of UNDRIP with Canada’s legal, political, and constitutional architecture” (p. 1). While these concerns are important to acknowledge and navigate, the process of reconciliation requires a respectful, equitable, and horizontal relationship. To do otherwise maintains domination. The road ahead is challenging, and requires that we, as settlers, manage any fear associated with change in order to allow the relational process to unfold while working collaboratively.

In committing to this new structural relationship and the ethic of non-interference, we can rebuild the relationship based on respect, trust and friendship and sharing for peaceful coexistence. ■

## ENDNOTES

<sup>1</sup>For example, the efforts of the Standing Rock Sioux Reservation in North Dakota to stop the Dakota Access Pipeline were met with “military-style counterterrorism measures” (Brown, Parrish, & Speri 2017, March 27). Important is that governments (federal, state and provincial and local) are working with the extractive companies to monitor and/or end protests (CBC News, 2015, August 12 & October 13; Craig 2016, November 13; Maxey, 2017, June 26).

<sup>2</sup>The Bill also calls for a national implementation plan and is available at <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-262/first-reading>

<sup>3</sup> The UNDRIP is available at [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>4</sup> See Essential Values of an Indigenous Rights Declaration (First Peoples Human Rights Coalition, 2006).

<sup>5</sup> This work emerges subsequent to my doctorate work on the ethic of non-interference. Some of the writing from that work is included here. In all cases, new learnings have surfaced and depth added.

<sup>6</sup> The Haudenosaunee and Dutch finalized the Tékeni Teiohá:te' Kahswéntha early in the 1600's (Lambe, 2004, p. 44).

<sup>7</sup> According to Robert A. Williams, Jr. (1997), "the relationships established by both sides ... constituted what has been called the 'sinews' of their diplomacy" (p. 81).

<sup>8</sup> See the doctrineofdiscovery.org, and the Preliminary study of the impact on indigenous peoples of the international legal construct known as the Doctrine of Discovery available at <http://www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.13%20EN.pdf>

<sup>9</sup> See also The Man Who Sold the World: The Long Con of Discovery by Jessica Buckelew (2015).

<sup>10</sup> Elimination in this context concerns "displac[ing] and eras[ing]" Indigenous identity in order to conceal past and current colonialization (Barker, 2012, p. 14).

<sup>11</sup> Raphael Lemkin (1947), who coined the term "genocide" said "... genocide involves a range of actions, including not only the deprivation of life but the prevention of life ... and also devices considerably endangering life and health .... All these actions are subordinated to the criminal intent to destroy or to cripple permanently a human group" (p. 147).

<sup>12</sup> Leroy Little Bear (2004) indicates that the constant motion or flux "results in a 'spider web' network of

relations, out of which arises a very important part of Aboriginal philosophy: interrelationships. Because of the constant motion and flux, everything mixes, combines, and recombines with everything else. The flux gives rise to the belief that all creation is made of energy waves. If all is animate, then all must be somewhat like humans: awareness with energy forces that we call spirit. If all have spirit, then all of creation—including animals, rocks, the earth, the sun, the moon, and so forth—are 'all my relations'" (p. 29).

<sup>13</sup> This federal legislation sets timelines and streamlines processes for development activities, and formalizes a dispute resolution board in the Northwest Territories. See the Legislative Summary by Butler, Kielland, & Simeone, 2012.

<sup>14</sup> See for instance, Garcia v Tahoe Resources Inc. (2017), a claim for human rights violations over the actions of mine security personnel in Guatemala against the Canadian parent company, Tahoe Resources Inc.

## REFERENCES

- Aboriginal Affairs and Northern Development Canada. (2010, November 12). Canada's statement of support on the United Nations Declaration on the Rights of Indigenous Peoples. Retrieved from <http://www.aadnc-aandc.gc.ca/eng/1309374239861/1309374546142>
- Alexander VI. (1493, May 4). The Legal Battle and Spiritual War against the Native People: The Bull Inter Caetera (Alexander VI). Retrieved from <http://www.doctrineofdiscovery.org/inter%20caetera.htm>
- Araya v Nevsun Resources Ltd. (2016). Retrieved from <https://www.canlii.org/en/bc/bcsc/doc/2016/2016bcsc1856/2016bcsc1856.html>

- Assembly of First Nations. (2012). Joint Statement of the Assembly of First Nations, Chiefs of Ontario, Grand Council of the Crees (Eeyou Istchee), Amnesty International, Canadian Friends Service Committee (Quakers), KAIROS: Canadian Ecumenical Justice Initiatives on The Doctrine of Discovery: Its enduring impact on indigenous peoples and the right to redress for past conquests (article 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples). Retrieved from [http://www.afn.ca/uploads/files/pfii\\_2012\\_-\\_doctrine\\_of\\_discovery\\_-\\_joint\\_statement\\_fe.pdf](http://www.afn.ca/uploads/files/pfii_2012_-_doctrine_of_discovery_-_joint_statement_fe.pdf)
- Auditor General of Québec. (2009). Report of the Auditor General of Québec to the National Assembly for 2008-2009: Volume II highlights. Retrieved from [http://www.vgq.gouv.qc.ca/en/en\\_publications/en\\_rapport-annuel/en\\_fichiers/en\\_Rapport2008-2009-T2.pdf](http://www.vgq.gouv.qc.ca/en/en_publications/en_rapport-annuel/en_fichiers/en_Rapport2008-2009-T2.pdf)
- Barker, A. (2012). (Re-)Ordering the new world: Settler colonialism, space, and identity (Unpublished doctoral dissertation). University of Leicester, Leicester UK.
- Barnsley, P. (2016, June 1). Church considering request to rescind doctrine of discovery. Aboriginal Peoples Television Network (APTN). Retrieved from <http://aptnnews.ca/2016/06/01/church-considering-request-to-rescind-doctrine-of-discovery/>
- Basso, K.H. (1996). *Wisdom sits in places: Landscape and language among the Western Apache*. Albuquerque, New Mexico: University of New Mexico Press.
- Beaton, D. (2000). *Mohawk wisdom keepers* [Motion Picture]. Toronto, Ontario.
- Bill C-262: United Nations Declaration on the Rights of Indigenous Peoples Acts. (2016. 42nd Parliament, 1st Session). Retrieved from the Parliament of Canada website: <https://openparliament.ca/bills/42-1/C-262/?tab=mentions>
- Bill 70: An Act to amend the Mining Act. (2013, chapter 32). Quebec National Assembly, Fourteenth Legislature, 1st session. Retrieved from <http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2013C32A.PDF>
- Brant M.D., C.C. (1990). Native ethics and rules of behavior. *Canadian Journal of Psychiatry*, Vol. 35, 534-539. Reprinted in J.A. Brant (Ed.), *Clare C. Brant MD: A Collection of Chapters, Lectures, Workshops and Thoughts* (119-133). Dr. Clare C. Brant Memorial Fund.
- Brown, A., Parrish, W., & Speri, A. (2017, May 27). Leaked documents reveal counterterrorism tactics used at Standing Rock to “defeat pipeline insurgencies”. *The Intercept*. Retrieved from <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>
- Buckelew, J. (2015). The Man who sold the world: The long con of discovery. *American Indian Law Journal*, 3(2), 358-380. Retrieved from <http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1036&context=ailj>
- Butler, M., Kielland, N., & Simeone, T. (2012). Legislative Summary Bill C-47: An act to enact the Nunavut Planning and Project Assessment Act and the Northwest Territories Surface Rights Board Act and to make related to make related consequential amendments to other acts. Social Affairs Division, Parliamentary Information and Research Service Publication No.41-1-C47-E. Retrieved from <http://www.parl.gc.ca/Content/LOP/LegislativeSummaries/41/1/c47-e.pdf>



- Canada National Energy Board. (2011, March 11). TransCanada Keystone pipeline GP Ltd. - Keystone XL pipeline. Retrieved from <https://www.neb-one.gc.ca/pplctnflng/mjrpp/kstnxl2/index-eng.html>
- Canada, Permanent Mission of Canada to the United Nations. (2014). "Canada's Statement on the World Conference. Retrieved from <http://www.afn.ca/en/news-media/latest-news/canada-statement-on-the-world-conference-on-indigenous-peoples-outcom>
- Canada. (2017, June 21). "Statement by the Prime Minister of Canada on National Aboriginal Day". Retrieved from <http://www.pm.gc.ca/eng/news/2017/06/21/statement-prime-minister-canada-national-aboriginal-day>
- Canadian Broadcasting Corporation News. (2015, August 12). CSIS surveillance of pipeline protesters faces federal review: B.C. Civil Liberties Association alleges spy agency broke the law with its surveillance. Canadian Broadcasting Corporation. Retrieved from <http://www.cbc.ca/news/canada/british-columbia/csis-surveillance-of-pipeline-protesters-faces-federal-review-1.3188231>
- Canadian Broadcasting Corporation News. (2017, March 20). First Nations say they will fight oil-sands, pipeline. Canadian Broadcasting Corporation. Retrieved from <http://www.cbc.ca/news/canada/first-nations-say-they-will-fight-oilsands-pipeline-1.1348611>
- Canadian Broadcasting Corporation News. (2017, March 24). Keystone XL pipeline gets OK from U.S. State Department. Canadian Broadcasting Corporation. Retrieved from <http://www.cbc.ca/news/business/keystone-xl-ok-state-department-transcanada-1.4039176>
- Canadian Broadcasting Corporation News. (2017, May 17). Indigenous leaders sign opposition to Keystone XL in Calgary. Canadian Broadcasting Corporation. Retrieved from <http://www.cbc.ca/news/canada/calgary/transcanada-keystone-calgary-indigenous-1.4119301>
- Canadian Network on Corporate Accountability (CNCA) & Justice and Corporate Accountability Project (JCAP). (2014). Human rights, Indigenous rights: Thematic hearing for 153rd period of sessions Inter-American Commission on Human Rights. Retrieved from [http://cnca-rcrce.ca/wp-content/uploads/canada\\_mining\\_cidh\\_oct\\_28\\_2014\\_final.pdf](http://cnca-rcrce.ca/wp-content/uploads/canada_mining_cidh_oct_28_2014_final.pdf)
- Craig, S. (2016, November 13). RCMP tracked 89 indigenous activists considered 'threats' for participating in protests: 'Innocent advocates were investigated and catalogued based on little more than a perceived potential threat that their expression might pose to the state'. The Canadian Press. Retrieved from <http://nationalpost.com/news/canada/rcmp-tracked-89-indigenous-activists-considered-threats-for-participating-in-protests/wc-m/2165924f-8a92-427b-9c7d-df4ed68e3232>
- Davenport, F.G. (1917). European treaties bearing on the history of the United States and its dependencies to 1648. Retrieved from <https://archive.org/stream/europeantreatie00paulgoog#page/n4/mode/1up>
- Deloria Jr., V. (2003). God is red: A Native view of religion. Golden, Colorado: Fulcrum Publishing.
- Deneault, A., & Sacher, W., with Browne, C., Denis, M., & Ducharme, P. (2012). Imperial Canada Inc.: Legal haven of choice for the world's mining industries. Translated by F. A. Reed & R. Philpot. Vancouver, British Columbia: Talonbooks.

- Favel, B. & Coates, K.S. (2016). Understanding UNDRIP: Choosing action on priorities over sweeping claims about the United Nations Declaration on the Rights of Indigenous Peoples. Retrieved from <http://www.macdonaldlaurier.ca/files/pdf/MLI-10-UN-DRIPCoates-Flavel05-16-WebReadyV4.pdf>
- Fejzic, S. (2014, September 17). How are Canada's municipalities fighting resource extraction? *rabble.ca*. Retrieved from <http://rabble.ca/news/2014/09/how-are-canadas-municipalities-fighting-resource-extraction>
- First Peoples Human Rights Coalition. (2006). Essential values of an Indigenous rights declaration. Retrieved from <http://www.gcc.ca/pdf/INT000000019.pdf>
- Garcia v Tahoe Resources Inc. (2017). Retrieved from <https://www.canlii.org/en/bc/bcca/doc/2017/2017bcca39/2017bcca39.html>
- Imai, S. (2017). The "Canada brand": Violence and Canadian mining companies in Latin America. Osgoode Legal Studies Research Paper No. 17. 13(4). Toronto, ON: York University Osgoode Hall Law School. Retrieved from <file:///C:/Users/susan%20mcbroom/Downloads/SSRN-id2886584.pdf>
- International Council of Thirteen Indigenous Grandmothers. (n.d.). The thirteen grandmothers open statement to His Holiness, Pope Benedict XVI. Native Village. Retrieved from [http://www.nativevillage.org/International%20Council%20of%2013%20INDIGENOUS%20GR/GR%20Other%20pages/open\\_statement%20to%20Pope%20Benedict%20XVI.htm](http://www.nativevillage.org/International%20Council%20of%2013%20INDIGENOUS%20GR/GR%20Other%20pages/open_statement%20to%20Pope%20Benedict%20XVI.htm)
- John, E. (2017, March 8). Opinion: Indigenous peoples demand action on reconciliation. *Vancouver Sun*. Retrieved from <http://vancouversun.com/opinion/opinion-indigenous-peoples-demand-action-on-reconciliation>
- Lakoff, G. (2009). *The political mind: A cognitive scientist's guide to your brain and its politics*. New York: Penguin Books.
- Lambe, J. (2004). *We plant a tree of peace: Mohawk Chief Jake Swamp's narratives, dynamics of relationships and principles of peace* (Unpublished doctoral dissertation). Trent University, Peterborough, Ontario.
- Lemkin, R. (1947). Genocide as a crime under international law. *The American Journal of International Law*, 41(1), 145-151. Retrieved from [20131119\\_FinchandLemkin.pdf](20131119_FinchandLemkin.pdf)
- Little Bear, L. (2004). *Aboriginal paradigms: Implications for relationships to land and treaty making.* In K. Wilkins (Ed.), *Advancing Aboriginal Claims* (pp. 26-38). Saskatoon, Saskatchewan: Purich Publishing Ltd.
- Loretto Community. (n.d.). *Rescinding the papal bulls: A way forward from the past to the present*. Retrieved from <http://www.lorettocommunity.org/wp-content/uploads/2014/01/papal-bull-mono-graph.pdf>
- Lum, Z. (2014, October 2). Canada is the only UN member to reject landmark Indigenous rights document. *Canada Politics*. Retrieved from [http://www.huffingtonpost.ca/2014/10/02/canada-un-indigenous-rights\\_n\\_5918868.html](http://www.huffingtonpost.ca/2014/10/02/canada-un-indigenous-rights_n_5918868.html)
- Maxey, M. (2017, June 26). Oklahoma tries to crush Native American environmental protesters. *People's World*. Retrieved from <http://www.peoples-world.org/article/oklahoma-tries-to-crush-native-american-environmental-protesters/>
- Mazereeuw, P. (2016, November 9). Liberals 'seriously' considering mining ombudsperson, says federal corporate social responsibility adviser. *The Hill*

- Times. Retrieved from <https://www.hilltimes.com/2016/11/09/feds-seriously-considering-mining-ombudsman-says-canadas-corporate-social-responsibility-envoy/86691>
- McCrank, N. (2008). Road to improvement: The review of the regulatory systems across the north. Report to the Honourable Chuck Strahl Minister of Indian Affairs and Northern Development. Retrieved from <http://glwb.com/sites/default/files/mvlwb/documents/McCrank-Report.pdf>
- Miller, R.J. (2008). Native America, discovered and conquered: Thomas Jefferson, Lewis and Clark, and manifest destiny. Lincoln, Nebraska: University of Nebraska Press.
- mining-technology.com. (2017, January 24). Canada's mining ombudsman: Oversight at last but is it too little too late? mining-technology.com. Retrieved from <http://www.mining-technology.com/features/featurecanadas-mining-ombudsman-has-it-come-too-late-5715514/>
- Mohawk, J. (2010). Western peoples, natural peoples: Roots of anxiety. In J. Barreiro (Ed.), *Thinking in Indian: A John Mohawk reader* (pp. 259-270). Golden, Colorado: Fulcrum Publishing.
- Momaday, N.S. (1968). *House made of dawn*. New York: Harper and Row, Publishers.
- Native Village. (n.d.). Timeline of the efforts by Indigenous Nations and Peoples calling upon the Vatican revoke the Inter Caetera Papal Bull of 1493. Retrieved from [http://www.nativevillage.org/International%20Council%20of%2013%20INDIGENOUS%20GR/GR%20Other%20pages/timeline\\_of\\_the\\_efforts\\_by\\_indig.htm](http://www.nativevillage.org/International%20Council%20of%2013%20INDIGENOUS%20GR/GR%20Other%20pages/timeline_of_the_efforts_by_indig.htm)
- Neu, D., & Therrien, R. (2003). *Accounting for genocide: Canada's bureaucratic assault on Aboriginal People*. Black Point, Nova Scotia: Fernwood Publishing.
- Newcomb, S.T. (2008). *Pagans in the promised land: Decoding the Doctrine of Christian Discovery*. Golden, Colorado: Fulcrum Publishing.
- Neuman, K. (2016). Canadian Public Opinion of Aboriginal Peoples. Retrieved from <http://www.environicsinstitute.org/uploads/institute-projects/canadian%20public%20opinion%20on%20aboriginal%20peoples%202016%20-%20final%20report.pdf>
- Organick, A. (2009). Listening to Indigenous voices: What the UN Declaration on the Rights of Indigenous Peoples means for U.S. tribes. *UC Davis Journal of International Law & Policy*. 16(1), UNM School of Law Research Paper. Available at SSRN: <http://ssrn.com/abstract=2458734>
- Quenneville, G. (2015, December 11). Canada pauses legal fight to launch N.W.T. land and water superboard. Canadian Broadcasting Corporation News. Retrieved from <http://www.cbc.ca/news/canada/north/nwt-superboard-appeal-paused-1.3361540>
- Rh eume, G. & Caron-Vuotari, M. (2013). The future of mining in Canada's North. Prepared for the Conference Board of Canada Centre for the North. Retrieved from [http://www.canada2030.ca/wp-content/uploads/2013/08/Future-of-mining-in-Canadas-north\\_cfn.pdf](http://www.canada2030.ca/wp-content/uploads/2013/08/Future-of-mining-in-Canadas-north_cfn.pdf)
- Saganash, R. (2016, April 21). Bill C-262: United Nations Declaration on the Rights of Indigenous Peoples Act. Retrieved from <https://openparliament.ca/bills/42-1/C-262/>
- Tasker, J.P. (2017, November 21). Liberal government backs bill that demands full implementation of UN Indigenous rights declaration. Canadian Broadcasting Corporation News. Retrieved from <http://www.cbc.ca/news/politics/wilson-raybould-backs-undrip-bill-1.4412037>



- Ting, J. (2017). Araya v Nevsun Resources Ltd: An Overview [blog post]. Canadian Lawyers for International Human Rights (CLAHR). Retrieved from <http://claihr.ca/2017/04/06/araya-v-nevsun-resources-ltd-an-overview/>
- T'licho Government v. Canada (Attorney General). Supreme Court of Northwest Territories. (2015). Retrieved from <http://www.documentcloud.org/documents/1678355-tlicho-govt-v-canada-rea-judg.html#document/p1>
- Tomasi, S. (2016). The Vatican responds to the Long March to Rome. Retrieved from <http://longmarch-torome.com/march/wp-content/uploads/2012/01/TOMASI-DMK-LETTER.pdf>
- TransCanada. (2017). KXL Pipeline Project. Retrieved from <http://www.keystone-xl.com/>
- Truth and Reconciliation Commission of Canada. (2015). Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada. Winnipeg: Truth and Reconciliation Commission of Canada. Retrieved from [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec\\_Summary\\_2015\\_05\\_31\\_web\\_o.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec_Summary_2015_05_31_web_o.pdf)
- United Nations General Assembly. (2007). United Nations Declaration on the Rights of Indigenous Peoples. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)
- United Nations General Assembly. (2014). Resolution adopted by the General Assembly on 22 September 2014: Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples. Sixty-ninth session, Agenda item 65. Retrieved from [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/2](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/2)
- United Nations International Covenant on Civil and Political Rights, Human Rights Committee. (2015). Concluding observations on the sixth periodic report of Canada. Retrieved from <file:///C:/Users/susan%20mcbroom/Downloads/G1517999.pdf>
- United Nations Permanent Forum on Indigenous Issues. (2007). Indigenous peoples, Indigenous voices. United Nations Department of Public Information—DPI-2454—07-27514—May 2007. Retrieved from [http://www.un.org/esa/socdev/unpfii/documents/unpfii brochure\\_en07.pdf](http://www.un.org/esa/socdev/unpfii/documents/unpfii brochure_en07.pdf)
- United Nations Permanent Forum on Indigenous Issues. (2010). Preliminary study of the impact on indigenous peoples of the international legal construct known as the Doctrine of Discovery. Retrieved from <http://www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.13%20EN.pdf>
- United Nations Permanent Forum on Indigenous Issues. (2013). Implementation of the UN Declaration on the Rights of Indigenous Peoples and the doctrine of discovery: Joint Statement of First Nations Summit; Grand Council of the Crees (Eeyou Istchee); Canadian Friends Service Committee (Quakers); Amnesty International; Assembly of First Nations; Federation of Saskatchewan Indian Nations; Chiefs of Ontario; Union of British Columbia Indian Chiefs; Assembly of First Nations of Québec and Labrador/Assemblée des Premières Nations du Québec et du Labrador; Native Women's Association of Canada; Quebec Native Women/Femmes Autochtones du Québec; National Association of Friendship Centres; Hul'qumi'num Treaty Group; International Indian Treaty Council; First Peoples Human Rights Coalition. Retrieved from <http://quakerservice.ca/wp-content/uploads/2013/05/PFII-2013-Joint-Statement-on-the-UN-Declaration-and-Doctrine-of-Discovery-May-22-13.pdf>

United States of America, The White House Office of the Press Secretary. (2015, November 6). Statement by the President on the Keystone XL Pipeline. Retrieved from <https://obamawhitehouse.archives.gov/the-press-office/2015/11/06/statement-president-keystone-xl-pipeline>

Veracini, L. (2011). Introducing, settler colonial studies. *Settler Colonial Studies*, 1:1, 1-12. DOI: 10.1080/2201473X.2011.10648799

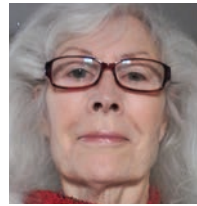
Williams Jr., R.A. (1997). *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600-1800*. New York: Oxford University Press.

Wolfe, P. (2006). Settler colonialism and the elimination of the Native. *Journal of Genocide Research*, 8(4), 387-409. <http://dx.doi.org/10.1080/14623520601056240>

Working Group on Mining and Human Rights in Latin America. (n.d.). The impact of Canadian mining in Latin America and Canada's responsibility: Executive summary of the report submitted to the Inter-American Commission on Human Rights. Retrieved from [http://www.dplf.org/sites/default/files/report\\_canadian\\_mining\\_executive\\_summary.pdf](http://www.dplf.org/sites/default/files/report_canadian_mining_executive_summary.pdf)

World Council of Churches. (2012). Statement on the doctrine of discovery and its enduring impact on Indigenous Peoples. Retrieved from <https://www.oikoumene.org/en/resources/documents/executive-committee/2012-02/statement-on-the-doctrine-of-discovery-and-its-enduring-impact-on-indigenous-peoples?searchterm=papal+bulls>

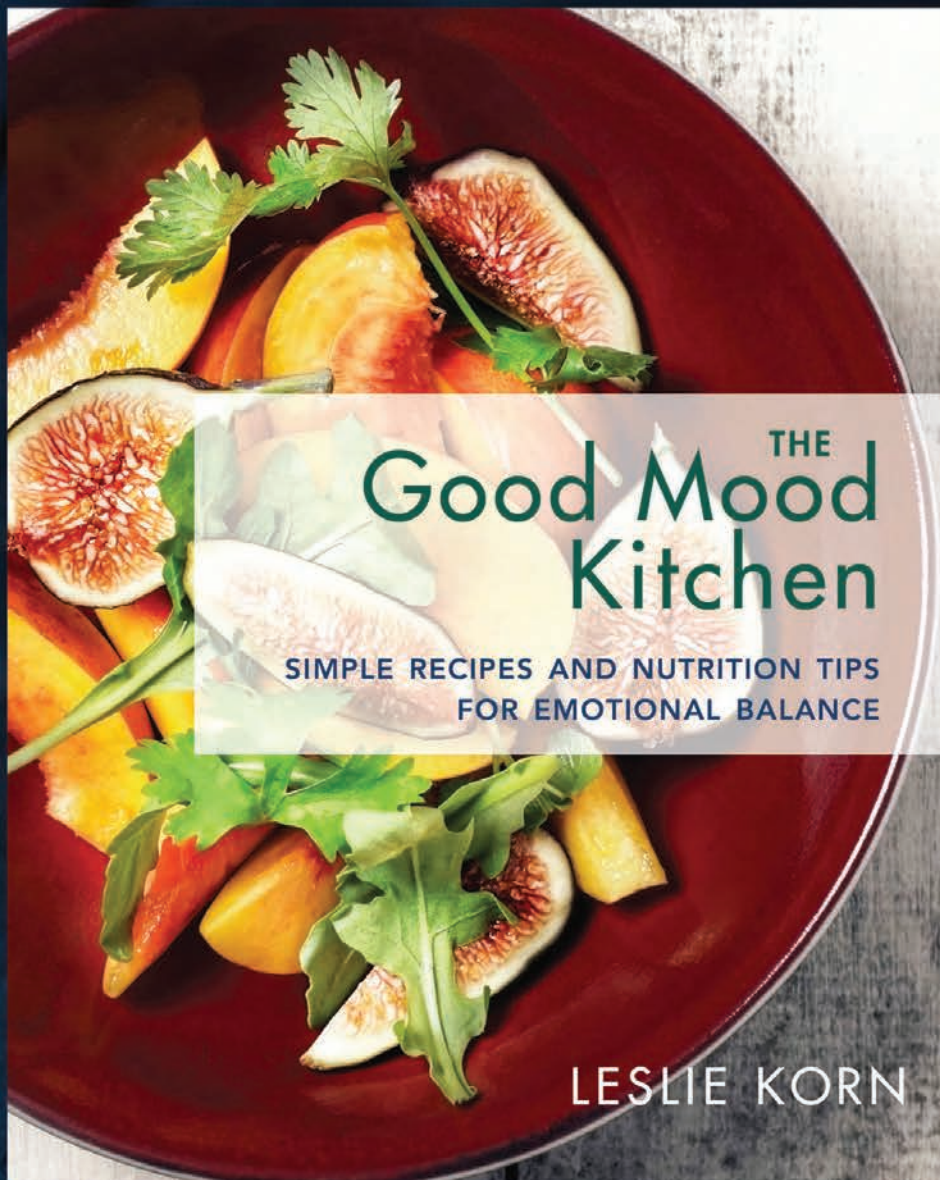
## ABOUT THE AUTHOR



Susan McBroom, PhD, MSHSA, BSN is a consultant who has over forty years of experience in health and social service sectors. She has worked with a variety of people, including First Nations and Inuit, throughout the United States and Canada. Her work emphasizes building relationships for organizational/community health and well-being. The process includes researching, developing, implementing, and/or evaluating programs/services and organizational systems. In her doctoral work *Peaceful Coexistence through an Exploration of an Ethic of Non-Interference*, she contends that the relational sinews of Western thought and behaviour are shrouded in interference, rather than the mutual agreement to live as kin in peaceful coexistence through respect, trust, friendship and sharing. Through understanding interference, she explores a path for mending the sinews of relationship through an ethic of non-interference. Email inquiries may be directed to: [susanjomcbroom@gmail.com](mailto:susanjomcbroom@gmail.com).

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# Anishnabe N'oon Da Gaaziiwin: An Indigenous Peacemaking- Mediation Nexus

By John Beaucage, B.A., D.Litt., Alicia Kuin, B.A., M.A., LL.M., Q.Med. and Paul Iacono, Q.C.

## PREFACE

This article introduces a new dispute resolution process that we have termed a Hybrid Process, which has been designed to support nation-to-nation building in Canada. It is clear that classic theories and current mediation practices are not suited to conflicts that involve Indigenous peoples. In the past, we have used conventional mediation processes with First Nation People and it has not worked because mediation is not an Indigenous cultural practice. When conventional mediation has been employed, First Nation People have often not been participatory and have understandably withdrawn from the process. However, the mediation process is both malleable and adaptable, and the Hybrid Process is built on those solid foundations. A Hybrid Process refers to a combination of two culturally unique practices – Indigenous peacemaking<sup>1</sup> and mediation<sup>2</sup>. The combination of these two practices provides a culturally sensitive and holistic approach to conflict and nation building. This process has been designed for multi-party conflicts involving Indigenous leaders, communities, governments and stakeholders. Due to the complex nature of Indigenous relations in Canada, this process utilizes a team of culturally fluent practitioners to facilitate the process. Designed by a First Nations leader and former Grand Council Chief

1 The authors acknowledge the variety of Indigenous peacemaking processes that exist across Canada. In this article, Indigenous peacemaking refers to the given communities' approach to conflict resolution.

2 The use of the term mediation refers to the North American style of a neutral third party who facilitates a dispute resolution process.

and two Canadian mediators, this process introduces a new perspective to resolving disputes in a changing landscape and incorporates what we have learned over many years and thousands of mediations.

## A HYBRID PROCESS

A Hybrid Process to nation building was inspired by the concept of *Anishnabe N'oon Da Gaaziiwin*<sup>3</sup>, which translates to “listening to the voice of the people.” This concept was born from our intention to decolonize the use of mediation to resolve Indigenous-settler disputes by advocating for the inclusion of Indigenous voices and expertise. In addition, we recognized the added value of having a diverse team of practitioners facilitate complex disputes. A team approach allows for multiple lenses, experiences and expertise to support both the parties and the resolution process. Before discussing the benefits of a team approach and the peacemaking-mediation nexus, we will emphasize why a Hybrid Process to nation-building is relevant in Canada's current cultural and legal landscape.

The United Nations Declaration on the Rights of Indigenous People (UNDRIP), recognizes and reaffirms the rights of Indigenous peoples to protect their identities, cultures, and lands.<sup>4</sup> The declaration speaks to the importance of Indigenous people having access to dispute resolution processes that understand their

3 This concept is from the Ojibway language and rooted in traditional consensus building within a community context.

4 The United Nations General Assembly. 2007. Declaration on the Rights of Indigenous People.

culture and legal customs. Canada's Truth and Reconciliation Commissions Calls to Action 24, 27, 28, 57, and 92 call for cultural competency and conflict resolution skills-based training.<sup>5</sup> For these reasons, the role of a facilitator is strengthened when they identify as Indigenous and/or have cultural competency training on the history of Indigenous Peoples. Considering Canada's changing legal landscape, Indigenous rights must be at the forefront of dispute resolution processes, and the facilitators need to recognize those rights and honor traditional Indigenous values and cultural mores.

Canada's adoption of UNDRIP shines light on the legal importance of Indigenous treaty rights, which are recognized in Section 35 of the Constitution Act, and has a basis in common law which goes back to the Royal Proclamation of 1763.<sup>6</sup> Canada's legal landscape began to change in the 1990's with the *Sparrow* and *Van der Peet* cases, which asserted that Indigenous rights stem from pre-European contact and are integral to preserving pre-contact culture. In 1997, the *Delgamuukw* case introduced aboriginal title to the legal landscape and importantly, the 2004 *Haida/Takuu* decision brought aboriginal title and the duty to consult to the forefront of discussions on land rights. This was followed by establishing the threshold for consultation in the *Mikisew Cree* decision of 2005.<sup>7</sup> As a result of aboriginal title not being absolute in Canada<sup>8</sup>, differing perspectives on land use are forced to be reconciled. With conflicting perspectives at play and two different legal systems (spiritual Indigenous laws and Canadian law), the use of a Hybrid Process can support the

5 Truth and Reconciliation Commission of Canada: Calls to Action. 2015. Winnipeg: Truth and Reconciliation Commission of Canada.

6 The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11, <<http://canlii.ca/t/ldsx>> retrieved on 2017-09-24.

7 *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005] 3 S.C.R. 388, 2005 SCC 69.

8 Assertions of title through the colonized approach to land title has changed due to now-recognized Indigenous land and territorial rights established through the Supreme Court of Canada (SCC).

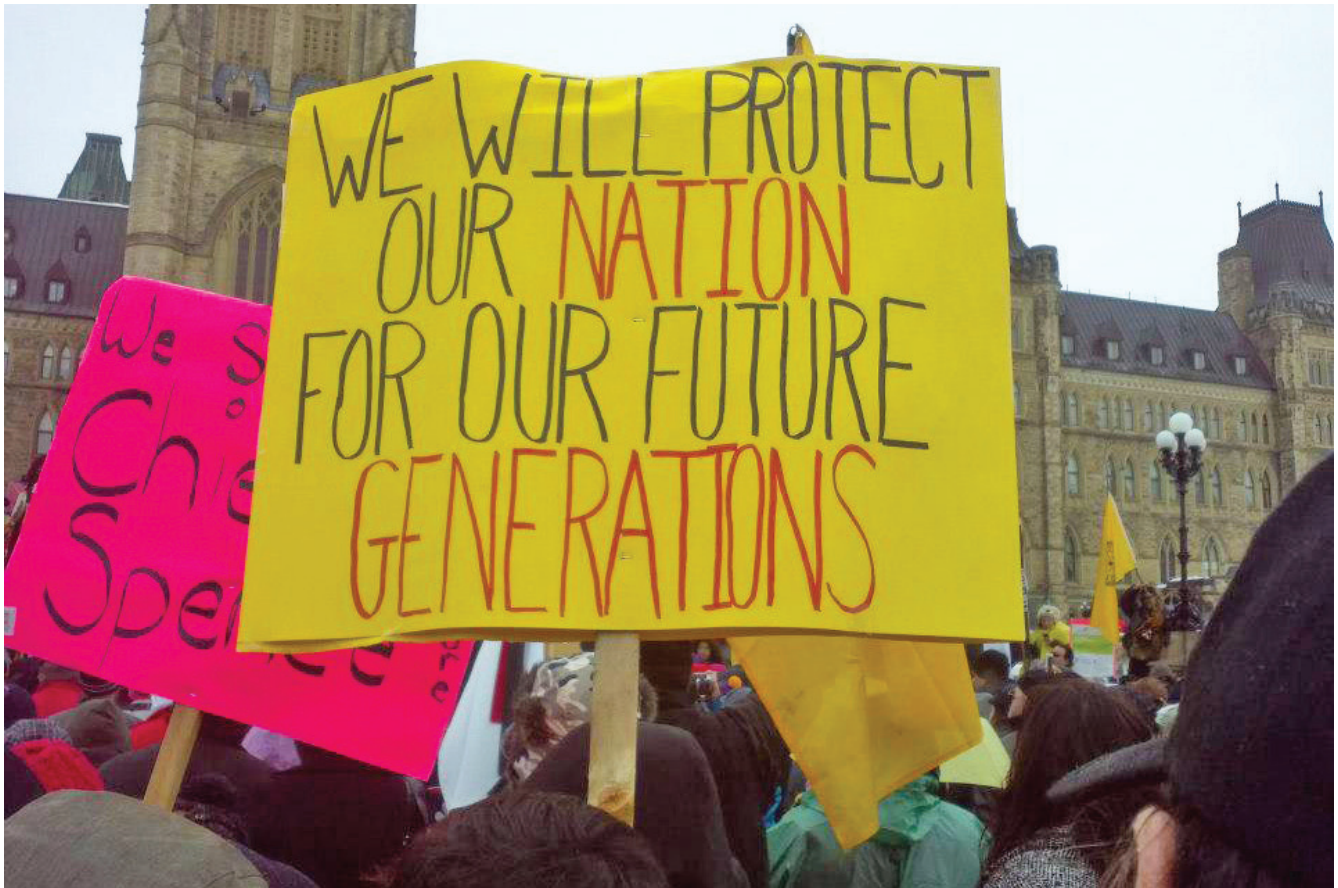
merging of opposing interests.<sup>9</sup> First Nations people are not used to the adversarial court system and how a lawyer might portray evidence in a courtroom. The Hybrid Process has room to explore both common law provisions and First Nations Natural Justice in order to approach values and decision making in a fair way.

While not every case is ripe for dispute resolution, it is in the best interest for the majority of parties to a conflict to avoid the courtroom. Cases involving rights (such as treaty rights) that might have an effect on common law deserve and need to go through a court process. Interest-based cases, such as commercial, social, cultural and environmental disputes deserve a resolution process that is culturally appropriate. A Hybrid Process that combines Indigenous peacemaking and mediation provides parties the opportunity to reconcile different understandings and interpretations of the law and rights. Multiparty conflicts in Canada include disputes over land, water, resources, governance, culture, identity, and citizenship. A Hybrid Process can support these conflicts using a team of trained facilitators who specialize in fostering the dialogue that is required to broaden perspectives and bridge understandings.

## A TEAM OF FACILITATORS

A core principle of this process is the use of a team of facilitators. These multiparty disputes can involve dozens of people in an intractable conflict, requiring more than one expert practitioner to facilitate month or year-long processes. The disputes deal with issues pertaining to culture, diversity, power, emotions, history, and gender. These issues are deeply rooted in the lived experience and history of Indigenous peoples, communities, groups and the nation. A team approach allows the facilitators to support one another while

9 While there will always be a need to establish parameters in the ever-changing landscape of Canadian law by going to the courts, given the rising number of disputes it is important to establish non-adversarial processes.



SOURCE: WIKIMEDIA

### Protestors in Ottawa, Canada

facilitating the dynamics of a given dispute, and to collaboratively conduct research, prepare timelines, plan the process, travel together, and debrief. The team of facilitators' collective skills analyze the dynamics through multiple lenses, filter the information being presented, and navigate the resolution process.

To successfully navigate the dynamics of conflict, the team of facilitators must have complimentary mediation training and experience. As an example, our team is comprised of practitioners who possess advanced dispute resolution training. As a team, we are experts in tactical communication, negotiation skills, mediation theory and practice, law, process design, restorative justice, emotional intelligence, and cross-cultural dispute resolution. Combined, we have worked on complex national and international cases that have involved governments, revolutionary movements, stakeholders, environmental groups, and Indigenous communities. In addition to mediation training and

experience, we have found that a team of facilitators needs a third ingredient for success: cultural fluency.

A Hybrid Process to support nation-to-nation building requires the team of facilitators to possess cultural fluency in order to support parties in bridging the cultural gap. Cultural fluency refers to the ability to recognize that inter-cultural conflict stems from differences in norms and worldviews. A culturally fluent practitioner is able to help intractable parties understand and articulate their perspectives.<sup>10</sup> Facilitators who have a personal connection and/or understanding of those norms and worldviews can assist in engaging the parties in seeing the conflict from the perspective of the other. In regards to the Hybrid Process, being culturally fluent means having Indigenous facilitators and mediators who understand the historical narrative

10 LeBaron, Michelle and Venashri Pillay. 2006. *Conflict across Cultures: A Unique Experience of Bridging Differences*. Boston, MA: Intercultural Press.



and cultural nuances of Indigenous peoples in Canada.

Indigenous peoples in Canada have resolved conflicts for thousands of years using traditional peacemaking processes. These processes vary across Indigenous cultures but find commonality in their use of spiritual laws, traditional medicines, ceremonies, teachings, songs, and circle processes. Circles are a traditional form of gathering and can be used for sharing, healing, decision-making or restorative justice. Circles create an immediate balance of power amongst participants as you can only speak when holding the talking stick and therefore, are discouraged from interrupting. In addition, it keeps a hierarchy from being formed and invokes empathy by encouraging openness and honesty. The prayer that is done during the circle calls on the Creator to listen to the truth of the words that are being spoken and for the participants to show respect for those truths. Circles are facilitated by an experienced circle keeper—an elder, Chief, healer, or respected member of the community. When facilitating a Hybrid Process, we use two circle keepers due to the complexity of the disputes. The male former Grand Council Chief leads the ceremony and puts forward the questions, while the female non-Indigenous conflict analyst is responsible for closing the circle by summarizing the voices of the participants. The balance of having a male and female facilitator present is part of an Indigenous teaching on building community. This also creates a cultural balance when working with Indigenous and non-Indigenous groups.

The synergy between the facilitators is fundamental to the resolution process. Our team approach uses a male Indigenous facilitator and female non-Indigenous facilitator. Their unique knowledge and skills work together harmoniously to foster a balanced and holistic process. It also follows a traditional concept that is inclusive of the male and female element in community-building. In addition to having synergy, both facilitators need to be respected by the communities and viewed as culturally fluent and experienced practition-

ers. They need to possess an in-depth understanding of the dispute at hand, legal knowledge relevant to the issues, and a complimentary skill-set. These qualities combined allow for the successful facilitation of a Hybrid Process.

## THE PEACEMAKING-MEDIATION NEXUS

A Hybrid Process to nation-to-nation building combines various facets of traditional peacekeeping and mediation. As a result of multiparty conflicts having unique dynamics and needs, we begin each Hybrid Process with information gathering sessions and community meetings. Information gathering involves a series of conference calls, meetings, and group observations. This process allows the facilitators to learn about the key issues, concerns and interests of the groups, while gaining an understanding of the dynamics at play. Our team has found that observing group dynamics prior to commencing the facilitation process, allows you to analyze body language, eye contact, gestures, and hear the direct conversations that take place between disputants. This information helps prepare the team for the community meetings.

If there are multiple communities involved in the process, community meetings held in each of the communities may be needed in order to better understand the needs of their members. We aim to spend the same amount of time in each community, allocating half a day for each meeting. Indigenous communities are collectivist, meaning Chiefs and council take direction from their membership. As a result of Indigenous communities having their own unique cultures and customs, even though they may belong to a larger collective, it is important that each process is guided by the voices of the community. The information that we garner during these meetings pertains to their history, relations, cultural practices, interests, immediate and long-term goals, personalities and communication styles. Our facilitation team has found that the com-

munity meetings strongly influence the design of the Hybrid Process, as it allows for the ability to narrow down the areas of focus, questions and caucus groups. The meetings are held in circle format and structured informally.

The formal process commences with four rounds of confidential sharing circles with the parties. Each round focuses on a question that the facilitators have designed specifically to bring out the needs and interests of the group.<sup>11</sup> Depending on the number of parties involved, each round may take a full day in order for everyone to have the time needed to answer the question. Prior to the questions being asked, there is a prayer, introduction and smudging ceremony.<sup>12</sup> A brush-off ceremony is conducted following the smudge. After cleansing their body, the participant will turn around and allow the circle keeper to remove any negative energy or baggage by brushing an eagle feather across their shoulders. This is done with the intent to release any prejudices that may have been brought to the process. It is both a symbolic and spiritual way of getting rid of any negative feelings.

When everyone in the circle has had the opportunity to hold the talking stick and have their perspective heard, the second facilitator summarizes the voices and the process ends with a closing prayer. Our facilitation team has found that the sharing circles often end up being healing circles, as parties use their time when holding the talking stick to speak openly and honestly to release emotions. It is the combination of the circle, prayer, ceremonies and talking stick that creates a safe and trusted space for parties to share their perspectives. The circle process helps the parties to build

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11 Parties involved in the Hybrid Process are asked to sign a confidentiality agreement. The process is confidential to anyone outside of the parties' communities, as we believe it is important for communities to be included in the discussions in order to make an educated decision when voting on the final agreement.

12 Smudging involves lighting a sacred medicine like sage, sweet grass or tobacco and allowing the smoke to cleanse your body and calm your spirit.

rapport and trust with one another and the facilitators, which creates a ripe environment to integrate the steps from a mediation process.

When each circle participant has answered the four questions that the facilitators have posed to the group we move on to the next stage, caucusing. All of the information that has been shared during the circles allows the facilitators to design caucus groups and topics of focus. One caucus group may include community representatives that need to narrow down their interests. Another may be a group that has further emotional needs or concerns that need to be voiced. At times, we may have to bring together high-conflict individuals whose tension with one another needs to be addressed. The facilitators may choose to meet with several groups in a day or just one, as this depends on the size of the group and discussion topic. The caucus groups are often changed around in order to begin integrating perspectives and broadening the conversation. Once all of the issues and areas of interest have been discussed at length, everyone is brought together for a joint brainstorming session on moving forward. If needed, the facilitators may transition back into caucusing if certain options need to be explored further with the parties. This back and forth between joint sessions and caucuses takes place until a resolution is reached.

It is the facilitation teams' responsibility to ensure that the parties have ownership over the resolution, as it will impact the parties and their communities. In order to achieve this, we ask the parties to write out the resolution collectively, which can take more than a day. This is done to ensure that the agreement will include language that the parties and their community members will respect, and therefore feel accountable too. The agreement will be signed by the parties but will still have to go back to the community for approval via a vote. When a final agreement is reached a closing circle process is held and a pipe ceremony takes place. Our team's Indigenous facilitator is a pipe carrier, so

he arranges his medicine bundle, does a smudging ceremony, offers a prayer, and guides the pipe around the circle to finalize the resolution.

## NATION-TO-NATION BUILDING

There are many unique factors that come into play when facilitating a Hybrid Process that supports nation-to-nation building. For example, the concept of time is something that needs to be balanced between the expectations of Indigenous and non-Indigenous groups (such as corporations or governments). To guide the differing perspectives amongst the people and groups, strategic seating arrangements for the circle processes may need to be designed beforehand (this can help create a power balance), and; depending on who the parties are, different dispute resolution practitioners may need to be brought in for support. For example, if government is involved we may bring in a facilitator who has worked in politics. These factors and more require critical conflict analysis skills, thorough planning, and thoughtful reflection in order to coordinate all of the moving parts.

When facilitated by a team of experienced culturally fluent practitioners, the Hybrid Process provides communities and groups with the resources needed to develop effective lines of communication that support relationship building. We attribute this to the combination of Indigenous peacemaking with mediation, which allows all parties to take part in a process that unites effective elements from each culture's dispute resolution practices. The unity of two culturally unique practices sets the tone for bridging perceptions and merging interests, which has proven successful in paving the way for a more viable future of Nation-to-Nation relationship building in Canada. ■

## ABOUT THE AUTHORS



John Beaucage, B.A., D.Litt., is a citizen of the Wasauksing First Nation, was raised on the Shawanaga First Nation, and has extended family in Nipissing, Curve Lake and Moose

Deer Point First Nations. In 2004, John was elected as Grand Council Chief to serve the 42-member First Nations of the Anishinabek Nation. He was re-elected in 2006, by acclamation, a rare occurrence in the history of one of Canada's oldest First Nation. John now serves on a number of boards and is developing green energy projects with several First Nations across the country. He has been involved as a Mediator with land disputes and was appointed as Special Advisor to the Minister of Children & Youth Services, which resulted in a publicized report on the state of native child welfare in Ontario.



Alicia Kuin, B.A., M.A., LL.M., Q.Med., is a conflict analyst, mediator and dispute resolution educator. Her areas of focus are culture and identity, particularly as they relate to

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# Cultural and Social Death as a Crime Against Humanity: Métis and the Loss of Nindoodemag

Rudolph C. Rýser, PhD

Genocide commonly refers to the most horrific act that can be perpetrated on a people since the Nazis engaged mass killing of eleven million Jews, Roma, Roman Catholic Priests, gay people, twins, and the mentally ill up to 1945. Since that terrible scourge genocides have been committed in African countries (31), the Americas (13), Asia (26), Europe (10), and the Middle East (8) more than 186 instances, resulting in more than 56 million deaths.<sup>1</sup> States have been the principal sponsors of genocidal attacks mainly against indigenous peoples since 1945 (Stanton, Pillsbury, & Lonnie, 2010). This pattern is an extension of previous centuries before 1945 since states were formed in 1648 and kingdoms and empires were the principal sponsors of acts of genocide. One may conclude without fear of contradiction that centralized political entities such as kingdoms, states, and empires have a tendency to aggressively attack indigenous peoples in territories that contain wealth. Such wealth can be used to expand the power of the privileged claiming centralized

<sup>1</sup> Other than political foes and religious minorities, indigenous peoples have been the main targets of genocidal attacks launched primarily by state military, unofficial militias tolerated by the state, local police, as well as ethnic gangs, settler colonial populations, and religious gangs. Among the many indigenous peoples attacked include: the Kurds, Druze, Kalkars, Tartars, Abkhasians, Chechens, Tibetans, Armenians, Sikhs, Acehnese, West Papuans, Uyghurs, Baluchis, Aché, Yezidi, Shabkh, Assyrians, Miskitu, Sumo and Rama, Mayans, Yanomami, Sahrawis, Touaregs, Zulu, Xhosa, Umbundu, Küng, Tutsi, Hutu, Matabele, Kikuyu, Luo Luhyam Acholi, Lango, Karamoja, Baganda, Banyarwanda, Oromo, Anuak, Ogadeni, Isaaq, Hema, among others. The settled reality is that states have been the principal sponsors of genocides against indigenous peoples since 1945.

sovereignty.

All of the modern genocides are defined by criteria counting the total numbers killed following the idea that genocide occurs when attacks result in mass killings of a people “in whole or in part.” In this essay, I offer a supplemental view that argues that the person who coined the term “genocide,” Rafaël Lemkin, was correct when he defined genocide as beginning with colonization and that the death of human culture or “cultural death” can and does precede violence and mass killings.<sup>2</sup> This was the experience of native peoples beginning more than 400 years ago in Nitassinan on the North American Atlantic Coast. The peoples affected have many different names, but now they are called Métis.

Their ancestors are Cree (the people), Kitchesipirini (great river people), Weskarini (people of the deer), Abenaki, Kinouchipirini, Wyandot, Mohawk, Onontchataronon, and the Matouwestkarini, among many peoples reaching back in time for about 400 years.

<sup>2</sup> Writing in his 1943 book *Axis Rule in Occupied Europe*, “Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.” (Lemkin, R. (1943) *Axis Rule in Occupied Europe*. Second Edition by The Lawbook Exchange, Ltd.: New Jersey. ISBN-13: 978-1584779018 ISBN-10: 1584779012



They are peoples related to the animal grandfathers who created the world, and yet many have been separated from their odoodem<sup>3</sup>. They are now called Métis: the French word meaning “mixed”—or the children of French and other European fathers and native mothers. These are peoples whose ancestors originated in northeastern North America and across the plains that are joined with many other peoples through an elaborate social and political system known as Nindoodemag (the anthropological term would be kinship networks extending beyond community boundaries). Persons in one community are related to many other people in numerous communities since they share the same odoodem<sup>4</sup> (Bohaker, 2006; N. J. Sinclair,

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<sup>3</sup>The *odoodem* (singular) or *nindoodemag* (plural) is roughly translated as “clan” or an animal relative shared by human beings. Anishinabe peoples (including Cree (the people), Kitchispirini (“Kitche”=great, “sispi”=river, “rini”=people), Weskarini (people of the deer), Abenaki, Kinouchipirini, Wyandot, Mohawk, Onontchataronon and the Matouwestkarini among others) are considered directly or indirectly related to the “grandfathers” identified as Wawaazisii (Bullhead), Baswenaazhi (Echo-maker, i.e., Crane), Aan’aawenh (Pintail Duck), Nooke (Tender, i.e., Bear) and Moozwaanowe (“Little” Moose-tail). Depending on the various origin stories the original *Miigis beings* may vary. To establish social order and relations one would ask: “What is your doodem (“Aaniin odoodemaayan?”) to establish whether one is family, friend or enemy. One’s odoodem identity is obtained from one’s father.

<sup>4</sup>This is a culturally held tradition where individuals inherited their Nindoodemag identities from their fathers. The original creators of the world were the First Beaver or First Bear or as the Anishinabe people called them *aadizookaanag*, grandfathers. The origin story of the peoples in the Ottawa River region north of Kaniatarowanenneh (the Mohawk word for “big river” now called by the English the St. Lawrence) describes how a collection of animals floating on a raft are led by the Great Hare who enlists the help of the Beaver, the Otter and the Muskrat to dive into the water to get a pinch of sand that could be used to create land in a world covered with water. It was thus that the “grandfathers” created the world. Human beings took their identity from these “other-than-human ancestors” and often used that name to identify their community (Bohaker, 2006). Nindoodemag could be the hare, bear, muskrat, catfish, crane, beaver, plover, deer, moose, thunderbird or eagle, marten, sturgeon, and many other fauna linking humans with each of these identities across expanses of land and sea. While the French (Samuel Champlain in 1615) saw summer or winter gatherings of peoples they referred to as “nations,” Bohaker points out the French were actually seeing gatherings of people with a particular nindoodem identity—gatherings of bear, deer, muskrat relatives from many localities.

2013). Nindoodemag links all persons with the same doodem, regardless of where they are located. This cultural and social system serves as a way of organizing government and a method for dividing labor and establishing one’s original relationship to beings that created the world. However, due to generations of rape, marriages, miseducation perpetrated by French and English men, and state laws interfering with the social order that have conspired to undermine cultural and social doodem cohesion, their estrangement from nindoodemag has occurred—constituting a form of culturicide.<sup>5</sup>

## FRENCH COLONIZATION AND THE CRIME BEGINS

Before 1599, when the first sixteen-person French settlement at Tadoussac<sup>6</sup> was established on the Kaniatarowanenneh, blood relations<sup>7</sup> between doodem communities was fluid and there were no “mixed” people. It was impossible for anyone to be “mixed” since one obtained personal identity through birth into a nindoodemag. Even when individuals were taken from one community and made part of another community

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<sup>5</sup> Native American Journalist Association Founder and Nieman Fellow at Harvard University (Class of 1991) Tim Giago, wrote that “Indian Country” essentially coined the term “culturicide,” meaning the consequence of invading colonizers moving west through Lakota country trying to convert “the people by destroying their culture” (Giago, 2009). “‘Culturicide,’ is a word coined in Indian Country.” *Native Sun News*. (November 13, 2009.) It is noteworthy that Rafaël Limkin earlier in the 20<sup>th</sup> century observed the effects of colonization and imperialism on American Indians and other native peoples of the Americas, Africa, Europe, and Asia as the destruction of a culture in whole or in part. Indeed, without specifically referencing destruction of culture contemporary usages of “genocide” suggest culturicide is a form of genocide.

<sup>6</sup>This was the ancient meeting place of the Innu [human being in Innu-aimun] (speaking a language similar to Cree), living in an region they called *Nitassinan* [Our Land] in what is now eastern Canada at the confluence of the Saguenay River and Kaniatarowanenneh (St. Lawrence River).

<sup>7</sup>Related by birth.





*Hart Breeds. Dufferin*

**Unidentified Métis at Fort Dufferin, Manitoba**

SOURCE: GEORGE M. DAWSON LIBRARY AND ARCHIVES CANADA



as a result of “replacement raids,”<sup>8</sup> the nindoodemags ruled. Only with the introduction of the French and then the Dutch, English, and Spanish did the concept of “mixed” come into being; and then it was a concept born of European experience—utterly inconsistent with the social and cultural relations in the Americas. The corrosive effects of colonization by the Europeans caused many nindoodem-identified people generations later to identify by blood, not nindoodem.

The peoples of nindoodem or odoodeman (his/her or their) became subject to systematic socio-cultural and biological destruction by virtue of alien occupation of their territories, killing of their leaders, rape, and enslavement of men and women and engaging in procreation with native women. Members of virtually all of the peoples in and around the Kaniatarowanenneh and the Cree to the north and west fell victim to the insatiable French and English search for wealth and glory, their colonization, and ultimately the physical destruction of peoples in whole or in part. If, as was the case with French and English men, fathers of “mixed” children did not have odoodem it would be impossible for the offspring to inherit odoodem—her/his relationship to the original creators of the world. If one possessed odoodem it could come only from the father, but if the father was not part of the social chain, then it was impossible to share odoodem with the child.

In 1603, the French—led by Samuel Champlain, along with Roman Catholic Jesuits—entered the Atlantic region of North America at the Kaniatarowanenneh and thus began the French colonization of the

<sup>8</sup>After the entry of the Dutch, French, and the English into the Kaniatarowanenneh Valley or Nitassinan, members of families suffered diseases introduced by way of trade and diplomatic relations from Europe killing sometimes large numbers. To stabilize families “replacement raids” were increasingly organized to reach into other peoples on other rivers to obtain replacement people who would be tested and then incorporated into the family that lost a member or members. These raids were usually quite small and usually resulted in little damage. But as the Dutch and then French introduced the arquebus (musket) raids began to take on an ominous character involving many more deaths and damage, especially after 1609.



**Figure 1: Nitassinan, the place where “Métis” began on the Kaniatarowanenneh**

nindoodemag peoples—the Innu of Nitassinan as first among them. Groups of French men and then English men landed as workers for businesses seeking wealth and glory for themselves. Without women of their own, they raped, married, and cohabited with native women and this was the beginning of the “mixed” people—the Métis. The Métis are children and the children of children born from the initial co-habitation between young women from different peoples and young European men who worked for French companies set up as fur trading monopolies inside Nitassinan—eventually claimed by the French as New France. They carried trapped beaver for their pelt<sup>9</sup> and traded outside and inside of French occupied territories for the French

<sup>9</sup> Beaver pelts among other furs were a major status item in France and neighboring countries—especially when made into top hats, shoulder capes, and coats. Europeans caused during the period of 1640s through the early 1700s what would be called the “Beaver Wars.” Demand for beaver pelts created proxy wars between different American societies especially after the Dutch and then the French introduced the *arquebus* (or musket, developed to penetrate plate armor originally developed in Europe in 1521) that started an arms race between The Five Nations Confederation and the Weskarini, Wyandot, and others, thus changing the nature of relations between the peoples to violent and often murderous conflicts.



economy. But as the decades of fur trapping and trading with the French—and then with the English—stretched west, the generations of Anishinaabe and Cree rapes, co-habitations, and marriages between later entrants changed the odoodem landscape. During the late 17th century and well into the 18th and 19th centuries men from the Orkney Islands, Scotland, England, Irish, German, and Welsh contributed to the growing number of children born of a native mother and a European father. The consequence of French and later English colonial and commercial policies in the 17th and 18th centuries was a growing population of laborers producing “mixed” children after taking native wives while working for a few wealthy companies such as Hudson Bay Company. While early in the colonization these “mixed” children were absorbed into native communities, many were not and were lost into a world of “blood relations without souls.”

The European conception of relationships between the individual and the kingdom, state, or nation was not a concept shared by the various peoples of the nindoodem. Movement between identifiable communities was fluid and personal identity, family identity, and community identity—in relation to nindoodemag—was paramount. Cultural identity defined by nindoodem was essentially the extended families transcending the physical realm of geography. The bear souls in both human and animal form, for example, are all “bear people” bound together by the soul (enawendiwin) and not by blood (Bohaker, 2006, p. 38; Sinclair, 2013, p. i). The odoodem peoples recognized various functions performed by groups having specific odoode-man. For example, the Moozwaanowe (Moose-tail) had the responsibility for scouting, hunting, and gathering; the Wawaazisii (the Bullhead) carried the responsibility for teaching and healing; and the Nooke (originally Bear) had the responsibility for defense and healing. The Baswenaazhi (Crane, Hawk, Sparrowhawk) handled communications with outsiders, while the Aan’aawenh (Pintail) had the responsibility for internal

communications. The division of roles by doodem defined and structured all of society.

## CANADA’S EARLY ADMISSION TO THE CRIME

The first Prime Minister of Canada, John Alexander McDonald, admitted Canada’s intent to commit a massive crime in 1887 when he said, “The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change” (M. Sinclair, Littlechild, & Wilson, 2015). McDonald’s pronouncement affirmed the commitment of his government to “the extinction of the culture” practiced by McDonald and his government clearly committed to the destruction of native cultures and their replacement with his own European-based culture. By historic and modern definitions, this statement is an admission to Canada’s genocidal intentions toward the original peoples of the land. Not until 2012 did the Canadian government begin to change at least the stated policy by amending their Indian Act.<sup>10</sup>

Ten years after McDonald’s call for “doing away with the tribal systems” and assimilating native peoples into Canadian life, the government—in conjunction with religious institutions—established Canada’s Indian Residential School System. This very specific system was created to separate native children from their families and to reduce or weaken family ties and cultural linkages while indoctrinating the young native people to become “Canadians” (TRC, 2015a).

The Canadian government made an agreement with 86,000 native peoples in Canada who had been at some point enrolled in the Canadian residential school system that operated between 1879 and 1996. In 2001, after a large number of legal claims filed by former

<sup>10</sup> Canada’s reluctance to change was evidenced in 2007 when it rejected the UN Declaration on the Rights of Indigenous Peoples and later in 2014 declined to approve the UN Action Plan to implement the UN Declaration.



SOURCE: PROVINCIAL ARCHIVES OF ALBERTA

### **Cree and Métis Men Performing the Pipe Ceremony – Waterhen River, Northern Saskatchewan<sup>11</sup>**

residential school students against the Government of Canada, the government authorized the Office of Indian Residential Schools Resolution Canada—created to resolve the claims. As a result of the largest class action lawsuit in the short history of Canada, the government established the Indian Residential Schools Settlement Agreement (IRSSA) to establish a \$2 billion (CAD) compensation fund resulting in an average payment to compensate complainants at \$28,000 (CAD) each. A \$990 million (CAD) fund was subsequently established to serve as a settlement fund paying individuals claiming sexual abuses, serious physical abuses, and other wrongful acts.

In the end, more than \$1.7 billion (CAD) was eventually paid out in settlements by 2012. The IRSSA allocated \$60 million (CAD) to establish the Truth and Reconciliation Commission that concluded:

*For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimila-*

*tion, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada*

*(M. Sinclair, Littlechild, & Wilson, 2015, [Preface]).*

The Truth and Reconciliation Commission's multi-volume report<sup>11</sup> took special cognizance of the reality that the legalisms established by Canada's Indian Act<sup>12</sup> defined individuals of European/native heritage as "non-status Indians," "half-breeds," or "Métis." As non-status human beings, Canada essentially cast

<sup>11</sup> The volumes, data and documentation in support of the Truth and Reconciliation Commission of Canada is now housed at the National Center for Truth and Reconciliation at the University of Manitoba under the direction of Ry Moran. It is located at Chancellor's Hall, 177 Dysart Road. University of Manitoba, Winnipeg, MB R3T2N2. <http://nctr.ca/reports.php>

<sup>12</sup> Adopted in 1876 by Canada's Parliament, the Indian Act established the terms of reference for Canada's relations with "aboriginal" peoples. The Act essentially installed in Canadian law controls over the life, property, society, systems of governance, education, health, and land tenure of aboriginal peoples in addition to defining who is and who is not an aboriginal person.

persons of dubious identity (since many chose not to “register” with the Canadian government) as “Indians” under its laws. If young Métis received an education it was offered reluctantly by local and provincial school systems, and to some extent the federal residential schools allowed entry, but most often religious denominations (Anglican, Catholic) took them in to their classes. When Métis children were enrolled in residential schools they did not receive the same benefits as other students.<sup>13</sup>

Some of the most devastating effects of the experiences in residential schools on Métis children was the separation from their families, education focused on religion and performing work, harsh discipline, and being subjected to sexual and physical abuse (TRC, 2015b p. 45). In other words, while “status Indians” were treated abominably in the residential school system, Métis children suffered from additional traumas. In the end, the Truth and Reconciliation Commission concluded that Métis victimized by the Canadian residential school system should be able to have their “legal issues determined expeditiously on an agreed upon set of facts” allowing “excluded” person from the Settlement Agreement to sign on to receive benefits.

The 400 years of colonial trauma inflicted upon hundreds of thousands of Métis<sup>14</sup>—and the reality of state sponsored genocide—cannot be ignored. The testimony born out in the Truth and Reconciliation Commission’s reports and the experiences of the doodem people sharply point to a remedy that goes beyond cash payments and establishment of a memorial of the harsh experiences suffered over 20 generations. Colonization was the first crime, the first stage of the genocide followed by the psychological,

emotional, physical, and cultural destruction of whole societies in North America. The story of “mixed” people in Canada still calls for sanction and remedy. Canada has defined its restitution aimed at “individuals,” but the crime has been committed against whole societies of nindoodemag. This “collective” harm to culture and society remains an open question.

## GENOCIDE AND CULTURCIDE: RESTITUTION OR SANCTIONS?

The Government of Canada and its predecessors (governments of France and England) are active participants and complicit in what Raphaël Lemkin described as “genocide.” From the beginning of their peoples landing on the eastern shores of North America the colonization of First Nations has continued for more than 400 years. There can be no “statute of limitation” on the commission of such a crime since the destruction of peoples in whole, or part, is—and has long been recognized as—a crime against humanity that requires restoration and sanction. However, there are serious obstacles to obtaining clarity and settlement to the crimes committed.

Neither the Convention on the Prevention and Punishment of the Crime of Genocide (UNGA, 1948) or the Rome Statue (Rome Diplomatic Conference, 2002) that created the International Criminal Court (ICC) recognizes colonization as an act of genocide. Both of the notable enactments internationally fail to address colonization as an initial step of genocide and “continuing crimes” committed over expanses of time. Neither of these statutes recognizes the destruction or intentional harm to a culture as resulted for Métis when non-doodem European men produced non-doodem children with native women. Colonization and the aftermath produced non-doodem children, undermining whole societies as well as violence against communities and destruction of sacred places. The standards for genocide do not countenance the violence of colonization as a crime against humanity though such criminal acts

<sup>13</sup> According to the Truth and Reconciliation Commission Métis students when leaving the school in 1913 were not given “a rifle, ammunition, traps, and twine for the boys and sewing kits for the girls.” (TRC, 2015 b)

<sup>14</sup> The Canadian census in 2011 placed the number of Métis in the population at 451,795.



and continue after hundreds of years. The Rome Statue specifically states that the jurisdiction of the ICC only applies after the Rome Statue came into force (Nissel, 2004). Any individual and mass violence after colonization may be considered genocide, post 1948 and 2002. Specifically, it refers to these acts:

*Killing members of the group;*

*Causing serious bodily or mental harm to members of the group;*

*Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*

*Imposing measures intended to prevent births within the group;*

*Forcibly transferring children of the group to another group*

*(Rome Diplomatic Conference, 2002, Article 6; UNGA, 1948, Article II).*

Given these limitations, all of the genocides committed by states and kingdoms invading peoples and forcing cultural, social, economic, and political harm leaves colonized peoples against their will without a means for judgment by a competent court of law. By means of the 1948 Convention and the 2002 Statue, “genocide” became a subject of law and the exclusive jurisdiction of modern states (Docker, 2010). These international agreements do not consider the more than 5000 indigenous peoples in the world as legitimate parties with jurisdiction over the crimes of genocide. This clearly allows the perpetrators of a state who committed genocide to avoid culpability since they and their institutions are considered the sole arbiters to determine guilt or innocence of the crime of genocide.

Long before the term “genocide” came into the lexicon of legal and human rights practitioners, as well as international institutions, the Polish-Jewish jurist Raphaël Lemkin (1900-1959), wrote in his book, *Axis Rule in Occupied Europe*:

*Genocide has two phases: one, destruction of*

*the national pattern of the oppressed group: the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population, which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor’s own nationals (Lemkin, 1944).*

Lemkin is widely acclaimed as the originator of the concept of genocide and served as an advisor to the UN as it developed the 1948 Convention. Before the Jewish Holocaust of the 1930s and 1940s, Lemkin was concerned with the destruction of human societies in whole or in part as a direct consequence of the first act or crime: colonialism. In other words, according to the originator of the word genocide, mass killing or destruction by other violent means is not intrinsic to the commission of genocide (McDonnell & Moses, 2005). Genocide in its original definition by Lemkin means the act of colonization is the first act of genocide that can be followed by mass killing, killing individual members of a group, inflicting conditions on a group calculated to bring about their physical destruction in whole or in part, and other conditions.

As McDonnell and Moses (2005) explain in great detail, Lemkin had early in his career engaged in a multidisciplinary investigation of the long history of colonization’s occurrences from ancient times to the present. He exhaustively researched the “organic concept of multiple influences and consequences” (Lemkin, n.d.), investigating cases of colonial occupation including the German occupation of African nations; the Belgian occupation of the Congolese; and French, Spanish, English, Dutch, and Russian colonization of America’s original peoples including the Aleutes, Tlingit, Incas, Aztecs, Mayas, and peoples in North America. Lemkin went on to investigate the English colonization of New Zealand and Tasmania; occupations of southwest Africa by the Dutch; Turkish/Kurdish occupations of Greeks and Armenians; the occupations

of early Christians; Jews of the Middle Ages; and Tsarist Russia. Colonialism, Lemkin argued, is “an integral part of the world history of genocide” (McDonnell & Moses, 2005, p. 502). It is of the greatest ironies that Raphaël Lemkin—the originator of the idea of genocide—was inspired by European colonization of the Americas and colonization elsewhere in the world and Adolph Hitler’s Holocaust was inspired by the United States 19th century reservation policies toward American Indians.

Lemkin identified six forms of cultural genocide:

*destruction of leadership,*  
*forced conversion*  
*prohibition of cultural activities*  
*destruction of religious and cultural symbols*  
*destruction of cultural centers, and*  
*looting*  
 (McDonnell & Moses, 2005, p. 507).

All of these forms of cultural genocide recognize the crimes committed against the Métis and, by extension, virtually every other distinct people colonized over generations. When can it be said that the crime of genocide has been committed against indigenous peoples? Can the crime have been committed before the United Nations General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide in 1948 that came into force in 1951? Can those harmed by cultural genocide adjudicate and sanction guilty parties to the crime of genocide? This last question calls for an answer and must be tested.

It may be that only the peoples against whom genocide has been committed can establish and execute laws to prevent and punish cultural genocide—the original basis for genocide. The Métis example—where the fundamental social and cultural identity of peoples is destroyed through the initial act of colonization and then the aftermath of displacement and violence—must be recognized as not only genocide, but conspiracy to commit genocide, incitement to commit geno-

cide, the attempt to commit genocide, and complicity in genocide that are sanctioned by the international community as crimes against humanity. Preventing events of genocide is left to the enactment of international statutes and declaration as well as institutions such as the International Criminal Court created in 2002 under the Roman Statute. Clearly these modes of prevention have neither prevented nor deterred acts of genocide by states or unauthorized actors. It appears that new international law sponsored by colonized and free indigenous peoples must now be authored and implemented to restore the Métis and other colonized peoples and that affirms the meaning of justice. n

## REFERENCES

- Bohaker, H. (2006). The Significance of Nindoodemag : in the Algonquian Kinship Networks Eastern Great Lakes Region, *The William and Mary Quarterly*, 63(1), 23–52.
- Docker, J. (2010). Raphaël Lemkin, Creator of the Concept of Genocide: A World History Perspective. *Humanities Research*, 16(2). Retrieved from <https://www.questia.com/library/journal/1P3-2185707101/rapha-l-lemkin-creator-of-the-concept-of-genocide>
- McDonnell, M. A., & Moses, A. D. (2005). Raphael Lemkin as historian of genocide in the Americas. *Journal of Genocide Research*, 7(4), 501–529. <http://doi.org/10.1080/14623520500349951>
- Nissel, A. (2004). CONTINUING CRIMES IN THE ROME STATUTE Three Concepts of International Crimes. *Michigan Journal of International Law*, 25(Spring), 653–689.
- Raphaël Lemkin, *Axis Rule in Occupied Europe* (Washington, DC: Carnegie Council, 1944), p 79. in McDonnell, M. A., & Moses, A. D. (2005). Raphael Lemkin as historian of genocide in the Americas. *Journal of Genocide Research*, 7(4), 501–529. <http://doi.org/10.1080/14623520500349951>

Raphaël Lemkin (n.d.) "Description of the project," Lemkin Collection, New York Public Library, Reel 3, Box 2, Folder 1. in M. A., & Moses, A. D. (2005). Raphael Lemkin as historian of genocide in the Americas. *Journal of Genocide Research*, 7(4), 501–529. <http://doi.org/10.1080/14623520500349951>

Sinclair, M., Littlechild, W., & Wilson, M. (2015). *What We Have Learned, Principles of Truth and Reconciliation*. Montreal & Kingston.

Sinclair, N. J. (2013). *Nindoodemag Bagijiganan: A History of Anishinaabeg Narrative*. University of British Columbia - Vancouver.

Scott, W. R. (2017). What does the word Viking Mean? Retrieved November 11, 2017, from [http://www.hurstwic.org/history/articles/text/word\\_viking.htm](http://www.hurstwic.org/history/articles/text/word_viking.htm)

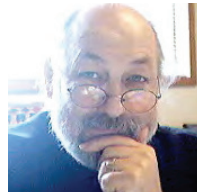
Stanton, G. H., Pillsbury, C. A., & Lonnie, T. (2010). *Genocides and Politicides Since 1945 revisions2*. Washington, D.C.: Genocide Watch. Retrieved from <http://www.genocidewatch.org/aboutgenocide/genocidespoliticides.html>

Rome Diplomatic Conference. Rome Statute of the International Criminal Court, A/CONF.183/9 of 17 July 1998 and corrected by process-verbaux of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001 and 16 January 2002. 88 (2002). <http://doi.org/10.2307/2997954>

TRC. (2015a). *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Montreal & Kingston. Retrieved from [http://nctr.ca/assets/reports/FinalReports/Executive\\_Summary\\_English\\_Web.pdf](http://nctr.ca/assets/reports/FinalReports/Executive_Summary_English_Web.pdf)

TRC. (2015b). *Canada's Residential Schools: The Métis Experience (Vol. 3)*. Montreal & Kingston. Retrieved from [www.trc.ca](http://www.trc.ca)

## ABOUT THE AUTHOR



Dr. Rudolph Rysler is the Chairman of the Center for World Indigenous Studies. He is descendent of Cree, Oneida, Weskarini, Orkney, Briton, English and Swiss. His doodem is

Bear – returned to him by his great grandfather. He served as Senior Advisor to the President George Manuel of the World Council of Indigenous Peoples, Advisor and Speechwriter to Quinault President Joe DeLaCruz, a former Acting Executive Director of the National Congress of American Indians, and a former staff member of the American Indian Policy Review Commission. He holds a doctorate in international relations, teaches Fourth World Geopolitics through the CWIS Certificate Program ([www.cwis.org](http://www.cwis.org)) and Public Service Leadership at Capella University. He is the author of *Indigenous Nations and Modern States* published by Routledge in 2012; and was joined by Dina-Gilio Whitaker and Heidi Bruce in the publication of *Fourth World Theory and Methods of Inquiry in Handbook of Indigenous Knowledge and Research Methods in Developing Countries* by IGI, International in 2016.

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# The Crisis of the State System

By Göran Hansson

Skåne

Translated from the original Swedish

The December 2017 decision by the US President to recognize Jerusalem as the capital of Israel threw the Israeli/Palestinian conflict into high tension; the Syrian wars and Saudi Arabia's challenges to Iran combine to illustrate the crisis of the state system. Not only are there 32 states in collapse<sup>1</sup>, the level of corruption in the governance of many states and internal violence<sup>2</sup> has become a pandemic. There are many more examples of how poorly the global state system is working. It also brings into the open the impotency of state controlled institutions, like the United Nations, which was originally designed to ensure that state governments are behaving in a proper and decent fashion.

The "modern" state is a fairly new concept having come into being as a result of the 1648 Treaty of Westphalia ending the Thirty-Years War.<sup>3</sup> The concept of the modern state is based on one state with one central government, one currency, one legal system, one mili-

<sup>1</sup> Christopher Reese in his manuscript contends, "... just as states exert sovereign power within their own boundaries, there has been a recent rise in states and bodies of states using the same kinds of sovereign power outside of their domestic state boundaries, and that this application of power is dependent upon the ability of the international community to delegitimize the citizenship and sovereignty of other states." Reese, C. (2014) International Power Relations and state Collapse: Ephemeral state of Sovereignty in the Modern World Order, Honors Thesis (unpublished) University of Tennessee, Knoxville. p. 5. Quoting Yoffee, "...collapse usually entails the failure of "centralized institutions that facilitate the distribution of resources and information." Norman Yoffee, 2005 Myths of the Archaic state: Evolution of the Earliest Cities, states, and Civilizations, Cambridge University Press, p. 139.

<sup>2</sup> Rotberg in his excellent analysis notes that since 1990 more than 10 million people have been killed in failed states "and hundreds of millions more have been deprived of their fundamental rights." See: Rotberg, R. (2003) "The Failure and Collapse of Nation-states: Breakdown, Prevention and Repair." in When states Fail, Causes and Consequences. Ed. Robert Rotberg. Princeton University Press: NJ. ISBN 9780691116723, ISBN 9781400835799.

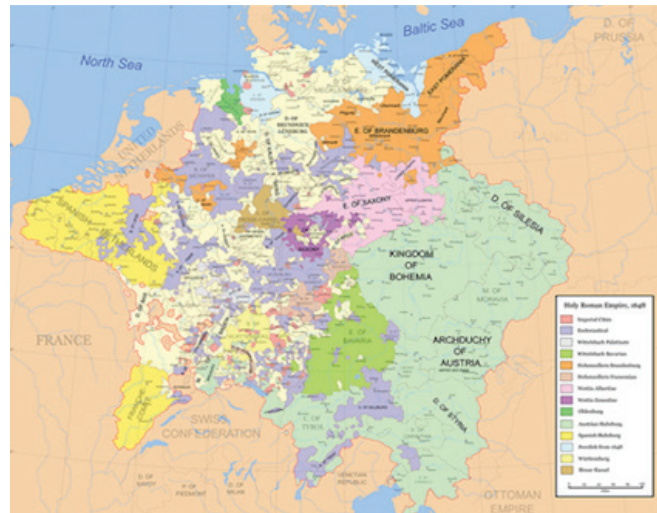


Figure 1: Holy Roman Empire in 1648



Figure 2: Westphalian Territorial Changes in 1648 Central Europe

<sup>3</sup> It was in the Holy Roman Empire of the German Nation that the Thirty-Years War began (1618, and ended 1648) where more than 1000 different "sovereign duchies" and subordinate duchies ruled territories and peoples by independent dukes. Each duchy was distinguished by religion (Roman Catholic, Lutheran, Calvinist, or mixtures of these). Duchies were also distinguished by their economic, commercial, and natural resource claims. The combination of competitions between dukes, religions, cultures, customary laws and commercial interests and aggressions by outside kingdoms such as Spain (it controlled Spanish Netherlands), the House of Hapsburg, Archduchy of Austria and the Kingdoms of Bohemia and Hungary gave rise to the Thirty-Years war. The Roman Catholic Church became the primary mediator to bring the vicious battles, eventual starvation and disease in the region to an end with the creation of specific states.

tary entity and established boundaries. The state as we know it now was born in the “Holy Roman Empire.”<sup>4</sup>

Central Europe’s 16th century duchies reflected religious diversity and frequently overlapping religious practices in a single duchy. The Thirty-Years War did not stop all conflicts in Central Europe, but with this and other treaties, boundaries were formed around much larger tracts of land inside of which a single ruler instead of many determined how the territory was governed. As one can readily see in the Map of the Holy Roman Empire in 1648 (Figure 1), Europe was a cacophony of diverse and competing cultures, political jurisdictions, and religious commitments.

The Treat of Westphalia and subsequent treaties sponsored by the Roman Catholic Church produced significant changes in the territorial landscape (Figure 2). Powers to control territories were shifted to polities such as Sweden, Brandenburg, Saxony, France, Bavaria and to Poland. The Catholic and Imperial forces battled to victories as well as defeats during the wars, and territories were consolidated and authorities distributed.

The families or often self-designated groups in power in a state were lucky—during the last century and a half since the founding of states it was possible to continue to gather and enjoy concentrations of wealth and power and start building an international peer state sys-

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<sup>4</sup>The *Sacrum Romanum Imperium* in the Latin was claimed by the Frankish and then German kings for ten centuries from 800 AD to 1806 AD. The Franks rose as a political force in the 3rd century of the Common Era from the east bank of the Lower Rhine River. Their mother peoples were the Salians, Ripaurians and the Chatti (Hessians)—each an independent polity though linguistically related. During the succeeding centuries, the Frankish peoples expanded west into what is now Belgium and eventually in what was Roman-claimed Gaul. While the Merovingian Dynasty ruled in the Frankish-claimed territories, they were replaced by the first “Holy Roman Emperor” Charlemagne who wore the mantle from 768-814 AD. German Kings claimed the “Holy Roman Empire” after the partition of the Frankish Empire in 843 AD with the Holy Roman Empire of the German Nation becoming the successor made up of mostly Central Europe with the Peace of Augsburg (1555). Two hundred twenty-four German polities were given the right to choose the religion (Lutheranism or Catholicism) would dominate each population under the “Peace.”

tem. The rest of the people who fell under centralized state control would see their political and administrative powers moved to the state capital. They would see their languages, cultures, and traditions diminished—and their pride and dignity with it.

The new state border-makers did not care very much on whose traditional territories they drew the new border lines.<sup>5</sup> In many cases old and ancient regions and peoples were split into pieces and incorporated into adjacent states as state leaders fought over borders. Even today the rigid state borders are the cause of many conflicts both in parts of Europe and elsewhere in the world where states were traced on the map from colonial boundaries and sometimes simply arbitrary “line-drawings” for economic convenience.

Fortunately for Europe, the founding fathers of the European Union realised that to reduce the chances of more wars and conflicts in Europe, the state governments had to be stripped of the ability to start new wars. The process of weakening the states started with the Schuman Declaration on May 9, 1950<sup>6</sup> and is still going on. The state nationalists, victims of a century or more of nationalistic state propaganda, are objecting. But the process of depriving the states of the right to start new wars in Europe is continuing, whether the state nationalists like it or not.

The establishment of Israel, and before that also Palestine, and the states of Syria, Iraq, Lebanon, and Kuwait as well as states in Africa, the Americas and Asia re-

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<sup>5</sup> Christopher Reese calls attention to this phenomenon in his manuscript noting: “Archaic states were usually formed in regions with a shared culture, such as in Uruk and Sumer (Yoffee 2005), whereas the modern nation-state frequently contains artificially constructed boundaries which do not always accurately reflect the diverse identities of the citizens therein” (Reese, 2014, p. 7).

<sup>6</sup> French Foreign Minister Robert Schuman proposed the foundation for what became the European Union in the form of the European Coal and Steel Community (ECSC) with founding members France, West Germany, Italy, the Netherlands, Belgium and Luxembourg that pooled coal and steel production so that “war would become impossible.” See: [https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration\\_en](https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en)



PHOTO BY BORIS NIEHAUS

**Photo of a destroyed ambulance in the Gaza Strip taken during a 72-hour ceasefire between Hamas and Israel on Aug. 6, 2014.**

sulted from the state nation-building mentality that has created so many wars and violent conflicts in the past. Rigid borders – drawn in the sand of the Arabian deserts – have created inter-state hatred and state nationalistic extremism. The Europeans have seen it all before.

The solution? Support the creation of a European Union equivalent in the Middle East and elsewhere with similar or region-appropriate controlling institutions that govern present day Europe. Other regions need not duplicate Europe's institutions, but certainly consider the factors that contribute to wars (religion, war-supporting raw materials [oil?]) and then consider the social and economic factors that are mutually beneficial. Weaken the state governments' ability to start new wars and conflicts by stripping them of their present undisputed right to defer to state sovereignty regardless of how badly these governments treat their own people or their neighbours.

The next step would be to open up the state borders for free movement of people, goods, services and capital, just as we are now doing in the EU. Allow people to socially intermingle freely and they will eventually learn to live with each other even as they retain their languages, cultures, social order and customs. Use the money, now spent on guns and rockets to kill and maim each other, on efficient policing to prevent individual people from initially jumping at each other's throats. Eventually

people will come to the point where the state and other from top-down propaganda have ceased to twist the minds of the people so they can start to live their daily lives peacefully.

This solution may sound naïve knowing the situations in the Middle East, Africa, and Asia. But no matter how strongly the majority of people are indoctrinated to believe in the state system as the only solution the historical realities are fairly plain: interdependence breeds constructive democratic pluralism.

The European Union framework of diminishing state influence and depriving them of their tools to start new wars is working, at least in my little region of southern Sweden. I was born during World War II. I belong to the first generation—for centuries of Northern Europeans and Europe's Regions—that was never summoned by a state government to go to war to kill people in its name. Not once during my active life have I been drafted to serve the state in a military capacity, which is quite amazing when you think about it.

For that reality, I can thank the founders of the European Union—Jean Monnet and Robert Schuman—for their idea of a Europe consisting of weaker states less disposed to war and destruction and, as an extra bonus, stronger cultural regions—the Regions of Europe. ■

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Göran Hansson is a retired Master Mariner, a resident of Scania, a region located on the southern tip of south-eastern Scandinavia. He is the former Chairman of the General

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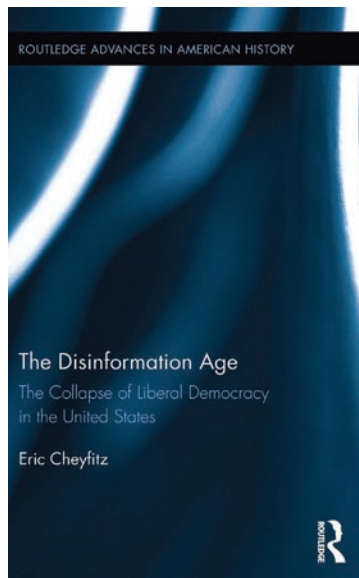
## BOOK REVIEW

# The Disinformation Age: The Collapse of Liberal Democracy in the United States

By Eric Cheyfitz, New York: Routledge, 2016, 308 pages. ISBN-13: 978-0415789356.

Reviewed by Dina Gilio-Whitaker

As of this writing, the GOP-controlled Congress is working to pass a tax bill forwarded by the GOP-controlled Trump administration that is being hailed by many news sites as a massive giveaway to the wealthiest few at the expense of lower and middle-income people. It is also a backdoor method to erode the Obama-era Affordable Care Act, since Republicans failed miserably at passing a bill to dismantle the popular health insurance program, in an effort to support one of Trump's top campaign promises. At the end of the day, there are no surprises here because the patterns are predictable. In theory, liberals tend to favor social programs for the more marginalized in society, which require tax dollars to fund, while conservatives favor cutting taxes for their wealthy buddies while social programs gradually shrink, all the while pretending that everyone will benefit. Meanwhile, trickle-down economics has long been discredited from the International Monetary Fund, to Forbes Magazine. The homeless population grows, disproportionately high rates of American children live in poverty among developed nations, and the income gap between rich and poor continues to expand as the middle class continues a downward spiral. None of this is news. But the problems are beyond "liberals are the good guys and conservatives are the



bad guys." The promises of a liberal democracy that encapsulate the American Dream are in other words, more fiction than fact. The question is why do so many still believe in it?

Eric Cheyfitz's illuminating new book offers an explanation, and he does it through the metaphor of George Orwell's now-classic book, *Nineteen Eighty-Four* (1984). In Orwell's 1949 book, which describes a world where war is peace, freedom is slavery, and ignorance is strength, the

parallels with our current Trumpian moment are more than a little disturbing. But according to Cheyfitz, it would be a mistake to think that this "doublethink," or what I would call our collective cognitive dissonance, is anything new. What's been called the "Information Age," beginning around 1980, is really an age of disinformation that "blur[s] the boundary between fact and fiction" (pg. 7). Despite the rhetoric of the U.S. as a land of equal opportunity, for example, American economic inequality is no accident, but is at the core of the American project going back to the founding fathers, and is only part of larger narratives that fictitiously construct the U.S. as a place of exceptional democracy. American exceptionalism is, he tells us, a "hallucinatory structure...[that] the two dominant political parties continue to deploy...Indeed, one might say that the



more hallucinatory the narrative becomes, the more fervently the two parties invest in its rhetoric” (pg.8-9).

Cheyfitz’s arguments—as well as the solutions he offers—are historically based, and embedded “implicitly and explicitly in Native American history and epistemologies” (pg. 9). His analysis is theoretically dense at times, especially in chapter one in what he calls the end of ideology, where he invokes the French political theorist Louis Althusser to frame his contention that the two political parties are really just a single corporate party. In chapter two, he traces the history of the erasure of economic justice from the Constitution, which leads him to study (and counter) the exceptionalism narratives of American innocence in chapters three and four, in the literary form of the jeremiad. Here we encounter the Christian Pequot historian William Apess, who wrote about American imperialism in the early nineteenth century, calling out its genocide against American Indians and African slavery. Cheyfitz compares Apess to the scathing critique of modern American life of Reverend Jeremiah Wright, whose congregation includes Barak Obama. The jeremiad promises redemption for God’s chosen people, and although Apess and Wright rail against the state, they still presume national redemption is possible, a claim Cheyfitz counters through a reading of Herman Melville’s rebuke of American innocence in his 1855 book *Benito Cereno* at a time when genocide poses as Manifest Destiny.

In chapter five, titled “Barak Obama and the Erasure of Race”, Cheyfitz shows how Obama perpetuated narratives of American innocence while erasing race as a critical category in national policy debates. Performing the work of instilling confidence in an economy that was about to collapse, the illusion of equal opportunity that a black president inspired (what Cheyfitz calls “normative color-blindness”) “is a strategy of avoidance that quickly becomes a position of denial of race conflict in the United States” (pg. 197). Instead, race conflict is conflated with class conflict, while police violence against African Americans continues to spiral

out of control.

All of this leads Cheyfitz to a critical interrogation of capitalism in chapters six and seven. Here he argues that the failure of national confidence in a failing capitalist economy results in increased militarization of the state out of fear of potential civil unrest due to rising income inequality, connecting the “war on terror” with disinformation as a form of distraction. The problem with capitalism is its inability to imagine anything beyond itself. Returning to Melville, Cheyfitz engages the 1857 novel to draw parallels between confidence and con-game, likening the U.S. economy to a Ponzi scheme which is built upon a foundation of Native American genocide, the still “as yet unspoken/unspeakable ground of American Exceptionalism” (pg. 13).

Finally, in chapter eight, Cheyfitz ruminates on what a just society looks like. Recognizing capitalism’s failures, not the least of which includes the degradation of the environment that it creates, Cheyfitz offers a way out of the insanity of capitalism. He finds the only realistic antidote is in indigenous philosophy and knowledge found in the Americas. He draws from the best of native epistemologies in both the North and South to find the possibility of an environmentally and economically sustainable society.

Cheyfitz is among a growing chorus of voices who are turning to indigenous worldviews for answers to the seemingly intractable problems of modernity. This among other things is what I like about the book the most. It’s a dense read and probably not for the casual reader, but let’s face it: academics are some of the most difficult to convince of the legitimacy of indigenous knowledge. It is for them that this book seems to be written. ■

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