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Private Property and the Conservative Agenda: *Manny Jules, Hernando De Soto, and the First Nations Property Ownership Initiative*

L to R: Tom Flanagan and Manny Jules at a conference called "*Beyond the Indian Act: Restoring Aboriginal Property Rights*" held in Ottawa at the Rideau Club, Mar. 23, 2010.

By Shiri Pasternak, PhD Candidate, University of Toronto

"***We need debate on how our people can get out of poverty.***"

These words carried the opening message of a conference on the **First Nations Property Ownership Initiative (FNPOI)** held in October at the tawny Fairmont Hotel in Vancouver.

The conference was called: "***It's Time.***" Registration cost eight hundred dollars and around 250 delegates attended. Lawyers, academics, bureaucrats, businesspeople and First Nations band members mostly from across BC sat expectantly at tables waiting to learn more about the much-hyped initiative.

Manny Jules, **Chief Commissioner of the First Nations Tax Commission** and chief proponent of the FNPOI, stood at the podium, diminutive, his long sliver hair shining in the lights. His voice was soft, but insistent. The **Indian Act** was holding his people back. It was time to move past its debilitating restrictions that had retarded economic progress in Aboriginal communities for generations. In particular, the lack of fee simple – or private property rights – on reserves had deprived communities of access to home mortgages, therefore credit, and ultimately, access to the market economy. He leaned on an old adage – it was time for Aboriginal people to "***grow up***" and start taking care of themselves; he didn't believe in a fiduciary.

Then, a revealing moment. Jules characterized **Donald Marshall** and **Ronald Sparrow's** respective Supreme Court victories for Aboriginal fishing rights as successful struggles for individual rights, exposing a central principle behind his work that puts him at odds – and on the defensive – with Indigenous communities across the country. The fight for Aboriginal self-government has been understood by First Nations for centuries as an inherent, collective right. Not as a terrain to gain individual economic rights.

In fact, First Nations people have been fighting versions of the FNPOI since 1857. Provisions for the inculcation of private property rights on reserves in the Enfranchisement and Assimilation Acts of that period met fierce First Nation resistance. The award for enfranchisement was a parcel of land cut out of the reserve land base. Indigenous leaders recognized this subdivision of land would fragment their land base and therefore their social order. Opposition came from the leadership, but it was the grassroots response that spoke the loudest: only one person is known to have voluntarily enfranchised under this legislation.

Assimilation policies were based on the assumption that the lack of individualized property on reserves was what held the Indians back. But the Indians were in fact

Special points of interest:

- **Manny Jules Conference Turns into a Farcical Sales Job with No Debate on FNPOI**
- **Canada Shuts Out Indigenous Peoples From Access to Benefits Sharing & Control of Traditional Knowledge**
- **Harper Launches Unofficial Campaign Against AFN**
- **ENGO's Using American Dollars to Shape Natural Resources Policy in Canada**

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Cover of the 1969 White Paper on Indian Policy.

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“***pro-development.***” Much like today, they wanted education, training, reserve infrastructure, economic opportunity, and in some cases, Christianity. But what they did not want – also much like today – was to lose their lands.

The **Indian Act**, 1876 reiterated and retrenched Indian loss of control over lands and government. Amended over the years, bands gradually lost power to decide whether non-Indians could use reserve lands. For example, individual band members were permitted to lease their allotment tickets to non-Natives, regardless of the band’s wishes. In 1898, a statute allowed First Nations people to be forcibly removed from any reserves adjacent to or partly within towns of 8,000 inhabitants or more. Meanwhile, the **Department of Indian Affairs (DIA)** continued to sell off reserve lands near municipalities.

In 1969, the federal **White Paper on Indian Policy** recommended the transition of reserves into full ownership of fee simple lands. Presented by then **Minister of Indian Affairs**, **Jean Chretien**, under the Trudeau government, its assimilationist ends were resolutely defeated by nationwide First Nations’ opposition.

“In 1969, the federal White Paper on Indian Policy recommended the transition of reserves into full ownership of fee simple lands”

Jules distinguishes his initiative from coercive colonial legislation on the basis that it is a voluntary measure. But perhaps the **Honourable George Abbot**, **BC Minister of Aboriginal Affairs and Reconciliation**, summed up many First Nation People’s fears best that day when he proclaimed that, “***The magic of what Manny is proposing is that it doesn’t depend on a treaty.***”

Herein lies the rub. First Nations have been arguing for decades that economic freedom depends on a fair land claims process that would address the entire Aboriginal Title and historic Treaty territories and not just development on Indian reserves. Rather than commodifying the reserve base, why not include third-party interests in the land claims process, whereas now private property is excluded?

At a Canadian government side event during the **United Nations Permanent Forum on Indigenous Issues** back in April, **Armand MacKenzie**, an Innu lawyer, spoke persuasively on this point at the event featuring **Manny Jules** and **BC Assembly of First Nations Regional Chief Jody Wilson-Raybould**. If the Innu had resource rights to their traditional territories in Quebec – for which they had been fighting for years through the Comprehensive Claims negotiations and court process – they would be rich from hydro revenues. But the FNPOI is irrelevant to them, as it would be to most remote reserves across Canada, where no developers would profit from investment on reserve lands and where mortgaged homes would be easily lost to debt in isolated geographies where few small business opportunities pan out.

So, why the urgent timeframe? What has prompted this fresh push for the privatization of reserve lands? Who is behind this initiative and who benefits? And what does resistance look like today?

L to R: Manny Jules and AFN-BC Regional Chief Jody Wilson-Raybould at Canada side event during UNPFII 9th Session in New York. (Photo by R. Diabo)

Beyond the Indian Act

Hernando De Soto was the keynote speaker at the Vancouver conference. Jules introduced him the same way that **Bill Clinton** does, as “***the world’s greatest living economist.***” Admitting he knew almost nothing about the situation in Canada, save what Jules had told him, De Soto nonetheless made the observation that reserves throughout Canada presented a tragedy of “***dead capital.***”

“***Dead capital***” is a potential asset that is locked in an inaccessible form. De Soto writes about this in his famous tome, **The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else**, a book that has made him a **World Bank** and **White House** darling. To unlock dead capital – in this case, reserve lands – De Soto offers his universal prescription: fee simple property rights. In Vancouver, he recounted how Indigenous peoples in the Amazon could not benefit from corporate revenues generated from oil

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and gas on their lands because they did not hold title to their ancestral territories. He declared, "***The real economy is not natural resources, it's control.***"

Property rights ensure control by indisputably representing the rightful owner of a resource or real estate. At least that's the theory. But on the ground, ample evidence shows that the correlation between title and capital is largely fictional. That's because a property right is not an abstract thing – it exists within a context of social power and a vastly uneven market economy. In Peru and Colombia, for example, studies have shown that titling has generated almost no new commercial investment and lending. It turns out credit scores, education, regular employment, and the kind of financial security that allows for risk leveraging in the real estate market are the greater determinants of upward mobility than fee simple lands.

Manny Jules peddling the Private Ownership initiative at AFN Planning Session in Saskatoon, March 2010.

Patricia Wright is the lands manager for **Lheidli T'Enneh Nation** in BC. She wanted to know who would pay for the land development studies and planning required to zone lands for sale. Most bands did not have the funds required for this intensive work or even the capacity to undertake this work themselves.

When asked what she reckoned was motivating this initiative, she answered without hesitation, "***Obviously, the few wealthy reserves that could actually benefit from this legislation. But who's going to help the majority of reserves that are struggling?***"

The few reserves that stand to benefit from the FNPOI are located inside or adjacent to urban centres, such as **Westbank**, **Kamloops**, and **Musqueam** in BC. **Squamish First Nation** recently initiated the **First Nations Certainty of Land Title Act** that would allow First Nations to regulate fee simple lands for commercial purposes on reserve lands. This June it passed with support of all four political parties.

"The few reserves that stand to benefit from the FNPOI are located inside or adjacent to urban centres, such as **Westbank**, **Kamloops**, and **Musqueam** in BC. **Squamish First Nation** recently initiated the **First Nations Certainty of Land Title Act** that would allow First Nations to regulate fee simple lands for commercial purposes on reserve lands"

Since the FNPOI legislation would be voluntary, it seems reasonable that those reserves that stand to benefit should have this option if it works for them. But the voluntary nature of the legislation is just a soft shell for a hard sell. The **First Nations Fiscal and Statistical Management Act** was also voluntary when it was introduced in 2005. It enabled bands to issue municipal-style bonds to borrow funds for local infrastructure such as water and sewage. It was initiated by **Manny Jules**, whose reserve of **Kamloops** benefited from the opportunities it provided. But if you read the Conservatives' 2009 **New Federal Framework for Aboriginal Economic Development**, the push is on for all bands to adopt these economic development measures in their reserves. Since the DIA controls the purse-strings, the threat of withholding monies from recalcitrant bands or rewarding cooperative bands is the kind of direct pressure they can exert. With over 3000 reserves in Canada and over 600 bands, a thin wedge of commodification has widened for all Indigenous peoples across Canada.

But ultimately, regardless of the damage his theories are making worldwide, **De Soto** is just a pawn in Canada's colonial game. Specifically, **Tom Flanagan's** game.

Tom Flanagan's ideological commitments to the free market economy are well known. He is the infamous author of the much-maligned, self-explanatorily titled, "***First Nations, Second Thoughts.***" In **Beyond the Indian Act**, his new book (co-authored with **Christopher Alcantara**, and **André Le Dressay**, he brings these positions together, critiquing opposition to capitalist development on Indigenous lands that are based on cultural claims of egalitarianism. He argues instead that Indigenous peoples are no different from Europeans because they possess personal property (which he conflates with private property), carry traditions of family ownership, and once actively engaged in trade relations. In addition, Flanagan espouses the biological impossibility of egalitarianism, submitting that property embodies genetically predisposed social relations of territorial competition.

L to R: Andre Le Dressay and Christopher Alcantara, Co-Authors with Tom Flanagan's new book.

The authors of **Beyond the Indian Act** argue that the lack of absolute property rights on

Arthur Manuel speaking about Aboriginal Title vs. Fee Simple at AFN Planning Forum in Montreal, November 7, 2010. (Photo by R. Diabo)

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reserves provide barriers to financial investment and economic development, retarding First Nations’ capacity to gain access to credit and therefore raise revenue. The authors’ argument rests on the assertion that, “***Market economies are built on the exchange of property rights.***” The certainty of private property rights as the wellspring of wealth are never weighed against the crisis-prone nature of global capitalism. In this light, and from an anti-colonial perspective of Indigenous sovereignty, an entitlement to land based on an inherent right versus an entitlement based on the volatilities of the market offers a stronger, non-transferable sense of security for First Nations peoples.

But most critically, fee simple is not the highest ownership right in Canada. In 1997, the Supreme Court recognized in **Delgamuukw** the instability of provincially-created fee simple property rights, which did not extinguish Aboriginal title. Aboriginal rights activist **Arthur Manuel** argues that if fee simple is a proprietary interest, isn’t it subject to the proprietary rights of Aboriginal title? According to the courts, Aboriginal title is in fact the higher proprietary right. The Government, with the help of **Manny Jules** and the **First Nation Property Tax Commission**, is hoping to plug this crucial sovereignty gap.

“fee simple is not the highest ownership right in Canada. In 1997, the Supreme Court recognized in **Delgamuukw** the instability of provincially-created fee simple property rights, which did not extinguish Aboriginal title”

The Uses and Abuses of Nisga’a

Although there was clearly a cheering section for Jules at the conference, many First Nations people had come to question his private property initiative, concerned that it could have a serious impact on First Nation lands.

In attendance, for example, was **Harley Chingee** from **McLeod First Nation** near Prince George. Chingee is elected to the **First Nations Lands Management Advisory Board** representing BC signatories to the **Framework Agreement on First Nations Land Management (Framework Agreement)**. He wrote an open letter in July expressing grave concerns that the FNPOI could ultimately lead to the extinction of reserve lands. A change in ownership to reserve lands could render **section 91.24** of the **Constitution Act**, **1867** null and void. This section provides for exclusive federal legislative jurisdiction over “***Indians and Indian lands***,” which continued aspects of the Crown’s fiduciary duties to First Nation peoples that originated in the **Royal Proclamation of 1763**. Would those fiduciary duties, which include the Crown’s duty to consult and accommodate regarding traditional lands and resources, as well as, proper management of reserve lands, become extinct if reserve lands were in the hands of third parties?

Chingee also expressed concern that this initiative could work against BC bands who are opposing fee simple requirements in **Modern Treaty (Comprehensive Claims) negotiations**. These requirements stipulate that collective lands must be transitioned into private property upon reaching final settlement agreements. Further, he was concerned about the strong likelihood that bands under financial pressure would consider selling off lands for short-term gains depriving future generations of their heritage.

Picture courtesy of Mooseboy.

The one thing attendees hardly learned about at the conference on the FNPOI were any details about the FNPOI itself. The particulars provided were vague. Title for reserve lands would transfer from provincial or federal holdings to the First Nation, who would retain underlying Aboriginal Title. Those lands could then be parceled out to individuals on the reserve, who could in turn them into fee simple property to be sold or leased to third parties. A **Torrens land registry system** would be used. This new source of land title would provide the certainty and security business needs to protect their interests when investing on reserves. It would usher in a new era of independence and wealth for First Nations reserves.

Proponents of the FNPOI were careful to distinguish the FNPOI from the disastrous **Dawes General Allotment Act (1887)** in the United States, which provided for the division of tribally-owned lands into individual private parcels and resulted in widespread loss of Indian

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lands. **Jules** and others, such as **Flanagan**, argue that both the voluntary nature of the legislation and the recognition of underlying title are key differences between the FNPOI and the **Dawes Act**. To call this recognition underlying title, however, is a total misnomer for what bands actually get, which is simply recognition of collectively-held lands. Whereas now, legal title is held by the Crown, with the adoption of the FNPOI, reserve lands could be held by the First Nation. But they are not held by the First Nation as underlying Aboriginal Title, despite such claims. For example, these lands would not be recognized as such in the courts, which require bands to undergo a series of extensive tests to prove this underlying, unbroken, inherent form of ownership.

L to R: Manny Jules and Ton Flanagan.

The **Nisga'a Final Agreement** was held up throughout the conference as the example of what could be done in regards to private land ownership on reserves. Nisga'a own 2,000 square kilometers of their land in fee simple and in October 2009 they passed legislation that gave individual citizens the ability to convert residential lands into fee simple. Nisga'a was noted and honoured throughout the program for blazing a path forward into the "**modern treaty**" process for all nations across Canada. **Manny Jules** himself was a key architect of the **Nisga'a Agreement**. **Macleans** interviewed him in March 2010, where he spoke about the Final Agreement: "***Starting in spring, the legislation will give anyone the right to own, buy, sell and rent land on what used to be collectively owned native land.***" He boasted that with Western economic tools, credit was within reach – both to borrow and to generate wealth.

"Despite Jules' opening remarks, no opportunity for the promised debate on Aboriginal poverty was actually provided at the Vancouver gathering. With sixteen speakers in eight hours, the conference rather amounted to a marathon of praise for the initiative"

But the reality of the Nisga'a situation is much starker. Along with the heady path-blazing reputation that has kept all eyes on Nisga'a has come a new reality of capitalism. The nation spent over 30 years and millions of dollars in attempt to protect their lands and heritage. Yet, due to the community's far removal from major markets, massive unemployment, and the fast drain on their settlement dollars, economic conditions have not improved on Nisga'a lands. In fact, disaster looms with the risk of foreclosure on mortgaged homes and the new financial burdens of taxation. Though the **Nisga'a Landholding Transition Act** that came into effect in October 2009 only applies to approximately one square kilometer of the 2,000 or so square kilometers of Nisga'a Lands, more lands could be converted and sold to cover new debts. In the **First Nations Tax Commission** literature, **Jules** assures concerned critics that bands could buy up foreclosed properties and stave off the possibility of losing bands lands, but that presumes bands have that kind of money to spend on buying back their own lands.

Earlier this month, **hereditary Nisga'a Chief Mountain** and his peoples stood before **Madame Justice Lynn Smith** in the **BC Supreme Court** to challenge the **Nisga'a Final Agreement** on constitutional grounds.

Despite **Jules'** opening remarks, no opportunity for the promised debate on Aboriginal poverty was actually provided at the Vancouver gathering. With sixteen speakers in eight hours, the conference rather amounted to a marathon of praise for the initiative. No microphones were provided for comment or questions and not a single speaker presented a counter-view or even a word of criticism or caution for the initiative.

Traditional Nisga'a Chief Mountain (James Robinson) has launched a court case to challenge the Nisga'a Final Agreement.

Instead, there were presentations on the economic benefits of the FNPOI and on the success of the **Torrens land registry system** for the **Nisga'a Lisim government**. **Glen Clark**, **former Premier of BC** and now **Executive Vice President of the Jim Pattison Group**, spoke from a business perspective about the importance of certainty to title on First Nation lands for creating the ideal investment environment. This notion of certainty was also addressed by **BC Chiefs Mike LeBourdais** and **Keith Matthews** who spoke about the challenges of shepherding development through the regulatory regime and multiple governmental oversight of their lands.

The conference mirrored the consultation process for the FNPOI that took place this sum-

Hernando De Sot, Peruvian Economist, Manny Jules is promoting.

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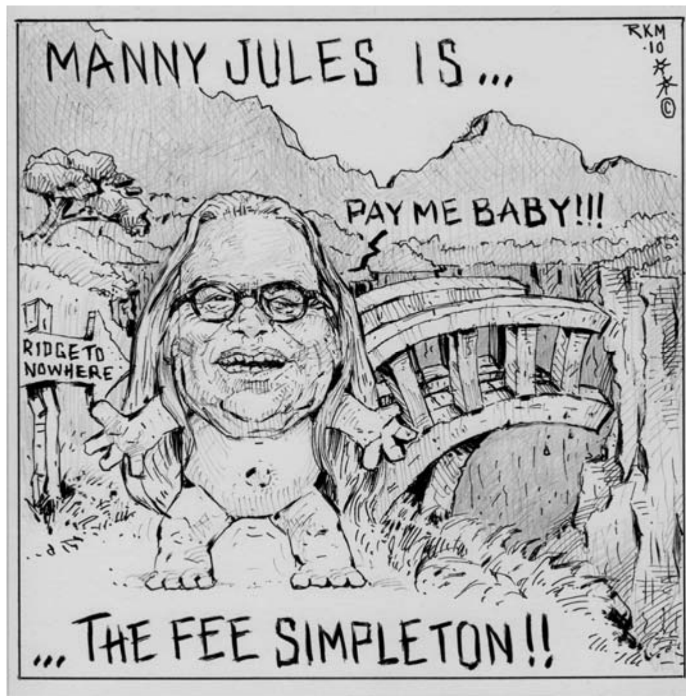
mer. The **DIA** selected approximately 62 Bands across Canada as achieving a sufficiently successful economic status to participate in the study. Many unanswered questions remain about legitimacy of this cherry-picked consultation. The only named organizations participating in the process are leaders who are identified as proponents and advocates of privatization of reserve lands. As the **Four Arrows** August report asks: "***How is the public to be assured the report and its recommendations reflect the full information collected in the confidential interviews?***"

Ultimately, the question that needs to be asked is, who really achieves certainty with fee simple property? Achieving certainty on Aboriginal rights – whether it is through the land claims process or through the privatization of reserve lands – is meant to secure the land for business by removing the condition that interferes with risk-free investment, i.e. Aboriginal Title. Meanwhile, the endemic risk of uncertainty in market patterns is obscured. Provinces depend on taxes from hydro, mines and forestry and they are trying to hang the crises of global economic restructuring on the mantle of Aboriginal Title claims.

De Soto's claims about the triumph of capitalism in the west are simply laughable in light of the foreclosure crisis and growing economic disparity in the Western world. The final question is whether or not First Nations are buying into this rotten deal.

"De Soto's claims about the triumph of capitalism in the west are simply laughable in light of the foreclosure crisis and growing economic disparity in the Western world. The final question is whether or not First Nations are buying into this rotten deal"

Editorial Cartoon



Editorial cartoon provided by Ross Montour, Mohawk Nation at Kahnawake.

Logo of the First Nations Tax Commission. Manny Jules is a federal appointee of this body.

INDIGENOUS VOICES SILENCED IN NEGOTIATION OF INTERNATIONAL ABS PROTOCOL

Armand McKenzie, Innu Lawyer and Ellen Gabriel, President of the Quebec Native Women's Association, during press conference in Nagoya, Japan, denouncing Canada's role in denying Indigenous Peoples rights in ABS negotiations. (Photo by Art Manuel)

By Arthur Manuel and Debra Harry, Co-Chairs of the North American Indigenous Caucus

On October 30th, 2010 at 1:28 a.m., during the Final Plenary of the **Tenth Conference of the Parties (COP 10)** held in Nagoya (Japan), parties to the **Convention on Biological Diversity (CBD)** adopted the **Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization**.

Conference of the Parties to the Convention on Biological Diversity on Access to Benefits Sharing of Genetic Resources, held in Nagoya, Japan.

ABS Meetings Prior to COP 2010

The negotiations for such a **Protocol on Access and Benefit-Sharing (ABS)** had been ongoing for the past six years. They were first mandated at **COP 7**, in 2004 at Kuala Lumpur, Malaysia. After a series of tumultuous meetings of the **ABS Working Group**, there was a need to determine the procedure for future negotiations, and especially the extent to which the **Working Group on Article 8(j) (traditional knowledge)** and Indigenous Peoples would have an input in the **ABS negotiations**. In the **Article 8(j) WG**, Indigenous Peoples take the floor on equal footing with government representatives. They can also independently table proposals. Indigenous Peoples were hoping to see a similar procedure adopted for the **ABS negotiations** or to have all traditional knowledge related issues dealt within the **Article 8(j) WG**. A number of countries, including Canada, opposed, arguing that there could be no direct input from the **Article 8(j) WG** into the **ABS WG** and that all direction would have to come from the **COP**. They also did not want to see broad Indigenous participation. Other governments from the South were more supportive of direct Indigenous participation and even the **European Union (EU)** was sympathetic. When parties could not reach agreement in open negotiations that involved Indigenous representatives at **COP 8**, in 2006 at Curitiba, Brazil, they proceeded to a closed **Friends of the Chair Group**, limited to parties. This tactic had been previously used by **Canada** to exclude indigenous input and put pressure on other governments that they would not adopt **COP** decisions, which require consensus, if they did not give into **Canada's** position on issues related to Indigenous Peoples. So in a travesty typical for the **CBD**, Indigenous participation in the **ABS negotiations**, was debated without Indigenous participation. One **EU** negotiator leaving those negotiations argued that they had to close the discussions, because with Indigenous Peoples in the room, they would have never reached consensus. It did not bode well for the future **ABS negotiations**, now to be co-chaired by **Tim Hodges (Canada)** and **Fernando Casas (Colombia)** with a mandate to conclude negotiations by **COP 10**. The final decision regarding the interrelationship with the **Article 8(j) WG** was that it would provide comments on **Traditional Knowledge-related issues** for consideration of the **ABS WG** but all decisions regarding **ABS** and **Traditional Knowledge-related issues** would have to be taken by that group. And although initially Indigenous representatives were able to table proposals, they soon reverted to requiring endorsement by at least one party. So the room for independent Indigenous input was becoming increasingly limited. There was also increasing concerns amongst Indigenous participants in the negotiations, about their limited input and even more so attempts by a few countries, mainly members of **Japan, United States, Canada, New Zealand (JUSCANZ)**, to limit any references to Indigenous rights and especially Indigenous **prior informed consent (PIC)** to access, and Indigenous control over genetic resources and traditional knowledge. While many advocated for clearly stating rights-related positions and if necessary walking out of the negotiations, some Indigenous participants argued in favor of remaining part of the negotiating process as a foremost concern. It was the usual dispute between Indigenous representatives and grassroots standing strong for Indigenous rights on the one hand; and

"initially Indigenous representatives were able to table proposals, they soon reverted to requiring endorsement by at least one party. So the room for independent Indigenous input was becoming increasingly limited"

Armand McKenzie, Innu Lawyer and Indigenous representative in ABS negotiations. (Photo by Art Manuel)

L to R: Arthur Manuel and Aborigine representative from Australia during ABS negotiation session.

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Indigenous participants, technicians and consultants who are used to being engaged in processes – where the process becomes the main driving force over rights. ***The CBD Secretariat clearly supported the latter to secure indigenous participation and therefore legitimacy for the process and this was evident in the decisions about which Indigenous participants would be funded through the CBD Voluntary Fund for Indigenous Participation.***

Although the next meeting of the **Article 8(j) WG** was held back to back with the **ABS WG**, this time the **Article 8(j) WG** went second, so there could be no direct flow of input. In addition, the issue of input to the **ABS WG** was the most contentious issue and was again moved to a closed negotiation, in which parties, and this time Indigenous representatives, agreed on the input. **Canada** and other **JUSCANZ** countries were part of the closed negotiations and had full input. Yet in the closing plenary they opposed the input collectively prepared, so effectively there was no input from the **Article 8(j) WG** into the **ABS negotiations** during that inter-sessional period. At **COP 9**, in 2008 in Bonn, the process for finalizing an **international ABS regime** was set out, including a series of expert meetings, one on traditional knowledge. All Traditional Knowledge issues related to **ABS** were now clearly within the control of the **ABS WG** and a number of **ABS negotiators** were developing increased understanding of Traditional Knowledge-related issues. At the final meetings of the **ABS WG** the dynamic again changed. At the first session of **ABS WG 9**, in March 2010, at Cali, Colombia, a Co-Chair's text was tabled. ***It was rumored that the text had actually been prepared by the CBD Secretariat and there was clearly a lot of pressure from the Executive of the CBD Secretariat and the COP Presidencies from Germany (COP 9) and Japan (COP 10)*** *to reach agreement "**at any cost.**"* The negotiating format was changed to an **Intergovernmental Negotiating Group (ING)** where each **UN region** would have a certain number of negotiators, and there would be two seats for Indigenous Peoples and two for NGOs, which could be rotated. The meetings would remain open to all other parties and so-called "***observers,***" including Indigenous Peoples unless closed. However, closed meetings were limited to parties and not even Indigenous negotiators could participate.

"It was the usual dispute between Indigenous representatives and grassroots standing strong for Indigenous rights on the one hand; and Indigenous participants, technicians and consultants who are used to being engaged in processes – where the process becomes the main driving force over rights"

A problem with the new Co-Chair's text and negotiating format, was that a lot of the suggestions by the **International Indigenous Forum on Biodiversity (IIFB)** and Indigenous representatives, were no longer in the text. Even if such provisions had been bracketed in the previous text they had still been subject to negotiation. Now that the text was gone, it was increasingly difficult to get new text tabled. In addition, **Canada**, first and foremost kept opposing all references to the **rights of Indigenous Peoples**, including the requirement of **Indigenous prior informed consent (PIC)**, and even preambular references to the **UN Declaration on the Rights of Indigenous Peoples**. The majority of the participants in the **IIFB** wanted to take a stand to force such language back in, but the process-driven minority kept participating in the process and arguing that it was too late to secure many of those issues and instead "***we should keep participating in the process to get what we could get.***" There was discussion about walking out of the negotiations on many occasions and a few times the majority made the others walk out too, but they would keep going back. Only one walk-out in Montreal, at the resumed **ABS WG 9** session in July 2010, was announced and negotiations were stopped, because they realized that the negotiations would lack legitimacy if there was no Indigenous participation. Immediately **CBD staff** tried to coax us back in and the **ABS Co-Chairs** assured us of the importance they give to Indigenous participation and the more "***process-driven group***" quickly accepted rejoining the negotiations. In addition they were holding tight to the two seats assigned to Indigenous participants and quite often did not push for the strong positions agreed to in the **IIFB** meetings, but instead worked on limited compromise proposals that further diminished rights. Spanish-speaking Indigenous participants were clearly disadvantaged, because the **ING negotiations** were being held in English only. Also in the **North American Caucus** there was an increasing division between those who had been hanging on for

ABS Negotiations.

'ABS Negotiations' continued from page 8

the sake of the process and stronger rights-based representatives, who instead engaged in a substantive analysis of the text and proposed provisions to ensure stronger references to Indigenous rights, control and consistency with **UNDRIP**.

Armand McKenzie and Ellen Gabriel in discussions during aBS negotiation session. (Photo by Art Manuel)

Nagoya Japan COP10

When we arrived in Nagoya for the final round of negotiations, again in the form of the **ING**, followed by the re-resumed session of the **ABS WG 9** and finally two weeks of **ABS negotiations** in the same format throughout the **COP**, we were still pushing for those stronger positions. From the get-go, concessions were made by those occupying the **Indigenous seats** without consulting with the **whole Indigenous Caucus** in the **IIFB**. For example during the **ING negotiations** preceding the **COP** in Nagoya, one Indigenous participant from Europe taking one of the Indigenous seats, and supported by a small group of Indigenous "***negotiators***", accepted clean language in the provision on access to traditional knowledge that: "***in accordance with domestic law, parties shall take measures, as appropriate, with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities (ILCs) is accessed with the PIC or approval and involvement of these indigenous and local communities (ILCs), and that MAT have been established***". The issue of making such important provisions, especially regarding access to traditional knowledge, which should be under sole control of Indigenous Peoples, subject to national legislation or domestic law, had been contentious throughout the negotiations. The vast majority of Indigenous Peoples throughout the world did not want such a limitation. In addition Indigenous Peoples had insisted on references to **Indigenous Prior Informed Consent (PIC)** rather than involvement and participation, language especially pushed by **New Zealand** and supported by **Canada**. In addition the compromise came at the cost of deletion of bracketed references to **UNDRIP** in the operative provisions which **Canada** had opposed and Indigenous Peoples had insisted on. Yet the Indigenous participant in the **Indigenous Chair** at the **INC** without consulting with the Indigenous representatives present, especially those who he knew would insist on the stronger language, accepted compromised language thereby allowing states to clean the text and remove it from further negotiations. He even claimed that the agreement on such language was "***a major step forward***" and could be used as a template for other articles of the protocol. Several Indigenous organizations from **North America** made an intervention to register the lack of agreement amongst Indigenous Peoples on the record. However it was too late to re-open the text. States seized the opportunity to keep the agreed-to text, after it had seemingly been accepted by (certain) Indigenous participants as unbracketed text. The Indigenous person at issue left before the **COP** officially began leaving others to deal with the fall out.

"The issue of making such important provisions, especially regarding access to traditional knowledge, which should be under sole control of Indigenous Peoples, subject to national legislation or domestic law, had been contentious throughout the negotiations. The vast majority of Indigenous Peoples throughout the world did not want such a limitation"

The main issues in the **ABS negotiations** related to **Indigenous Peoples** that still remained outstanding during the **COP**, was the whole article on **traditional knowledge**, especially a provision on **publically-available traditional knowledge**; and pre-ambular provisions referring to the **UNDRIP** that **Canada** opposed.

At the outset of **COP-10** the respective **pre-ambular reference (UNEP/CBD/COP/10/5/Add.5)** looked like this:

> ***[Taking into account] [Affirming] [any established] [the existing] rights [in national law] of [individuals,] indigenous and local communities [and countries] to genetic resources and associated traditional knowledge[, subject to national legislation where applicable [and, where appropriate, the United Nations Declaration of the Rights of Indigenous Peoples]],***

ABS Negotiation Session.

The whole provision is in brackets with additional wording bracketed within, indicating wording that some parties oppose or others want to include, for example such limitations

ABS Negotiation Session.

"The majority of Indigenous participants wanted to leave the negotiations due to lack of Indigenous input and failure to respect our rights, but those enamored with the process staunchly claimed the seats reserved for Indigenous negotiators in the setting of the informal consultation, to which the smaller groups had to report. They hardly ever talked, but also refused to give other Indigenous participants who had stronger positions the floor"

'ABS Negotiations' continued from page 9

as "***in national law.***"

Canada of course was the only **CBD party** still opposing the reference to **UNDRIP** and insisting that it remain in brackets. **Canadian government's** argument had always been that at the political level, Canada would not accept any references to **UNDRIP**, since **Canada** had not voted in favor of **UNDRIP**, making it sound like the decision had to be taken by the politicians in **Ottawa** and not **negotiators**. **Indigenous Peoples** on the other hand had long suspected that it was actually the bureaucrats blocking the provision and any substantive change. It turns out that when Indigenous organizations brought the issue to the attention of the **Canadian Minister of the Environment** at the time, **Jim Prentice**, by Indigenous organizations, he stated that he had no problem with the reference, at the time still containing wording linking it to the Indigenous rights over genetic resources. So **Canada** agreed to a preambular reference, but not before **Canadian bureaucrats** and **negotiators** removed all substance from it (in spite of the fact their minister had agreed to a more substantive reference). The **pre-ambular reference (UNEP/CBD/COP/10/L.43/Rev.1)** now reads:

> 25. ***Noting the United Nations Declaration on the Rights of Indigenous Peoples, and***

The most important substantive outstanding issue was the operative provision on traditional knowledge. The head of the **New Zealand delegation** strategically positioned herself to lead those discussions. Claiming specific knowledge over the issue, though rooted in the country's vested interests, she initially co-chaired and finally single-handedly chaired the negotiations on Traditional Knowledge related issues, which quickly moved into a closed group again excluding **Indigenous Peoples**. The majority of Indigenous participants wanted to leave the negotiations due to lack of Indigenous input and failure to respect our rights, but those enamored with the process staunchly claimed the seats reserved for Indigenous negotiators in the setting of the informal consultation, to which the smaller groups had to report. They hardly ever talked, but also refused to give other Indigenous participants who had stronger positions the floor. In the end they were forced to make a statement and voice our opposition. However, rather than making a forceful statement, they said that not everyone in the **IIFB** agreed with the provision at issue. In the end it just sent the signal that we were divided and negotiations on Traditional Knowledge-related issues continued in a closed setting without Indigenous input.

Still by the last week of **COP negotiations** in the **ABS group** were stalled over many issues, including the core issue for developing countries, **compliance**, and it looked more and more unlikely that there would be agreement reached by the end of **COP**, the process was simply running out of time. But the **CBD Secretariat Executive** and **Japan** would not take that for an answer or outcome, there was too much at stake for them. So the **Ministerial segment** was strategically used to take control over the stalled **ABS negotiations**.

The **Ministerial** officially started on Wednesday, with a pre-meeting on **REDD+** on Tuesday and then a special **Ministerial Segment on ABS** on Thursday. There were closed door **Ministerial negotiations on ABS**, that did not include all the regions, especially the like-minded **Asia Pacific group** which had been holding strong on a number of issues. The end result was a **draft ministerial guidance** developed without full participation, in the course of that day rumors emerged that the **European Commission** and **Brazil** had met and agreed on a compromise. But by evening it was clear that not even the **EU member countries** and **members of GRULAC** other than **Brazil** agreed with it, so the multi-lateral compromise proposal did not stand.

Yet the **Japanese COP Presidency** was not ready to give up yet, and word was passed on that they were working on a **COP President text** which would be tabled Friday morning. Some referred to it as a kamikaze or crash and burn mission and many government and Indigenous representatives were convinced that there would have to be another round of

'ABS Negotiations' conclusion from page 10

negotiations following **COP 10**.

The night from Thursday to Friday, when negotiations in the **INC** had been totally stalled and it was clear there would not be a negotiated outcome, was the "***night of the long knives***" and **character assassinations**. **Parties** had already started playing the blame game for the failure to meet the 2010 deadline. Some regions were pointing the finger at single negotiators from other groups, who had stood strong on certain issues, trying to draw attention away from the fact that their own region lacked a mandate to reach agreement on certain substantive issues.

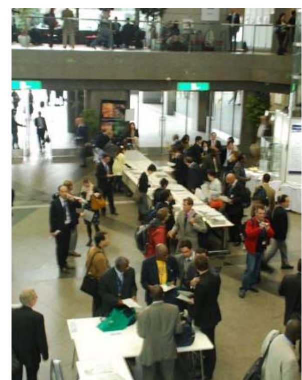
In the end **Japan** managed the balancing act, using the **state of the play negotiating text** from the **INC** and removing brackets from the text or text in brackets, in a manner that seemed to work for most parties, while **Indigenous Peoples** were not even consulted. The compromise came at a cost and took a lot of convincing; the **Japanese COP Presidency** had scheduled a series of meetings with regional groups throughout the morning of Friday, October 29, 2010, the last scheduled day of the conference. By noon there was a strong indication that the majority of regions and countries supported the **President's text**. Some developing country representatives were seen trying to convince others that this is the "***best deal they could get***" and "***if they kept negotiating, they would lose more.***" The deletion of the previously much debated provision on **publicly available traditional knowledge**, was said to have been a big stumbling block for at least one major party and after a further postponement of the final plenary the meeting could finally move on to the adoption of the **International Protocol on Access and Benefit-Sharing**.

"After a six year long process, **Indigenous Peoples** are now left with a **dangerous protocol** that allows states to refuse **IPs right of prior informed consent**, gives themselves complete discretion as to how and when they will address Indigenous Peoples rights in the **access and commercialization of genetic resources and traditional knowledge**"

In the end developing countries succeeded in their strategy to make the main issues on the **COP 10 agenda** a package: ***namely the revised strategic plan, resource mobilization and ABS. To get all three adopted, delegates insisted that parties express their acceptance of each first and then to approve them as a package. In the end the International ABS Protocol was adopted at 1:28 a.m. on October 30, 2010.***

Although touted as the rebirth of multilateralism, it has to be remembered that the **Final ABS Protocol** was not a fully negotiated outcome. From an Indigenous perspective it clearly lacked full participation, input and **prior informed consent by Indigenous Peoples** throughout its development and negotiation.

When the **Parties to the CBD** initiated the **ABS negotiations** in 2004 in Kuala Lumpur, Malaysia, **Indigenous peoples** concerned about the proposed protocol issued a warning to Indigenous peoples around the world in a Press Statement. They foresaw the impending dangers, stating "***For the Indigenous peoples anxiously following the discussions in Kuala Lumpur, the agenda of the parties is clear. The parties are developing a regime that will facilitate a biopiracy free-for-all***" **(http://www.ipcb.org/issues/agriculture/htmls/2004/pr_cop7.html)**.



The final protocol reflects the side-room consultations and closed-door deals made by parties and a handful of Indigenous participants who agreed to negotiated text. After a six year long process, **Indigenous Peoples** are now left with a **dangerous protocol** that allows states to refuse **IPs right of prior informed consent**, gives themselves complete discretion as to how and when they will address Indigenous Peoples rights in the **access and commercialization of genetic resources and traditional knowledge**.

AFN - Get Rid of Indian Act in 2 to 5 Years: *Conservatives Respond With Campaign to Discredit & Undermine First Nations Credibility*

INAC HQ Command and Control Centre over First Nations.

AFN National Chief Shawn Atleo holds up a copy of the UNDRIP during AFN Planning Forum in Montreal November 8, 2010. (Photo by R. Diabo)

By Russell Diabo

As I reported in a previous issue of the **Bulletin**, **National Chief Shawn Atleo** announced, during the **Assembly of First Nation's Annual General Assembly**, held in Winnipeg, Manitoba, July 20-22, 2010, a goal to get rid of the **Indian Act** in two to five years from now.

As **National Chief Atleo** describes it, the **Indian Act** is "***clearly designed as an instrument of oppression, control, paternalism and assimilation, continues to permeate and constrain daily First Nation government operation and function. Through the many historical overviews done by academics and our own scholars, we can see this terrible legacy and by witnessing the ongoing impact of a colonial regime that denies our governments the tools to effectively plan for and manage and govern our lands, waters and our peoples.***"

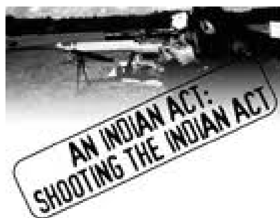
"As National Chief Atleo describes it, the **Indian Act** is "**clearly designed as an instrument of oppression, control, paternalism and assimilation, continues to permeate and constrain daily First Nation government operation and function**"

National Chief Atleo announced in July the way forward is a process that is "***nationally facilitated, regionally driven and community mandated and approved.***"

AFN Proposal

There are many elements contained in **National Chief Atleo's** July announcement, but the core of the **AFN** Proposal in developing a new relationship with the Canadian State is as follows:

- ***National First Nation - Crown Relationship gathering to deliberate on a comprehensive plan for joint implementation of First Nation governments.***
- ***As an outcome of the gathering, we would work to prepare a Parliamentary Proclamation affirming our rights as part of existing Constitutional law of Canada reaffirming Treaties***
- ***Proclamation would describe a process, mutually and previously agreed upon by First Nations (including full community-based engagement and decision-making) for transition away from Indian Act and confirming First Nation governments.***
- ***Proclamation would be a statutory obligation confirmed through an order-in-council and achieved through all party involvement and consensus to ensure that this is a non-partisan and binding commitment.***
- ***Clear analysis and legal confirmation that First Nations funding will not be compromised but rather funding arrangements transformed based on recognition of First Nation governing entities.***
- ***Through intergovernmental dialogue started at the Council of the Federation and culminating in a First Ministers meeting, confirm a process to create fundamentally new fiscal transfer arrangements based on demographics, inflation and factors of need.***
- ***Affirming First Nation governments as leaders in accountable, successful administration and continuing to build capacity through specific workshops and direct***



'Fed's Campaign' continued from page 12

support.

- ***Advocating through all senior Public Administration and Policy Forums to advance new structures and machinery of the Federal Government replacing INAC – Ministry of First Nation-Crown relations; Aboriginal and Treaty rights Tribunal.***

What the **AFN National Chief** is proposing to facilitate in a 2 to 5 year time-frame, is a major restructuring of the federal machinery of government through a negotiated process, which is intended to move to a modern relationship between First Nations and the Crown based upon the "***recognition and affirmation***" of the First Nations' Aboriginal and Treaty rights protected in section 35 of Canada's **Constitution Act 1982** and away from the colonial relationship developed under section 91(24) of the **Constitution Act 1867**, which gave the federal government "***exclusive legislative authority***" over "***Indians and lands reserved for Indians.***"

Queen Elizabeth II signs the Constitution Act 1982.

Ottawa's Blackmail System

From the **Indian Act** until now, the federal government continues to rely on section 91(24) of Canada's constitution to unilaterally introduce and pass federal laws that are designed to continue Ottawa's control and manage of First Nations Peoples and lands by Ottawa's bureaucracy and politicians.

If First Nations want out of the colonial **Indian Act** then the federal government has unilaterally dictated policies for negotiating self-government and land claims, which set the limits or scope of negotiations. A negotiations process is offered under the terms and conditions of these policies, which are intended to lead into final agreements that are then ratified through federal and/or provincial legislation. The "***rights***" or "***benefits***" set out in these final agreements are then interpreted legally and politically as the only section 35 rights protected in Canada's constitution for the First Nation. The outcome of these negotiations and settlement is obtaining First Nations concessions/surrender to the Crown's asserted sovereignty.

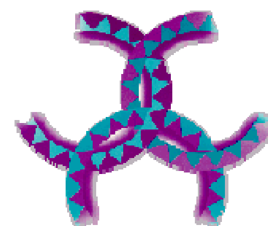
Make no mistake, while these self-government/land claims final agreements may be arguably an improvement from being controlled under the antiquated **Indian Act**, the agreements are the result of federal one sided unfair policies and therefore represent a low standard for section 35 rights.

I want to emphasize that the federal goal is to empty out or limit the meaning or scope of section 35 (recognition of Aboriginal & Treaty Rights) of Canada's constitution by obtaining concessions, or compromises from First Nations to surrender to the application of federal and/or provincial laws over First Nation laws in the negotiation process. This "***harmonization of laws***" will lead to the assimilation of First Nations in all ways except as ethnic municipalities.

"the federal goal is to empty out or limit the meaning or scope of section 35 (recognition of Aboriginal & Treaty Rights) of Canada's constitution by obtaining concessions, or compromises from First Nations to surrender to the application of federal and/or provincial laws over First Nation laws in the negotiation process"

The alternatives to the federal and/or provincial offers to negotiate under these self-government/land claims policies is either litigation, which most poverty stricken First Nations can't afford or political action, which invites police or military responses combined with criminal and/or civil charges.

According to internal federal documents Ottawa can manage up to ten First Nation political "***flashpoints***" across the country. More than ten it gets difficult for Ottawa to manage. So First Nations should consider more coordinated exercise of our Inherent, Aboriginal and Treaty Rights within regions and across Canada.



Federal Self-Government Policy Logo.

Conservative Implementation of 2006 Aboriginal Platform

The **2006 Aboriginal Platform of the Conservative Party of Canada**, sets out the neoconservative measures The Harper government intended to implement in order to undermine

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Prime Minister Harper during Throne Speech 2009.

"Conservative legislation shows the Harper government is proceeding with their 2006 Aboriginal Platform of neoconservative measures to assimilate First Nations"

the collective rights of First Nations by promoting individual rights, including privatizing reserve lands.

Since coming into power in 2006, the Harper Conservative government has introduced legislation designed to implement their **Aboriginal Platform** by promoting individual rights over collective rights, or delaying or denying fulfillment of rights, towards the federal goal of assimilating First Nations, for example:

- The **Specific Claims Tribunal Act** was adopted into law three years ago to accelerate the settlement of specific claims (lawful obligations & treaty breaches), but the federal government has delayed setting up the tribunal and there is no projected date for this claims settlement process to begin. Also a political accord was signed between the federal government and **AFN** this agreement is being broken by federal officials;
- **Bill S-4 Family Homes on Reserves and Matrimonial Interests or Rights Act** was introduced into and passed by the Conservative dominated Senate to force consideration by the **House of Commons** of the **Bill**. **Bill S-4** provides for an onerous process for First Nations to establish matrimonial property laws on reserve and doesn't commit the financial resources for a First Nation to do so, **Bill S-4** also imposes "***interim***" federal regulations that allow provincial matrimonial property law on reserves through court orders. Although reserves lands aren't immediately subject to alienation as provincial lands, **Bill S-4** sets the stage for this to happen later;
- The **Canadian Human Rights Act** will apply to the **Indian Act** starting in June 2011. This is another measure to promote Indian vs. Indian disputes while the federal government deflects its fiduciary responsibilities for chronically underfunding First Nation programs & services;
- **Bill C-3 Gender Equity in Indian Registration Act** is the Conservatives attempt to limit the numbers of individuals entitled to be reinstated as "***Status Indians***" in order to keep programs and services costs down, as well as, limit the federal government's legal liabilities.
- **Bill C-63, the First Nations Certainty of Land Title Act** (to amend the **First Nations Commercial and Industrial Development Act** and enable First Nations across Canada to develop commercial real estate on reserve land). The **First Nations Certainty of Land Title Act** will permit the registration of on-reserve commercial real estate development in a system that replicates the provincial land titles or registry system. This is another interim step to getting rid of reserve lands and goes hand in hand with the proposed **Private Ownership Act**.
- **Proposed Private Ownership Act** is a Conservative initiative to promote turning reserve lands into fee simple property. The concept is currently being peddled across the country by **Tom Flanagan** and his sidekick **Manny Jules**, **Chairman of the First Nations Tax Commission**.

The above noted suite of Conservative legislation shows the Harper government is proceeding with their **2006 Aboriginal Platform** of neoconservative measures to assimilate First Nations. The Harper legislative agenda indicates that he and his government aren't going to be inclined to adopt the proposals of **National Chief Atleo** willingly.

John Duncan, new Minister of Indian Affairs, Canada.

Conservative's Unofficial Response to AFN Proposal

As far as I know the government of Canada hasn't formally responded to **National Chief Atleo's** proposals to get rid of the **Indian Act** in 2 to 5 years, but the **Conservative Party of Canada** seems to have launched an unofficial response by way of a public relations and political campaign to try and discredit First Nations credibility while undermining **National Chief Atleo's** proposals to get rid of the **Indian Act**.

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It seems more by design than coincidence, that following the **July AFN Assembly**, **Prime Minister Harper** replaced **Chuck Strahl**, as the federal **Minister of Indian Affairs** with another B.C. Conservative—and former Reform Party—M.P. **John Duncan**. The first visits to First Nations the new **Minister of Indian Affairs**, **John Duncan**, made was to the **Atlantic region** and then to the **Manitoba region** to support the Chiefs of those two regions in their requests to amend the **Indian Act** elections provisions, instead of getting rid of the **Indian Act** as **National Chief Atleo** proposes.

No doubt the **INAC Deputy Minister of Indian Affairs**, **Michael Wernick** is giving the new Minister lessons in how to undermine the **AFN National Chief** and his proposals. **Mr. Wernick** has been at **INAC** for several years now and knows how to play regional and local First Nation leaders off against each other usually for cash for something or another.

Michael Wernick, INAC-DM and manipulator in First Nations’ politics.

Since the fall, the Canadian mainstream media also seem to be focusing more than usual on negative stories about First Nations social issues and leaders’ salaries. Particularly conservative media like the **Globe & Mail**, **Canwest Global** now **Postmedia News**, which includes the **National Post** and other newspapers.

It is obvious to me anyway, that the Conservatives are using tactics to try and hide their real assimilationist intentions, for example, instead of the **Minister of Indian Affairs**, **John Duncan**, introducing legislation on disclosing the annual salaries of Chiefs and Councillors, the Conservatives have **Ms. Kelly Block**, their **Member for Saskatoon-Rosetown-Biggar, Saskatchewan** introduce a **Private Members’ Bill C-575**, **First Nations Financial Transparency Act**, seeking to have First Nations Chiefs and Councillors salaries made public. **Minister Duncan** has now publicly said he supports the **Private Members’ Bill**.

Ms. Block is saying it is for altruistic reasons, but really it helps the popularity of Conservatives in the West and elsewhere to stir up anti-Indian sentiment. The **Canadian Taxpayers’ Federation** also seems to be part of the coordinated campaign to stir up anti-Indian sentiment under the guise of promoting more accountability from First Nations.

For the **Canadian Taxpayers’ Federation** the First Nations Salaries campaign is a good fundraising issue for the organization (probably for the **Conservative Party of Canada** too), the following is the text of an e-mail from the **CTF** seeking donations as a result of their anti-Indian campaign:

> ***Dear Supporter: How do you feel about a politician from a Native reserve of 304 people receiving a $978,468 tax free salary? BTW ... that’s equivalent to $1.8-million if they lived off-reserve and paid taxes. Or what about a reserve politician from a community of 615 making $567,935 tax free? If those true stories of tax dollars being spent wildly on reserves makes you sick to your stomach, then take note of the cure: Bill C-575. It’s a private members bill in Ottawa right now that aims to give the federal government the legal authority to place reserve politicians’ salaries on the internet each year. That would bring reserve politicians in-line with all other politicians in the country who have to disclose their pay to taxpayers. Bill C-575 was in response to the Canadian Taxpayers Federation helping band members blow the whistle on case after case of reserve politicians living high on the hog while their people suffered. The CTF has learned that over 600 Native politicians in Canada are earning a taxable equivalent of over $100,000 to govern average reserve populations of 1,142 – yet the Department of Indian and Northern Affairs does not have the legal authority to release the names. Bill C-575 - supported by the government - would change that.***

“No doubt the INAC Deputy Minister of Indian Affairs, Michael Wernick is giving the new Minister lessons in how to undermine the AFN National Chief and his proposals. Mr. Wernick has been at INAC for several years now and knows how to play regional and local First Nation leaders off against each other”

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Colin Craig, Anti-Indian campaigner & fundraiser, Canadian Taxpayer's Federation.

But in order for it to pass, it must be supported by Opposition MPs. Currently, NDP Leader Jack Layton and Liberal Leader Michael Ignatieff are opposed to these salaries being disclosed. Bloc Leader Gilles Duceppe has yet to declare a position. We need to send them a message: let Natives and non-Natives see how tax dollars are being spent on reserves. The status quo is unacceptable. Pass Bill C-575.

1. Sign our petition and forward it to your contact list
2. Contact Michael Ignatieff, Jack Layton, and Gilles Duceppe directly

You may hear non-sense excuses about privacy matters and other gobbledygook, but at the end of the day, we're talking about public funds – salaries should be made public, especially when those dollars are supposed to be helping on-reserve citizens. Let's make this happen! -- Colin, Courtenay, Troy and the rest of the CTF team

PS: The only reason that wasteful spending like this comes to light is because of your donation. If you like what the CTF is doing to blow the whistle on abuse of your tax dollars, please consider making a donation. **[Source: Text of a Canadian Taxpayers Federation E-Mail]**

"It seems promoting racism is profitable for the CTF and the Conservative Party of Canada, not re-structuring Canada for real power sharing with First Nations"

Both **Ms. Block** and the **CTF** are claiming they are trying to help band members expose the salary levels of their Chiefs and Councils. If this were the case why aren't **Ms. Block** and the **CTF** demanding that the accountability for monies for First Nations should rest with community members instead of the Ottawa power structure of federal bureaucrats and politicians. Could it be that they aren't really interested in improving the lives and conditions of First Nations?

It seems promoting racism is profitable for the **CTF** and the **Conservative Party of Canada**, not re-structuring Canada for real power sharing with First Nations.

This is not to say that some of the salaries of Chiefs and/or Councilors aren't obscene in the face of poverty, but the salary and accountability debate is part of a larger question of self-determination and self-government.

In 1983, the **Special Parliamentary Committee on Indian Self-Government (Penner Report)** not only recommended that First Nations should be entrenched into the Canadian constitution as a distinct order of government, but that the accountability for managing funds had to shift from Ottawa to the community members as part of self-government. There can't be two masters. Unfortunately the **Penner Report on Indian Self-Government** like many other reports and studies have been ignored by successive federal administrations, including the present Harper government.

The issue of Chiefs/Councillors salaries seems to be directed more to discredit First Nations leadership and the **National Chief's** proposals to get rid of the **Indian Act** than actual reform of Ottawa's colonial/neocolonial system.

In light of the current Conservative negative public and political campaign and past experience, it seems that **National Chief Atleo** has an uphill battle to convince the Harper Conservative government to adopt the **AFN** proposed measures to get rid of the **Indian Act**, particularly in such a short time frame.

Kelly Block, Conservative M.P. taking point in the Conservative campaign to discredit First Nations.

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Where is the National Chiefs' Strategy?

After listening to **National Chief Atleo's** speech last July about getting rid of the **Indian Act**, I assumed he was going to take the rest of the Summer and Fall to develop a strategy or plan to support his stated goal of getting rid of the **Indian Act** in 2 to 5 years, a time frame that would include his current term as **AFN National Chief** and if he is re-elected, during a second term we would be free of the **Indian Act** if he succeeds.

It seems I was wrong. I attended the **AFN Planning & Dialogue Forum** with the theme: "***Nation Building and Re-Building – Supporting Capacity for First Nations Governments***", held in Montreal November 8, 9, 2010, and I did not see any plan to advance First Nations toward the goal of getting rid of the **Indian Act**, at least not beyond the existing minimum standards dictated by the federal and provincial governments.

What I observed during the plenary and panel sessions on topics like: **Governance Citizenship Models**, **Land Tenure**, **Intergovernmental and Fiscal Relationships**, **Water Rights**, **etc.** Although I didn't attend all panel sessions, what I did see was the classic avoidance syndrome of First Nation politicians and technicians who were presenters, which was to discuss how they are working within the federal (and provincial) policy frameworks and making progress in some areas of community life.

Even the **National Chief** is telling the media such as **APTN** that there are over 200 negotiation tables across Canada where First Nations are getting out of the **Indian Act**, implying that we are moving towards his goal of getting rid of the **Indian Act**.

What isn't being said by the **National Chief**, **Regional Chiefs** or other **Chiefs** who were at the **AFN Forum** in Montreal is that at those 200 negotiation tables across Canada First Nation leaders, technicians, consultants, lawyers are negotiating concessions or compromises regarding Aboriginal and Treaty rights under policy terms that have been unilaterally determined by the federal government under the federal self-government and land claims policies, not to mention the funding terms and conditions for programs and services delivery. It was a far cry from the lofty goals articulated by **National Chief Atleo** during the **AFN July Assembly**.

Since that **November AFN Forum**, the federal government made a low key announcement on a November 12th Friday afternoon that they are giving qualified endorsement to the **United Nations Declaration on the Rights of Indigenous Peoples** as an "***aspirational***" document, which won't require any changes in the way Canada deals with Aboriginal Peoples. **Canada's Statement of Support for the UNDRIP**, states in part:

> ***We are now confident that Canada can interpret the principles expressed in the Declaration in a manner that is consistent with our Constitution and legal framework.*** **(emphasis added)**

What this means to me is that Canada will continue their war on First Nations using blackmail with funding, biased interpretation of history and law, unilateral take it or leave it negotiation positions, backed up by implied threats of use of police or military force if a First Nation or First Nations, try and give their own interpretation of Aboriginal and Treaty rights that go beyond what Ottawa is prepared to accept.

In light of all of this the **December AFN Special Chiefs' Assembly** has adopted the theme "***Building On Our Successes: Moving From Endorsement to Action.***" Yet the agenda focuses on the usual program and service issues. Even some of the unaccountable national institutions set up by the federal government get to eat up time on the agenda. Again there is no evidence of a strategy to get rid of the **Indian Act**.

If **National Chief Atleo** were serious about his goal of getting rid of the **Indian Act**, he would have met with his **Executive Committee**, **advisors**, and **key staff** to discuss how to **re-organize the AFN National Office** to support the goal of getting rid of the **Indian Act** and supporting real self-determination and self-government. **National Chief Atleo** would have **identified key Chiefs** across the country to support him and **a community based political movement** would have been initiated, but alas it seems it is the same old game of simply lobbying for more money for programs and services and now employment training and economic development dollars, while First Nations are being forcibly kept on welfare as their lands and resources are still being stolen daily by federal and provincial governments.

No doubt those 80 First Nation Chiefs/Councillors making more than **Prime Minister Harper** and keeping their heads down while the rest of the Chiefs take their flack are wishing for the likes of **Phil "the White Man's Indian" Fontaine** to return to run in the **next AFN election** to lead the "***Program Chiefs***" back into the federal agenda while compromising the First Nations' "***rights agenda.***"

A Charity With Plenty of Very Long Tentacles—TIDES Canada

Joel Solomon, President & CEO Renewal.

Hollyhock Centre on Cortes Island, B.C. (Photo by Greg Osoba/Handout/Tourism B.C.)

By Kevin Libin, National Post, November 20, 2010

In late October, a group of environmental and social justice activists met at a remote lodge on Cortes Island, 150 kilometres north of Vancouver, up the Georgia Strait. The four-day gathering was billed as the **Social Change Institute** -- an event that says it "***gathers seasoned and emerging leaders with thinkers and trainers from the change-making world***" -- and it's been happening for years. The lodge is called the **Hollyhock Centre**, a New Age retreat known for its holistic healing circles, Shaman drum making workshops and Tantric "***sacred sexuality***" seminars.

Stop before you conjure up images of hippies dreaming of a utopian free love world. The **Social Change Institute** is a magnet for professionals. Professional activists. Professional environmentalists. And, yes, professional business people and politicians. One does not sign up for the **SCI**; one applies and is accepted-- or not. The 12-hectare centre, which started life in the early 1980s precisely as something resembling a hippie caricature, has been transformed into the virtual headquarters of a powerfully sophisticated and co-ordinated network of people who are mobilizing millions of dollars "***towards systemic social change focused in one region,***" as **Hollyhock president Joel Solomon** has described his mission.

On his side are wealthy trust-fund progenies, powerful U.S. business leaders, billion dollar American foundations, a web of environmental groups and prominent Vancouver political players. The region under focus for "***systemic***" change is Western Canada. The funding is frequently foreign. And Canadians may not know it yet, but the program is already well underway.

In a promotional video, praising the institute's work, one attendee notes, "***I think we're starting to see ourselves as parts of a whole, rather than as separate pieces.***" And that co-ordination, co-operation and collective power is precisely the point of the **Social Change Institute**. And not just the institute: It's the point of all the efforts **Mr. Solomon** has brilliantly co-ordinated into a breathtakingly enterprising strategy.

Mr. Solomon is the **vice chair of Tides Canada**, and a director and former chairman of **Tides' American board**. And he is a major reason Tides has been pumping money into environmental and social activist groups that have been fighting fish farms in British Columbia, the oilsands in Alberta, logging in the Boreal forest, and dozens of other anti-industrial campaigns. Most any prominent green group you might think of has probably been on **Tides' list of recipients**. **Tides** also provides charitable assistance to **The Tyee**, its website shows, an **NDP**-friendly online magazine. **Tides** has hired government lobbyists. Former officials and affiliates of **Tides**, meanwhile, have influence at the highest level of Vancouver's city government, including its eco-chic **mayor Gregor Robertson**, who has made it his explicit goal to turn Vancouver into the "***greenest city in the world.***" Some of the biggest donors to his campaign, and that of his **Vision Vancouver party**, are also connected to **Tides**.

"Mr. Solomon is the vice chair of Tides Canada, and a director and former chairman of Tides' American board. And he is a major reason Tides has been pumping money into environmental and social activist groups that have been fighting fish farms in British Columbia, the oilsands in Alberta, logging in the Boreal forest, and dozens of other anti-industrial campaigns"

TIDES CANADA

"The **Tides Foundation** has some very long, strong tentacles into all sorts of businesses that all support **Vision Vancouver**, not as a political party, but as a movement, and this is

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extremely troubling," says **Alex Tsakumis**, a former political analyst for the **newspaper 24 Hours** and former director of **Vancouver's municipal Non-Partisan Association opposition party**, who blogs on political affairs. "***And [Joel] Solomon is the green father, if you will, behind this social engineering movement.***"

At an **SCI** gathering, a representative of **ForestEthics**, a bumptious American antagonist of Canadian forestry and oil industries, announces "***we need to gain power.***" A visitor from the **Dogwood Initiative**, which pursues a roughly similar agenda, proclaims "***we have an incredibly ambitious agenda we have to achieve, unprecedented in the history of humanity.***" The head of **Environmental Defence** talks of "***advancing things that can be implemented right away, that are tailor-made to be implemented by a receptive government.***"

If corralling the kind of money that can bring corporate-scale power and disciplining the social change lobby is the goal, an organization such as **Tides** is certainly a good place to start. **Tides** was designed by its **American founder, Drummond Pike**, in 1976, to be a vehicle through which large donors could give immense sums of cash, which **Tides** would then redirect to non-profit recipients. There would be no public connection between the originator of the funds -- much of the more than US $700 million **Tides** has given away in the U.S. and Canada since 2000 has come from esteemed American foundations such as the **Pew Charitable Trusts**, the **Rockefeller Brothers Fund**, the **Gordon and Betty Moore Foundation**, and others, controlling billions of dollars between them -- and the recipients who eventually got the cash.

Under the direction of the **American Tides Center**, the organizing branch of **Tides**, those recipients eventually included, besides hospitals, schools, religious groups and museums, a catalogue of left-wing causes, everything from anti-war groups and anti-gun groups to pro-choice efforts, gay-marriage advocates and numerous environmental causes, ranging from the mainstream, such as **Ducks Unlimited**, to more hard-core anti-industry groups like **Corporate Ethics International**, an organization that this year launched the "***ReThink Alberta***" boycott against the province's tourism industry to protest the oilsands.

Vivian Krause, an independent Vancouver researcher who has investigated **Tides**, discovered through the organization's U.S. tax returns that its Canadian and American arms have together helped more than 30 organizations campaigning against **Alberta's oilsands**, with roughly $6 million in funding. **Tides** has launched a campaign to stigmatize the oilsands, with $4.3 million specifically earmarked for what **Tides** calls its "***Tar Sands Campaign***". **Tides** refers to its role of separating donors from recipients as "***donor advised giving.***" The website for the **Centre for Consumer Freedom**, a U.S. market-minded advocacy group, calls it "***less like a philanthropy than a money-laundering enterprise ... taking money from other foundations and spending as the donor requires.***"

Mr. Solomon's office voice-mail instructs callers that he can only be reached by email, but **Mr. Solomon** did not respond to five e-mails sent over the course of two weeks requesting an interview. Nor did **Tides Canada** representatives respond to calls seeking comment. **Mr. Solomon** is, according to friends, rather media shy. But in the few public interviews he recounts how he was raised in a staunchly Democratic family of Chattanooga Jews. His father, Jay, a wealthy suburban mall developer, was a key **Jimmy Carter** organizer in Tennessee and **Mr. Carter** appointed him to head the **federal General Services Administration** in 1977, the department that manages federally-owned buildings, though he was let go after two years; insiders told People magazine he may have been too open with the press.

After being diagnosed in his early adulthood with a potentially fatal genetic kidney disease, **Joel Solomon** became something of a wayfarer, traveling up the West Coast and eventually landing in, and falling in love with, coastal B.C., where, in 1993, he connected with **Carol Newell**, heiress to the **U.S. Rubbermaid fortune**, now living in British Columbia, with her own tens of millions of dollars and West Coast way of thinking.

They created what **Vancouver Magazine** de-scribed in a profile as an "***Escher like organization***" (referring to the famously convoluted, confounding sketches of **M.C. Escher**) that tied together a newly established Canadian branch plant of **Tides** with **Ms. Newell's** own **$60 million Endswell Foundation**, as well as **Hollyhock**, a web of affiliated consulting groups and charities, and a firm called **Renewal Partners**, headed by **Mr. Solomon**, whose stated goal is "***to invest in a collection of organizations using the powerful tools of business and philanthropy in support of long-term societal solutions.***" (Renewal gives money away, but also invests seed capital in eco-friendly companies producing, for example, organic foods and reusable menstrual pads). And they all connect, too, to **Vision Vancouver**, the city's ruling municipal party.

"***I concluded that I should use the power and privilege I had as a white north American male from an affluent family: to use those tools -- the power of business and finance and politics -- towards the common good,***" **Mr. Solomon** said, retelling his voyage of self discovery to a **Tides Foundation** conference in San Francisco two years ago. "***And if I did that, however many days I got to live, I'd be doing what I'd feel good about on my deathbed.***" After becoming a Canadian citizen he received a recuperative kidney transplant here. Astonishingly, the "***best match***" and donor was

L to R: CBFA 3 Musketeers: Richard Brooks, Greenpeace, Steve Kallick, Pew Environment Group, Avrim Lazar, Forest Products Association of Canada. TIDES has picked the CBFA as one of the top 10 initiatives of the year.

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Hollyhock co-founder Shivon Robinsong.

It was at the San Francisco meeting that **Mr. Solomon** laid out his strategy to launch "***systemic social change focused in one region***" that could, once established, be a model exported to other regions. If the world could not be changed in Vancouver, "***one of the wealthiest and most blessed places on the planet ... we have a real problem on our hands,***" he told the audience. There was a "***massive amount of sleeping and distracted capital***" that he aimed to track down and mobilize toward his cause. He also said, to wide applause, that "***we have to break out of the cycle that tells us that holding on and building infinite wealth is a responsible and moral position in the world.***" Little wonder the **Vancouver Magazine** article labeled **Mr. Solomon** a "***revolutionary.***"

In fact, in an interview this spring with the liberal **U.S. website, Huffington Post**, **Mr. Solomon** went further, explaining that he and **Ms. Newell** had concocted a **500-year vision** for the planet, incremented into sequential 50-year strategies. The first strategy, the project begun in the '90s, would connect businesses, non-profits and public administration "***because we wanted to apply a whole-system approach to change,***" he said. "***And concentrating our efforts in one place allowed us to amplify the relatively small amount of money we had to invest.***" The five-century vision would work to improve all "***that had gone wrong***" in the 500 years since Columbus discovered the New World, he explained.

"Since 2000, U.S. foundations have given at least $57 million to Tides Canada. While the bulk of it has found its way, stripped of the identity of its original donors, to non-profits and charities, a good deal has also ended up paying the businesses and people that surround Mr. Solomon and Tides"

Along the way, **Mr. Solomon** has been moving around impressive sums of cash, a good portion of it passing at some point through the hands of **Tides**, the organization's tax returns show. Since 2000, U.S. foundations have given at least **$57 million to Tides Canada**. While the bulk of it has found its way, stripped of the identity of its original donors, to non-profits and charities, a good deal has also ended up paying the businesses and people that surround **Mr. Solomon** and **Tides**.

For instance, while **Ms Newell's foundation, Endswell**, run by **Mr. Solomon**, has sent 99% of its grant money directly to **Tides**, suggesting it's a fairly non-complicated operation, it has, in the last six years, its own U.S. tax filings show, spent an average of nearly $2 million yearly on administration costs such as consulting fees, and salaries, including, from 2006 to 2008, more than $140,000 a year to **Mr. Solomon**.

There are, in fact, **five Renewal Partners employees** who are also paid from the **Endswell payroll**; four of them collect six-figures yearly for their work that includes donating nearly every last dollar of the **Rubbermaid fortune to Tides**. **Ms Krause** found also that **Endswell** has reported spending $1.4 million in "consulting fees" to companies listed as **Interdependent Investments Ltd.**, **IIL**, and "***Interdependent In.***" The officers of **Interdependent Investments** are **Joel Solomon** and **Martha Burton**, a fellow Tennessean and senior executive at both **Renewal** and **Endswell**. **Ms. Burton** also did not respond to repeated voicemails and emails over several days requesting an interview.

Consulting fees seem to be something **Tides** spends a lot of money on.

Between 2000 and 2008, the Canadian and U.S. offices spent $142 million on just consulting (the equivalent rate of about $16 million a year). The consultants hired by **Tides Canada** happen to include the **Endswell Foundation** itself, which **Tides** paid $118,000 to in 2003 and $102,000 to in 2005, as well as **Convergence Communications** (which received $121,000 in 2005 and $83,000 in 2003), a company run by **Michael Magee**, a colleague of **Mr. Solomon's** and now the **chief of staff to the Vancouver mayor**.

Carol Newell founder of Endswell Foundation.

A consultancy called **Boreray Praxis** collected $436,998 in consulting fees from **Tides Canada** between 2003 and 2008. **Boreray Praxis's sole officer**, according to its corporate records, is **Tides Canada president and CEO Ross Mc-Millan**.

To get a real sense of how cozy the entire network is, consider this: a single Vancouver address, **Unit 200-220 Cambie Street**, has been listed at various points over the years as

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Ross McMillan, President & CEO, TIDES Canada

being the headquarters of **Tides Canada**, **Hollyhock**, **Endswell**, and **Renewal**. Perhaps it's why in British Columbia, **Mr. Solomon's circle** is often jokingly referred to in the local press as the "***Hollyhock mafia.***" **Mr. Solomon** has dismissed the comparison. "***There's no mafia structure. No meetings. No secret codes,***" he told the **Vancouver Sun** in August.

But the connections, more recently, extend to another address: **Vancouver City Hall**. Before becoming a politician, **mayor Gregor Robertson** was an organic farmer on Cortes Island and a co-founder of **Happy Planet Foods**, an organic juice company bankrolled in its start-up phase by **Joel Solomon's Renewal Partners**. **Mr. Robertson** was also **treasurer at Hollyhock** in 2003 and 2004 and a **board member at Tides Canada** from 2002 to 2004. **Mr. Robertson** and **Mr. Solomon** were even "***married***" in a symbolic fake wedding at Vancouver's gay pride parade last year.

Mr. Solomon, the man with the plan to use his skills in a way that would leverage business and politics toward the "***common good***" was, by reported accounts, influential in persuading **Mr. Robertson** to enter politics, first as an **NDP MLA** and later, in 2008, to run for the leadership of the newly formed **Vision Vancouver party**. Some of the biggest donors to both **Vision Vancouver** and **Mr. Robertson** have come from **Mr. Solomon's** circle. **Michael Magee's Convergence Communications**, which consults to both **Tides** and **Renewal**, sent $28,000 to **Vision Vancouver** to help it pay off its $350,000 debt prior to the 2008 election; **Mr. Solomon's Renewal** sent $10,000; and **Strategic Communications**, one of **Renewal Partner's investment recipients**, sent $48,000 (**Strategic Communications' founder, Bob Penner**, has also been brought on as an advisor to the mayor). A **Vancouver Sun** analysis found that in the lead-up to the 2008 election, won by **Mr. Robertson**, more than $330,000 of the $1.4 million raised by **Vision** came from people and organizations affiliated directly with **Mr. Solomon** or his businesses.

“A **Vancouver Sun** analysis found that in the lead-up to the 2008 election, won by Mr. Robertson, more than $330,000 of the $1.4 million raised by Vision came from people and organizations affiliated directly with Mr. Solomon or his businesses”

In all, **Vision** spent nearly $2 million on its campaign, a record expenditure for the city of Vancouver, official population 600,000. Several donors to **Mr. Robertson's** own nomination campaign were Americans, including Oprah's "***healthy living***" expert **Dr. Andrew Weil** (an acquaintance of **Mr. Solomon's** and a favourite **Hollyhock speaker**) who gave between $1,000 and $1,999, according to **Vision Vancouver's election filings**; heirs to **Roy A. Hunt's Alcoa fortune** (the **Hunt-Badiners** gave between $500 and $999); **Richard Perl**, a New York recycling executive and advisor to **Renewal** ($500 and $999); **Mark Deutschmann**, head of a Tennessee realty company backed by **Renewal money** (between $1,000 and $1,999); and organic yogurt magnate **Gary Hirshberg**, a **Hollyhock regular** (he gave between $2,000 and $4,999), who told the Sun he believed a **Robertson-led Vancouver** was an ideal "***incubator***" for conservation concepts that could eventually be spread to other cities.

Vancouver, unlike many other governments, has no rules against foreign election donations, nor any donation or spending limits; disclosure of donor records comes only after the election ends, leaving voters in the dark about whose money, and how much of it, is behind which candidate. **Bill Tieleman**, a former communications director for the **B.C. premier's office**, and a friend of the mayor, acknowledges that his city is "***sort of the wild west in terms of electoral financing.***" **Mayor Robertson's** office did not respond to a request for an interview.

"***As [former prime minister] Paul Martin put it, money is the mother's milk of all politics,***" says **Duff Conacher**, director at the **Ottawa-based Democracy Watch**. "***At every level of government foreign donations should be illegal,***" and usually are. Donations should come only from citizens with a direct stake in the jurisdiction, should be disclosed before voting day, and "***you want to have a low donation limit,***" he says, so that the wealthy cannot influence politics any more than the average citizen (donations to municipal campaigns, without tax deductibility, are even less affordable).

Vancouver Mayor Gregor Robertson

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Martha Burton served on executives of TIDES, Endswell, Renewal & Interdependent.

A number of donors to **Mr. Robertson's mayoralty campaigns** (whether they donated cash or volunteered their professional time) have been (either themselves or through their firms) on the receiving end of consulting fees paid by **Tides**, an organization that accepts American donations. The donors include **Joel Solomon** who, together with **Carol Newell**, donated a total of $95,003 and **Strategic Communications** and **Bob Penner**, whose contribution total was $85,009.

That raises other questions, given that it is hard to tell whether the money that has flowed to politics might have originated with charities, points out **Michael Klassen**, a blogger at **CityCaucus.com**,a Vancouver political website friendly to the **Non-Partisan Association** in the city.

"***The money that has gone into these charities, [it] then has been handed over to the consultants who are being hired by the charities, and then the consultants are being hired by the political party,***" he says.

Mr. McMillan, president & CEO, said "***Tides Canada fully complies with all charitable regulations in Canada and any suggestion to the contrary is simply false and misleading. We are audited annually by external auditors as part of our commitment to ensure compliance and appropriate oversight in financial tracking and accounting. We were formally audited by the Canada Revenue Agency in 2008, and received positive feedback for compliance and financial management.***"

"A number of donors to Mr. Robertson's mayoralty campaigns (whether they donated cash or volunteered their professional time) have been (either themselves or through their firms) on the receiving end of consulting fees paid by Tides, an organization that accepts American donations"

Then there is the coziness of those in the immediate **Tides** orbit. For example, **Martha Burton** has not only served on the executives of **Tides**, **Endswell**, **Renewal** and **Interdependent**, with all the money for salaries and consulting fees sloshing back and forth between them, she is also the **treasurer of Vision Vancouver**, **Mr. Klassen** notes.

"***In the case of Martha Burton, the person at the other end with the catcher's mitt is the same person who's giving the money,***" he says. "***It's like a Bugs Bunny cartoon where she throws the pitch and then she's at the other end catching the ball. How does that work?***"

But **Mr. McMillan** said, "***Our donors, staff and board members fall across the full political spectrum and what these individuals do with those views is their own business and has nothing to do with the activities of Tides Canada.***"

After some criticism over the U.S. donations, **Mr. Robertson** said he would be willing to consider new election fund rules, though nothing has happened yet. On the other hand, he hasn't gotten terribly far either in his quest to make Vancouver a world green leader. To date, he's ripped up some traffic lanes and replaced them with bike lanes, allowed urban dwellers to raise up to four chickens in their backyard, and planted an organic garden at City Hall. He also recruited Chicago's chief environmental officer, **Sadhu Johnston**, to be Vancouver's environmental czar. **Mr. Johnston** was, perhaps predictably, married at **Hollyhock**. But if the **Hollyhockers** behind **Vision Vancouver** had hoped for signs of this region-focused "***systemic social change***" in their city, they're still waiting.

Still, with the millions **Tides** has brought into the country and distributed to groups here, including the **Natural Resources Defense Council**, the **Sierra Club**, **Forest Ethics**, **Environmental Defense Canada**, the **Boreal Songbird Initiative**, the **Rainforest Action Network**, **Greenpeace**, the **Sierra Club**, **Driftwood Foundation**, the **Indigenous Environmental Network**, the **Dogwood Initiatives** and a roll call of other environmental activist groups, **Mr. Solomon's** plan to change the region hasn't been completely without consequence, **Mr. Klassen** believes.

IEN is one of the organizations funded by TIDES.

Thanks, increasingly to the help of the money **Tides** has been bringing to B.C., he says, there are "***concurrently, all these ENGOs [environmental groups] that are agitating all***

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over the province. For example, you've got a set of groups that are just focusing on gas resource development in the Kootenays; you've got people on the West Coast making sure that no fish farming happens; you've got people on the West Coast making sure that no oil tanker traffic happens; you've got people in the north making sure no pipeline installation happens, " he says. Politically, he says, all these groups are "***involved in political agitation and keeping things off balance as much as possible.***"

Grant Costello, the **project manager of the proposed Jumbo ski resort** near Invermere, B.C., which has been stalled by relentless opposition from some **Tides-funded groups**, believes the money has certainly had an effect on public policy.

"***They are de facto political organizations in B.C.,***" he says. "***They're distorting the balance of power where a few people control these huge amounts of money that flow in from the U.S.***" And, he believes the growing impact of environmental groups is only hurting British Columbia's economic potential.

For those awaiting a certain kind of change, that alone may be a good start. In any case, there are still 480 years left in **Mr. Solomon's** revolutionary plan. And this is only phase one. **[This article is a reprint from the National Post, November 20, 2010.]**

"They are de facto political organizations in B.C.," he says. "They're distorting the balance of power where a few people control these huge amounts of money that flow in from the U.S."

Photo of Grizzly by Ian McAllister, courtesy of Tides Canada.

Rockefeller Brothers Fund
Philanthropy for an Interdependent World

BULLETIN OF THE FIRST NATIONS STRATEGIC POLICY COUNSEL

Advancing the Right of First Nations to Information

First Nations Strategic Policy Counsel

Orillia, Ontario

Phone: (613) 296-0110

E-mail: rdiabo@rogers.com

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Feedback is welcome. Let us know what you think of the Bulletin—Russell Diabo, Publisher and Editor, First Nations Strategic Bulletin.

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DAY OF ACTION TO SUPPORT THE ALGONQUINS OF BARRIERE LAKE

Time: Monday, December 13 · 12:00pm - 2:00pm, Location: Parliament Hill, Ottawa

DEMAND THAT CANADA RESPECT BARRIERE LAKE'S TRADITIONAL GOVERNMENT AND TRAIL-BLAZING ENVIRONMENTAL AGREEMENTS

...MONDAY DECEMBER 13, 2010—NOON, PARLIAMENT HILL

What if a foreign regime was destroying your system of government, so it could then steal your resources and prevent you from environmentally protecting your homeland? This is what the Harper Government and federal bureaucrats are doing to the First Nation of Barriere Lake.

For more than two decades, the Algonquins of Barriere Lake have been demonstrating environmental leadership to the rest of Canada, campaigning to stop destructive clear-cut logging and to implement a sustainable development plan in their homeland in north-western Quebec.

But multi-national forestry corporations and government bureaucrats have refused to honour any of the agreements signed with Barriere Lake. They have tried at every turn to undermine the small community, one of the poorest in the country, and prevent them from implementing and realizing their vision for the protection and stewardship of the forests.

The David-vs-Goliath story now has a dark new twist: the Conservative government and bureaucrats in Indian and Northern Affairs Canada are interfering in Barriere Lake's internal affairs, using section 74 of the Indian Act to forcibly assimilate and destroy the community's traditional government -- a traditional government the community has used for countless generations and which maintains their hunting way of life and respect for the environment.

Led by Barriere Lake youth, the overwhelming majority of the community are struggling to preserve their traditional government, so they can continue protecting the watersheds, forests, wildlife and lands for all future generations, Native and non-Native.

The Harper government is violating the Canadian Constitution, which protects the Aboriginal right to self-government. They are violating the United Nations Declaration on the Rights of Indigenous peoples, even though they have now endorsed it.

Join the Algonquins of Barriere Lake on Parliament Hill as they demand the Harper government and federal bureaucrats reject the use of section 74 and respect the community's traditional government and vision for environmental protection!

For more info: www.barrierelakesolidarity.org