

# Subtle genocide slowly killing Lu

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The Canadian government has not always known much about Northern Alberta. In the 1920s, they were quite surprised to find the Lubicon Cree hunting, fishing and trapping in a 25,000 square kilometre region north of Peace River. Having omitted the Lubicon from the treaties signed at the turn of the century, the government promised them an agreement. The Lubicon are still waiting.

But their patience has been long wearing thin. Disregarding Native land claims, more than a dozen oil companies have been indiscriminately drilling on Lubicon territory. In the past six years they have destroyed the band's lifestyle and economy, with the consent of the Canadian and Alberta governments.

For Bernard Ominayak, chief of the Lubicon Cree, the issue is quite obvious. "It is genocide. I looked up the definition of 'genocide' and it spells it out very clearly."

The Canadian Criminal Code defines genocide as "killing members of an identifiable group or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction."

"Government policy since day one has been to deny any self-reliance among Indians in order to get the land, the resources, to re-educate the children so they don't have to hunt, so they can be taught to consume and work 9 to 5, speak English, go to church, watch t.v. — a total cultural absorption," said Brian Wright-McLeod, national office coordinator for Canadian Alliance in Solidarity with Native Peoples' (CASNP) in Toronto.

In the last six years, oil drilling in the area has increased at an alarming rate. The companies have built roads, bulldozed the band's traplines and driven away the animals. The moose, on which the 457 Lubicon Cree

depend, have all but disappeared.

In 1984, there were two fires in the region, one caused by an oil company, the other by lightning. "The provincial forestry officials refused to allow the fire to be put out. 200 square miles of traditional land were destroyed and the bottom fell out of the traditional economy," said Fred Lennanson, advisor for the band since 1974.

The Alberta government defended their actions by saying firefighters should concentrate their efforts on more densely populated areas.

With vegetation destroyed and animals gone, the band has been forced to change its diet to processed foods, deficient in protein. Because of this, the Lubicon are, on average, twenty pounds underweight.

As a result, an epidemic of tuberculosis has broken out in the community. 41 active cases have been diagnosed and 107 of the band members are being treated with preventative medicine which is toxic to the liver.

"T.B. is a pre-industrial disease, related to resistance," said Lennanson. The disease, which on average affects one in 150,000 Albertans, has been diagnosed in one in three Lubicons. 251 Lubicon Cree are being checked a second time and another 20 to 30 cases are expected.

In 1979, the trappers had an average annual income of \$5000 and just under 10% of the population was on welfare. Now the average annual income for the trappers has dropped to under \$400 and 95 per cent of the population is on welfare.

"When a man can't provide for his family because there is nothing to hunt," says Lennanson, "He sits at home and stares at the wall, depressed and disgraced."

In one family, a woman left her husband, taking the children with her and went on welfare. Her husband shot himself — it was the first suicide in the Lubicon people's history.

The communication between generations relies on an oral tradition that has broken down. "We're dependent on the old people, they're resource people," said Ominayak. "But because the environment has been destroyed the tradition that could be transferred to the young people is no longer viable." Unable to solve the band's problems, many elders have lost their status and the young people have turned to welfare and alcohol.

"On the one hand," said Ominayak, "I think of what would have happened if they had come in with guns and just finished us off — the way it is now it's a long slow death with the same result... The bottom line is we don't have a future until we achieve a land base."

For the Lubicon, the land base is their only means for survival. For the Alberta government, which collects huge royalties from the oil and gas production, the land is a source of

power and wealth.

Technically, the provincial government does not play a role in negotiation. "The negotiations are really between two sovereign nations — the government of Canada and the Lubicon Cree," said Wright-McLeod.

## Denial of Land Rights

Yet, time has shown that the federal government has not kept its promises to the Lubicon Lake band.

In 1939, the department of Indian Affairs offered them a 25 square mile reserve with mineral rights near Lubicon Lake. But the band was left without a reserve.

In the 1950s when oil companies showed interest in the area, the Alberta government demanded that Ottawa determine the status of the Lubicon Lake area. When Ottawa did not respond, the Alberta government unilaterally and illegally claimed the area as provincial Crown land.

When oil exploration of the lake area dramatically increased in the 1970s, the Lubicon people filed a notice with the provincial government to suspend development.

"The provincial government wouldn't accept the caveat," Lennanson said, "so the band took the provincial government to court and the government asked for a post-

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ponement. During this time, the province rewrote the law and made it retroactive."

Under the new law, the band's caveat had no legal basis. "If the caveat had been accepted," continued Lennanson, "the millions of dollars that the oil companies have gained in the area would now be questionable."

In 1982 with no settlement in sight, the band filed a suit against ten oil and gas companies operating in the area and against the government of Alberta.

The Lubicons claimed title to the land, as well as exclusive rights to all the natural resources found in their lands, based on their aboriginal rights. They also proposed \$700 million in lieu of royalties and revenues gained from resource extraction to date.

In addition, the band included an injunction to halt the activities of the oil and gas companies while the suit was in progress, to prevent irreparable damage. The Alberta court denied them that injunction.

"As the Alberta court of appeal sees it, there is no way of life left to be protected, and an injunction would be harmful to the oil companies," said James O'Reilly, lawyer for Lubicon Cree for over seven years.

The logic behind the court ruling is quite simple, according to Lennanson. "You can't sue the provincial government, so they are immune to an injunction. The oil companies are merely agents of the government and so they are covered by crown immunity."

"The damages to the Lubicon are not irreparable, says the court — if they win the case they will have enough money to compensate the damages done to the land," he added.

"Even if the damages are irreparable," continued Lennanson, "the court says the band's application shouldn't be considered because it would be damaging to the political economy of the province. And finally, if the band lost, it couldn't compensate the oil company and government for their losses."

O'Reilly has been active in native law for 22 years, and was the main lawyer for the Cree Indians in the James Bay case of the 1970s.

"The success rate in court has been slim.

This case puts the Canadian justice system trial because Natives do not get a fair shot in the Canadian system," he said.

**Government attempts to divide the band**  
Treaty 8, which includes Lubicon territory, was signed in 1899 by the bands but not the Lubicon themselves. Because of their geographical isolation the Lubicon were never consulted. Exploration of northern Alberta proved inconvenient for treaty party officials at the time.

According to O'Reilly, "The Lubicon are in the same position as in 1899 — they still have aboriginal rights. Unless they agree by treaty their rights haven't been settled." But, added, "According to the Alberta and Canadian governments they have no rights — they are squatters in Canada."

In July 1986, the Federal government offered the band 40 square miles. The settlement was valid only for registered Lubicon Cree. The other half of the population we have to go to court to get land.

These 'non-status' Indians were removed from the official registration list by the federal government during the 1940s and 1950s: way to undermine the band's existence.

"They were adding our names to old bands as a way of decreasing our population," said Ominayak.

The proposal was rejected by the band because it literally divided the community and in some cases, would have separated individual families.

The band's population is imperative to settlement, as it determines the size of reserve. In the 1939 proposal, 128 acres was allocated to each of the 127 members, to link 25 square miles. The population of Lubicon has now grown to over 450, based on the federal formula, they eligible to claim 90 square miles.

The proposal was rejected by the band as well as federal Indian Affairs Minister, D Crombie. In 1985, Crombie appointed Davie Fulton, former Conservative Justice Minister and former British Columbia preme Court justice, to make an inquiry the Lubicon issue.

In December 1986, the Alberta Native Affairs Minister, Milt Pahl offered to give the band 25 square miles outright. "The reaction was that they cool the publicity," Peter Lougheed was stepping down as premier," explained Lennanson.

"So after they bronzed Lougheed, Alberta government said they'd give 25 square miles only if the band would drop

