

# The Quest for JUSTICE



Aboriginal  
Peoples and  
Aboriginal  
Rights

edited by  
**MENNO BOLDT and  
J. ANTHONY LONG**

# Quest For Justice Aboriginal Peoples And Aboriginal Rights

**Michael D. Behiels, Matthew Hayday**



## **Quest For Justice Aboriginal Peoples And Aboriginal Rights:**

The Quest for Justice Menno Boldt, J. Anthony Long, Leroy Little Bear, 1985-01-01 It contains some twenty three papers from representatives of the aboriginal people s organizations of governments and of a variety of academic disciplines along with introductions and an epilogue by the editors and appendices of the key constitutional documents from 1763 **The Quest for Justice** Leroy Little Bear, 1985 **Environmental Justice and the Rights of Indigenous Peoples** Laura Westra, 2012-05-16 More than 300 million people in over 70 countries make up the worlds indigenous populations Yet despite ever growing pressures on their lands environment and way of life through outside factors such as climate change and globalization their rights in these and other respects are still not fully recognized in international law In this incisive book Laura Westra deftly reveals the lethal effects that damage to ecological integrity can have on communities Using examples in national and international case law she demonstrates how their lack of sufficient legal rights leaves indigenous peoples defenceless time and again in the face of governments and businesses who have little effective incentive to consult with them let alone gain their consent in going ahead with relocations mining plans and more The historical background and current legal instruments are discussed and through examples from the Americas Africa Oceania and the special case of the Arctic a picture emerges of how things must change if indigenous communities are to survive It is a warning to us all from the example of those who live most closely in tune with nature and are the first to feel the impact when environmental damage goes unchecked Indigenous Rights Anthony J. Connolly, 2017-05-15 Throughout the world indigenous rights have become increasingly prominent and controversial The recent adoption by the United Nations General Assembly of the Declaration on the Rights of Indigenous Peoples is the latest in a series of significant developments in the recognition of such rights across a range of jurisdictions The papers in this collection address the most important philosophical and practical issues informing the discussion of indigenous rights over the past decade or so at both the international and national levels Its contributing authors comprise some of the most interesting and influential indigenous and non indigenous thinkers presently writing on the topic **Law's Indigenous Ethics** John Borrows, 2019-01-01 Law s Indigenous Ethics examines the revitalization of Indigenous peoples relationship to their own laws and in so doing attempts to enrich Canadian constitutional law more generally Organized around the seven Anishinaabe grandmother and grandfather teachings of love truth bravery humility wisdom honesty and respect this book explores ethics in relation to Aboriginal issues including title treaties legal education and residential schools With characteristic depth and sensitivity John Borrows brings insights drawn from philosophy law and political science to bear on some of the most pressing issues that arise in contemplating the interaction between Canadian state law and Indigenous legal traditions In the course of a wide ranging but accessible inquiry he discusses such topics as Indigenous agency self determination legal pluralism and power In its use of Anishinaabe stories and methodologies drawn from the emerging field of Indigenous studies Law s Indigenous Ethics makes a significant contribution to scholarly debate

and is an essential resource for readers seeking a deeper understanding of Indigenous rights societies and cultures The Future of Tradition Leon Shaskolsky Sheleff, 2013-09-05 Recent years have seen an increased interest in the variety of cultures co existing within one state and a growing acknowledgement of the values ensconced in pluralistic social structures this book examines the manner in which indigenous people can function in modern states preserving their traditional customs while simultaneously adapting aspects of their culture to the challenges posed by modern life Whereas it was formerly assumed that these tribal frameworks were doomed to extinction and some states even encouraged such a process there has been a revival in their vitality linked to a recognition of their rights The book offers a comprehensive survey of various aspects of tribal life focusing on political issues such as the meaning of sovereignty legal issues dealing with the role of custom and social issues concerned with sustaining communal life A focused study is made of a whole series of legal factors relating to possession and ownership of land religious rites the nature of polygamous marriages the assertion of group rites the manner of peacefully resolving disputes and allied questions Recent judicial decisions are analysed as a reflection of the far reaching changes that have taken place in a process that has seen the former disregard of basic rights of indigenous people being replaced by an awareness of the injustices perpetrated in the past and a willingness to seek to redress them The comparison between approaches of different English speaking countries provides an account of interwoven developments

**Governing the Environment** School of Law and School of Natural Resources and the Environment Edward A Parson, 2001-01-01 This collection of seven essays authored by leading Canadian academics examines different aspects of the relationship between government and environmental issues

**Indigenous Difference and the Constitution of Canada** Patrick Macklem, 2001-12-15 There is a unique constitutional relationship between Aboriginal people and the Canadian state a relationship that does not exist between other Canadians and the state It s from this central premise that Patrick Macklem builds his argument in this outstanding and significant work Why does this special relationship exist What does it entail in terms of Canadian constitutional order There are Macklem argues four complex social facts that lie at the heart of the relationship First Aboriginal people belong to distinctive cultures that were and continue to be threatened by non Aboriginal beliefs philosophies and ways of life Second prior to European contact Aboriginal people lived in and occupied North America Third prior to European contact Aboriginal people not only occupied North America they exercised sovereign authority over persons and territory Fourth Aboriginal people participated in and continue to participate in a treaty process with the Crown Together these four social conditions are exclusive to the Aboriginal people of North America and constitute what Macklem refers to as indigenous difference Exploring the constitutional significance of indigenous difference in light of the challenges it poses to the ideal of equal citizenship Macklem engages an interdisciplinary methodology that treats constitutional law as an enterprise that actively distributes power primarily in the form of rights and jurisdiction among a variety of legal actors including individuals groups institutions and governments On this account

constitutional law refers to an ongoing project of aspiring to distributive justice disciplined but not determined by text structure or precedent Far from threatening equality constitutional protection of indigenous difference promotes equal and therefore just distributions of constitutional power The book details constitutional rights to Aboriginal people that protect interests associated with culture territory sovereignty and the treaty process and explores the circumstances in which these rights can be interfered with by the Canadian state It also examines the relation between these rights and the Canadian Charter of Rights and Freedoms and proposes extensive reform of existing treaty processes in order to protect and promote their exercise Macklem s book offers a challenge to traditional understandings of the constitutional status of indigenous peoples relevant not only to Canadian debates but also to those in other parts of the world where indigenous peoples are asserting greater autonomy over their collective futures

**Around the Sacred Fire** J. Treat, 2016-04-30 Around the Sacred Fire is a compelling cultural history of intertribal activism centered on the Indian Ecumenical Conference an influential movement among native people in Canada and the U S during the Red Power era Founded in 1969 the Conference began as an attempt at organizing grassroots spiritual leaders who were concerned about the conflict between tribal and Christian traditions throughout Indian country By the mid seventies thousands of people were gathering each summer in the foothills of the Rockies where they participated in weeklong encampments promoting spiritual revitalization and religious self determination Most historical overviews of native affairs in the sixties and seventies emphasize the prominence of the American Indian Movement and the impact of highly publicized confrontations such as the Northwest Coast fish ins the Alcatraz occupation and events at Wounded Knee The Indian Ecumenical Conference played a central role in stimulating cultural revival among native people partly because Conference leaders strategized for social change in ways that differed from the militant groups Drawing on archival records published accounts oral histories and field research James Treat has written the first comprehensive study of this important but overlooked effort at postcolonial interreligious dialogue

Beyond the Impasse Institute for Research on Public Policy, 1998 Efforts to reform the Canadian constitution have only resulted in a serious impasse fostered by demands for change from Quebec and reticence from English Canada This book looks at the potential for achieving reconciliation through a new partnership between Quebec and Canada in a series of papers that examine the stakes for both Canada and Quebec in opting for a modified relationship that is neither the status quo nor complete separation Two papers in part 1 lay the conceptual groundwork concerning the constituent elements of partnership Papers in part 2 deal with the economic union in the context of a renewed partnership Four papers in part 3 examine issues concerning rights recognition and citizenship in a Quebec Canada partnership Part 5 broadens the discussion to the international arena and includes a comparative international scan of partnership models The final part distills the two editors separate conclusions on how to move beyond the impasse based on the studies presented

**Understanding Canada** Wallace Clement, 1997 The new Canadian political economy has emerged from its infancy and is now regarded as a

respected and innovative field of scholarship Understanding Canada furthers this tradition by focusing on current issues in an accessible and informative way

**Manitoba Law Journal: A Review of the Current Legal Landscape 2015 Volume 38(1)** Darcy L. MacPherson, et al., The Manitoba Law Journal is a peer reviewed journal founded in 1961 The MLJ s current mission is to provide lively independent and high caliber commentary on legal events in Manitoba or events of special interest to our community This issue has articles from a variety of contributing authors including Alvin Esau Bryan P Schwartz Catherine Bell Darcy L MacPherson Darren O Toole David Ireland Joan Brockman Joshua David Michael Shaw Marc Zanoni Michelle Gallant Paul Seaman Peter McCormick Richard Devlin and Thomas R Berger

Questions of Modernity Timothy Mitchell,1994 In his introduction to this collection of essays by constitutional experts Philip Bryden says that Canadians can be proud of their commitment to the protection of rights and liberties in the Charter Canada he believes is a better place to live then it would be otherwise Nevertheless as the essays in this book reveal the case in favour of the Charter is not simple or one sided For instance Kim Campbell minister of justice at the time of writing and Jeffrey Simpson of the Globe and Mail express concern that the Charter promotes a rights discourse that threatens to overwhelm the ordinary politics of recognizing and accommodating different interests Dean Lynn Smith of the University of British Columbia law faculty observes that the Charter rights are better understood as complementing than as supplanting traditional mechanisms The authors diverse in background and outlook reflect varying points of view but share a significant degree of consensus on issues that need to be addressed

**Wise Practices** Robert Hamilton,John Borrow, Brent Mainprize,Ryan Beaton,Joshua Ben David Nichols,2021-10-01 Indigenous peoples in Canada are striving for greater economic prosperity and political self determination Investigating specific legal economic and political practices and including research from interviews with Indigenous political and business leaders this collection seeks to provide insights grounded in lived experience Covering such critical topics as economic justice and self determination and the barriers faced in pursuing each Wise Practices sets out to understand the issues not in terms of sweeping empirical findings but through particular experiences of individuals and communities The choice to focus on specific practices of law and governance is a conscious rejection of idealized theorizing about law and governance and represents an important step beyond the existing scholarship This volume offers readers a broad scope of perspectives incorporating contemporary thought on Indigenous law and legal orders the impact of state law on Indigenous peoples theories and practices of economic development and grounded practices of governances While the authors address a range of topics each does so in a way that sheds light on how Indigenous practices of law and governance support the social and economic development of Indigenous peoples

**Sub-State Nationalism** Helen Catt,Michael Murphy,2003-09-02 A major feature of the political development of Western democracies is the growth of indigenous ethnic and national groups striving for political self determination This book analyses the institutional responses individual governments have made to these demands Sub State Nationalism provides a much needed categorization and genuinely

comparative analysis of the political voice gained by sub state national groups in multinational democratic communities The book includes international case studies drawn from Canada New Zealand Australia and the USA It covers the empirical question of what voice these groups have and how its institutions are structured and the analytical question of how such knowledge contributes to our theoretical understanding of the politics of group rights and representation      **Contemporary Quebec** Michael D. Behiels, Matthew Hayday, 2011-11-30 In the last seventy years Quebec has changed from a society dominated by the social edicts of the Catholic Church and the economic interests of anglophone business leaders to a more secular culture that frequently elects separatist political parties and has developed the most comprehensive welfare state in North America In Contemporary Quebec leading scholars raise provocative questions about the ways in which Quebec has been transformed since the Second World War and offer competing interpretations of the reasons for the province's quiet and radical revolutions      **Surviving as Indians** Menno Boldt, 1993-01-01 This study discusses the history of Indian policy in Canada and examines the areas of justice policy leadership culture and economy as factors in self government      *Ethnic Diversity and Public Policy* C. Young, 2016-07-27 In recent years the saliency of conflicts pitting different ethnic racial and religious groups against one another has increased dramatically The world of nation states is much more diverse than previously realized only a small number of the 185 independent countries are truly homogeneous With the end of the cold war the relative importance of ethnic conflicts as a threat to international peace and stability is far greater An international set of scholars collaborate in this volume to explore policy alternatives which can contribute towards the accommodation of cultural diversity      **Encyclopedia of the Arctic** Mark Nuttall, 2005-09-23 With detailed essays on the Arctic's environment wildlife climate history exploration resources economics politics indigenous cultures and languages conservation initiatives and more this Encyclopedia is the only major work and comprehensive reference on this vast complex changing and increasingly important part of the globe Including 305 maps This Encyclopedia is not only an interdisciplinary work of reference for all those involved in teaching or researching Arctic issues but a fascinating and comprehensive resource for residents of the Arctic and all those concerned with global environmental issues sustainability science and human interactions with the environment      *Rethinking Federalism* Karen Knop, Sylvia Ostry, Richard Simeon, Katherine Swinton, 2011-11-01 Federalism is at once a set of institutions the division of public authority between two or more constitutionally defined orders of government and a set of ideas which underpin such institutions As an idea federalism points us to issues such as shared and divided sovereignty multiple loyalties and identities and governance through multi level institutions Seen in this more complex way federalism is deeply relevant to a wide range of issues facing contemporary societies Global forces economic and social are forcing a rethinking of the role of the central state with power and authority diffusing both downwards to local and state institutions and upwards to supranational bodies Economic restructuring is altering relationships within countries as well as the relationships of countries with each other At a societal level the recent

growth of ethnic and regional nationalisms most dramatically in Eastern Europe and the former Soviet Union but also in many other countries in western Europe and North America is forcing a rethinking of the relationship between state and nation and of the meaning and content of citizenship Rethinking Federalism explores the power and relevance of federalism in the contemporary world and provides a wide ranging assessment of its strengths weaknesses and potential in a variety of contexts Interdisciplinary in its approach it brings together leading scholars from law economics sociology and political science many of whom draw on their own extensive involvement in the public policy process Among the contributors each writing with the authority of experience are Tommaso Padoa Schioppa and Jacques Pelkmans on the European Union Paul Chartrand on Aboriginal rights Samuel Beer on North American federalism Alan Cairns on identity and Vsevolod Vasiliev on citizenship after the breakup of the Soviet Union The themes refracted through these different disciplines and political perspectives include nationalism minority protection representation and economic integration The message throughout this volume is that federalism is not enough rights protection and representation are also of fundamental importance in designing multi level governments



## Reviewing **Quest For Justice Aboriginal Peoples And Aboriginal Rights**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Quest For Justice Aboriginal Peoples And Aboriginal Rights**," an enthralling opus penned by a highly acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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