

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

Menno Boldt, J. Anthony Long



Quest For Justice Aboriginal Peoples And Aboriginal Rights:

The Quest for Justice Menno Boldt, J. Anthony Long, 1985-12-15 This collection of many voices develops more deeply and exhaustively the issues raised in the editors earlier volume *Pathways to Self Determination* 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 contributors represent a broad cross section of tribal geographic and organizational perspectives They discuss constitutional questions such as land rights the concerns of Metis non status Indians and Inuit and native rights in broad contexts historical legal constitutional political regional and international The issue of aboriginal rights and of what these rights mean in terms of land and sovereignty has become increasingly important on the Canadian political agenda The constitutional conferences between government and aboriginal peoples have revealed the gulf between what each side means by aboriginal rights for the Indians these rights are meaningless without sovereign self government an idea the federal and provincial governments are not willing to entertain Somewhere in the middle lies the concept of nationhood status Ultimately the aboriginal peoples are asking for justice from the dominant society around them if it is denied or felt to be denied the editors conclude the consequences for the Canadian self concept would be costly and debilitating The twenty four contributors provide a find guide to this profound and complex problem whose solution depends on our understanding and our political wisdom *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 Rob Riley Quentin Beresford, 2006 Set against the tumultuous background of racial politics in an conflicted nation this book explores Rob Riley s rise and influence as an Aboriginal activist Drawing on perspectives from history politics and psychology this work explores Rob s life as a moral protester and the challenges he confronted in trying to change the destiny of the country

Aboriginal Justice and the Charter David Milward, 2012-11-16 Aboriginal Justice and the Charter examines and seeks to resolve the tension between Aboriginal approaches to justice and the Canadian Charter of Rights and Freedoms Until now scholars have explored idealized notions of what Aboriginal justice might look like David Milward strikes out into new territory by asking why Aboriginal communities seek reform and by identifying some of the constitutional barriers in their path He identifies specific areas of the criminal justice process in which Aboriginal communities may wish to adopt different approaches tests these approaches against constitutional imperatives and offers practical proposals for reconciling the various matters at stake This bold exploration of Aboriginal justice grapples with the difficult question of how Aboriginal justice systems can be fair to their constituents but still comply with the protections guaranteed to all Canadians by the Charter **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

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

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

Moving Toward Justice John D. Whyte, 2008 The essays collected in Moving Toward Justice include analyses of the challenges of legal pluralism restorative justice gender and race in sentencing notions of community and reconciliation in Aboriginal justice This book aims to underscore the urgent need for Aboriginal justice reform to suggest the outlines of the constitutional and administrative changes that will allow reform to occur and to explore a series of specific issues that have arisen from reforms

already made It is a book for scholars policy makers and all those interested to or working with justice issues BOOK JACKET

Terms of Coexistence Sébastien Grammond,2013-09 This book contains an in depth discussion of the aboriginal and treaty rights recognized and affirmed by section 35 of the Constitution Act 1982 the provisions of the Indian Act regarding reserves and band councils recent self government regimes the recognition of indigenous legal traditions division of powers taxation as well as the application of the child welfare and criminal justice systems It also covers recent developments such as the duty to consult and accommodate or the adoption of the United Nations Declaration on the Rights of the Indigenous Peoples pub desc

Indigenous Peoples, Title to Territory, Rights and Resources Cathal M. Doyle,2014-11-20 The right of indigenous peoples under international human rights law to give or withhold their Free Prior and Informed Consent FPIC to natural resource extraction in their territories is increasingly recognized by intergovernmental organizations international bodies and industry actors as well as in the domestic law of some States This book offers a comprehensive overview of the historical basis and status of the requirement for indigenous peoples consent under international law examining its relationship with debates and practice pertaining to the acquisition of title to territory throughout the colonial era Cathal Doyle examines the evolution of the contemporary concept of FPIC and the main challenges and debates associated with its recognition and implementation Drawing on existing jurisprudence and evolving international standards policies and practices Doyle argues that FPIC constitutes an emerging norm of international law which is derived from indigenous peoples self determination territorial and cultural rights and is fundamental to their realization This rights consistent version of FPIC guarantees that the responses to questions and challenges posed by the extractive industry s increasingly pervasive reach will be provided by indigenous peoples themselves The book will be of great interest and value to students and researchers of public international law and indigenous peoples and human rights

Indigenous Rights in Scandinavia Christina Allard,Susann Funderud Skogvang,2016-05-23 This book contributes to the international debate on Indigenous Peoples Law containing both in depth research of Scandinavian historical and legal contexts with respect to the Sami and demonstrating current stances in Sami Law research In addition to chapters by well known Scandinavian experts the collection also comments on the legal situation in Norway Sweden and Finland in relation to other jurisdictions and indigenous peoples in particular with experiences and developments in Canada and New Zealand The book displays the current research frontier among the Scandinavian countries what the present day issues are and how the nation states have responded so far to claims of Sami rights The study sheds light on the contrasts between the three countries on the one hand and between Scandinavia Canada and New Zealand on the other showing that although there are obvious differences for instance related to colonisation and present legal solutions there are also shared experiences among the indigenous peoples and the States Filling a gap in an under researched area of Sami rights this book will be a valuable resource for academics researchers and policy makers with an interest in Indigenous Peoples Law and comparative research

Returning To the

Teachings Rupert Ross, 2006-02-28 In his bestselling book *Dancing with a Ghost* Rupert Ross began his exploration of Aboriginal approaches to justice and the visions of life that shape them. *Returning to the Teachings* takes this exploration further still. During a three year secondment with Justice Canada Ross travelled from the Yukon to Cape Breton Island examining and experiencing the widespread Aboriginal preference for peacemaker justice. In this remarkable book he invites us to accompany him as he moves past the pain and suffering that grip so many communities and into the exceptional promise of individual family and community healing that traditional teachings are now restoring to Aboriginal Canada. He shares his confusion, frustrations and delights as Elders and other teachers guide him in their unique and often puzzling ways into ancient visions of Creation and our role with it. *Returning to the Teachings* is about Aboriginal justice and much more speaking not only to our minds but also to our hearts and spirits. Above all it stands as a search for the values and visions that give life its significance and that any justice system Aboriginal or otherwise must serve and respect. **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. *The Quest for Justice* Menno Boldt, J. Anthony Long, Leroy Little Bear, University of Toronto Press, 1985. Contains twenty three papers from representatives of various aboriginal people's organizations, governments and academic disciplines. Also includes key constitutional documents from 1763. Various constitutional questions relating to Canadian natives such as land rights are addressed. **Indigenous**

Difference and the Constitution of Canada Patrick Macklem, 2001-01-01 An investigation of the unique constitutional relationship between Aboriginal people and the Canadian state, a relationship that does not exist between Canada and other Canadians. **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. *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

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 distils 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

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 than 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

Delve into the emotional tapestry woven by in Experience **Quest For Justice Aboriginal Peoples And Aboriginal Rights** . This ebook, available for download in a PDF format (*), is more than just words on a page; itis a journey of connection and profound emotion. Immerse yourself in narratives that tug at your heartstrings. Download now to experience the pulse of each page and let your emotions run wild.

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