

SEPTEMBER 8, 2020

Yellowhead Statement Regarding Arrests At 1492 Land Back Lane



ON SEPTEMBER 3RD, police arrested and charged one of our colleagues, Courtney Skye. Courtney was charged with disobeying a court order and mischief in relation to 1492 Land Back Lane.

Indigenous people defending their land from unwelcome development is perhaps the longest trend in North America. The fact that land defenders continue to be criminalized for asserting their rights and laws reflects ongoing colonization in Canada.

As Haudenosaunee women stated in August: "Courts violate and criminalize the rights and responsibility of our women by preventing us from fulfilling our responsibilities to the land and our future generations in accordance with Haudenosaunee Law."

Yet, the path that government and industry prefer to ending these disputes is through violence, and specifically the injunction.

Injunctions are a blunt weapon used to deny Indigenous jurisdiction. Yellowhead research shows that almost one hundred percent of injunctions filed against First Nations by industry and governments involve resource extraction or development and most are granted in their favour. What follows is the militarization of Indigenous lands and the criminalization of land defenders.

In response to this excessive force, in part, numerous Inquiries and Commissions in Canada have called for the end to the criminalization of Indigenous people.

In Ontario, twenty-five years ago this week, the Ipperwash Inquiry called for wholesale change and recommended that the "provincial government should develop a policy governing the use of injunctions at Aboriginal occupations and protests. The policy should state that its purpose is to promote peacekeeping in Aboriginal occupations and protests."

More broadly, "Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada" (*Royal Commission on Aboriginal Peoples*, 1996) and the Report of the Aboriginal Justice Inquiry of Manitoba" (*A Public Inquiry into the Administration of Justice and Aboriginal People*, 1991) called for transformation of the criminal justice system.

Tragically few of the recommendations in these Commissions or Inquiries have been taken up. Earlier this year, Canada's Corrections Ombudsman, citing the dramatically rising rates of incarceration of Indigenous people, noted that corrections in Canada was becoming "Indigenized" (in other words, the people in the system are more and more, Indigenous).

Yellowhead Institute generates critical policy perspectives in support of First Nation jurisdiction.

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The rising use of injunctions and increasing criminalization of Indigenous people are linked.

We, the Executive and Associate members of the Yellowhead Institute, joined by members of the Indigenous Caucus of the Ryerson Faculty Association, call on the Attorney-General of Ontario to drop all charges against our colleague Courtney Skye, and others arrested in relation to land defence at 1492 Land Back Lane, dating back to September 2nd. We also call on the Province of Ontario to develop policy prohibiting the use of injunctions on Indigenous people in cases of disputes over land use. Finally, we call on the Federal Government to engage with the volumes of evidence on criminal justice reform and Land Back.

Signed,

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