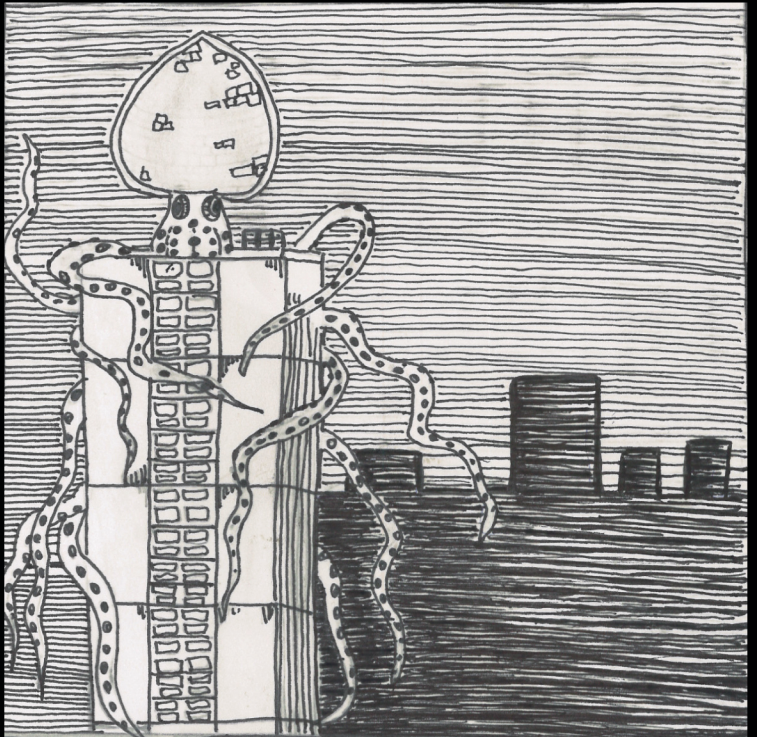


convergence



a journal of undergraduate research

convergence is the name we give to an event that unites different people, ideas, and approaches in a common project.

as a noun it simultaneously describes the group of students who, together, form the content of this project; the variety of research and educational approaches, from honours theses to political pamphlets or photo essays; and the movement between university work and community activism, not simply by uniting them but by attempting to strengthen one through the other, bringing them into contact.

in its form as a verb, *convergence* is a taking-on of injustice: where students, approaches, and ideas encounter political and social problems, where research converges on the powerful territory of academia to insist on alternatives.

in its simplest, however, *convergence* is intended as a modest companion piece to the community-university research exchange (CURE) and the Study in Action conference – a kind of archival capsule that, by recording their work, affirms the efforts of undergraduate students. But at the same time we hope *this* small convergence of people and ideas ultimately takes on a life of its own, encouraging and creating space for intellectual work that is geared towards community and committed to fighting for justice.

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precious metals, stolen lands

cleve higgins & fred burrill

Over the last decade, the violent and destructive practices of Canadian mining companies operating abroad have become a major concern for environmental and international solidarity activists in Canada. And for good reason: Canada-based corporations are a dominant force in the world's mineral extraction industry, leaving a trail of environmental and social destruction (and bodies) across neoliberalized economies in Africa, in Asia and the Pacific, and in Latin America.

We first came to this issue several years ago as solidarity activists working with the *Frente Amplio Opositor* (FAO, or Broad Opposition Front) of San Luis de Potosi, Mexico, where the Canadian company Metallica Resources (and now New Gold) first began its attempt to operate an illegal gold mine in the small historic community of Cerro de San Pedro following the neoliberalization of Mexico's mineral laws through NAFTA. Through this campaign we organized a series of demonstrations, theatrical actions, and educational activities in concert with the efforts of the FAO in Mexico, making links with the many other organizations and affected communities mobilizing against Canadian international mining practices from Montreal.

In doing so, though, and in becoming more involved in indigenous solidarity work in Montreal, we started to question some assumptions in the movement: principally, that Canadian mining's devastating global impact was an aberration in an otherwise benevolent historical and contemporary political culture, correctable through sensible legislative reforms. We began trying to make links between the actions of Canadian companies abroad and the historical and ongoing theft of indigenous lands by the Canadian State, looking at the relationship between the development of Canadian capitalism and colonial structures here in the northern part of Turtle Island. This paper is a first step in the process of making these connections. We argue here that Canada's dominant role in the international mining industry is actually a case of this

a version of this essay
was presented at
Study in Action 2010,
Montreal

country's internal colonialism turning outward to do its worst in the rest of the world – that Canada's growth as a political and economic entity needs to be understood as part of a larger story of the development of global capitalism and imperial competition for precious metals, predicated on an ever-increasing consumption of indigenous territory. In what follows we look at the (historical) imperial context of precious metals extraction in the land now known as Canada, and elaborate an analysis of the development of mining capital and Canadian financial structures. We hope that this contribution can lead to more discussion and analysis connecting anti-mining solidarity work with communities abroad to the ongoing struggle against colonialism here.

the early imperial quest for precious metals

Political economist Harold Innis (no radical thinker) wrote in 1941 that the “discovery of America by Europeans was a result of the search for precious metals, and the character of its occupation was profoundly influenced by their exploitation.”¹ The whole dominant narrative of the European ‘discovery’ of Canada, then, with its adventurous ‘coureurs de bois’, plentiful stocks of fish, and peaceful yet backward natives, is complicated when we pay attention to the historical context of a brutal and global European proto-capitalist competition for gold and silver.

The mid-fifteenth century rise of the Ottoman Empire in the Middle East frustrated the Crusading European powers at an historical moment in which their economies required gold and silver in order to finance expanding militaries and a growing dependence on Eastern luxury goods (spices, silk, etc.), propelling Portugal down the African coast and Spain (with Italian capital) across the Atlantic to Latin America in a “world-wide movement to encircle Islam and seize control of its sources of wealth.” The genocidal conquest of the Americas that followed resulted in the forceable extraction of unprecedented amounts of gold and silver, giving Spain a monopoly over the world's supply of precious metals.²

Lured by the prospect of unlimited wealth, and in need of financial liquidity for military purposes, the English and French were not far behind. Both colonial powers chased visions of finding gold such as the Spanish encountered in Mexico and Peru, but ulti-

1. Harold Innis, “Introduction,” in Elwood S. Moore, *American Influence in Canadian Mining*, (TO: University of Toronto Press, 1941), v.

2. R.T. Naylor, *Canada in the European Age, 1453-1919* (Vancouver: New Star Books, 1987), 3-19.

mately precious metals were to shape the early colonization of Turtle Island in a more indirect fashion. The European economic system of the sixteenth century, known as “bullionism,” dictated that a state’s wealth depended on the amount of precious metals in its treasury: states lacking these commodities were forced to specialize in products that could be traded for gold and silver – like fish, for instance, or fur. As a more complex form of mercantilism (an economic system in which states as coherent economic units pursue positive balances of trade – exporting more than importing – with other states) developed into the seventeenth and eighteenth centuries, there coalesced a whole system of inter-colonial competition between the English and the French in present-day eastern Canada to secure access to

3. *Ibid.*, 47.

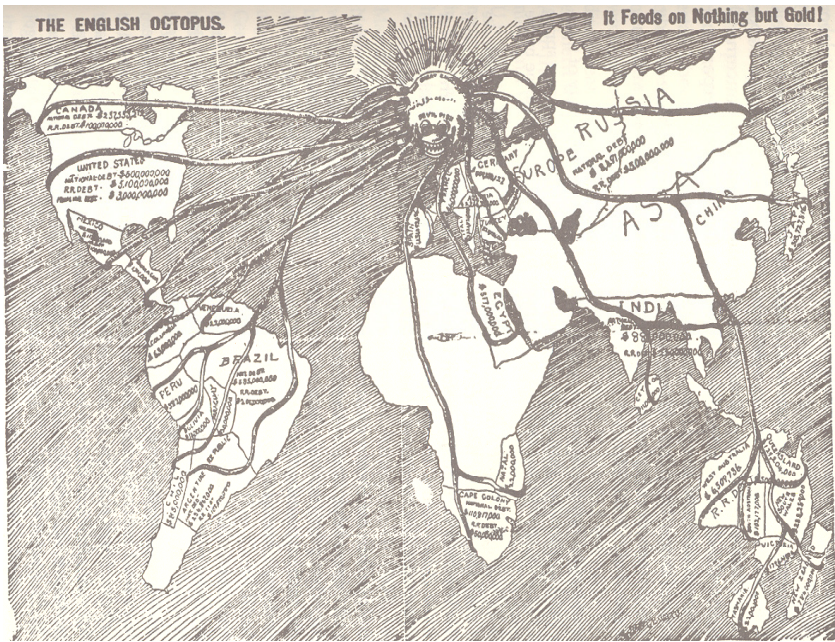


fig. 1 ‘The Devil Fish’. SOURCE: William H. Harvey, *Coin’s Financial School*

“raw materials for processing into commodities suitable for export to third parties in return for gold and silver.”³ These resources, of course, came from colonized land – the total genocide of the Beothuk people in present-day Newfoundland is perhaps the most shocking by-product of this early gold-oriented imperialism, but the ongoing fur-fish-precious

metals axis brought a series of wars, treaties, and dispossessions that continue to shape the political-social geography of indigenous-settler relations in this part of Canada today.

the gold rush: property was theft

The nineteenth century brought about a fundamental shift in the ways in which precious metals figured into global capitalism. Classical liberal thought was becoming hegemonic in a financial system dominated by the wealth and military might of Britain, with paper money circulated freely and pegged to the value of gold. In a new historical phase of imperialism, Britain exchanged political control over many of its colonial interests for economic overlordship through the London capital exchange.⁴ As more and more countries were forced to align with this international 'gold standard', the demand for – and thus the price of – gold skyrocketed. And, as economic historian R.T. Naylor writes, the world (and especially British colonies) experienced an “acute gold fever that sparked rushes to the interior of old continents and frantic exploration of new territories.”⁵ These gold rushes, based as they were on a massive, ‘boom and bust’ influx of European settlers into an area, brought about bloody and ultimately prefigurative conflicts that would restructure the legal, political and economic relations between colonizers and indigenous people in South Africa, Australia, New Zealand, the U.S., and, most importantly for our analysis, Canada.

Beginning in the 1840s, gold rushes first hit in California and Australia. In the former case, the discovery of gold in 1848 accelerated the pace of U.S. imperialism (having just taken the territory from Mexico) to breakneck speed, instituting an unprecedented kind of “shock and awe” settlement pattern drawing on migrant and slave labour as indigenous peoples were driven out of their territories and subject to foreign diseases and wholesale slaughters committed by state and paramilitary forces. More than 100 000 indigenous people died in the first two years of the California gold rush, in what Professor Edward D. Castillo has referred to as “a massive orgy of theft and mass murder.”⁶ In Australia, a gold rush shepherded in by settlers fresh from California caused the settler population of the colony to double between 1851 and 1860, in-

3. Ibid., 47.

4. Ibid., 417.

5. Ibid., 238.

6. Edward D. Castillo, “Short Overview of California Indian History,” California Native American Heritage Commission, <http://www.nahc.ca.gov/california.html> (accessed February 22, 2010); Douglas Fetherling, *The Gold Crusades: A Social History of Gold Rushes, 1849-1929* (TO: University of Toronto Press, 1997), 11-41; see also Robert F. Heizer and Alan J. Almquist, *The Other Californians: Prejudice and Discrimination Under Spain, Mexico, and the United States to 1920* (Berkeley and LA: University of California Press, 1971), 23-64.

tensifying already rampant patterns of dispossession, disease and assimilation. When gold deposits were first discovered in mainland British Columbia in 1856, then, the northern part of Turtle Island was swept up in a worldwide process of “merciless, sometimes ethnocidal, wars to dislodge indigenous communities sitting atop loads of high-grade minerals.”⁷

Before the onset of the frantic search for precious metals, the social geography of this territory was characterized by complex relationships between diverse indigenous populations and the relatively recently-arrived European fur traders affiliated with the Hudson’s Bay Company. Gold mining, as historian Adele Perry writes, “profoundly shifted the trajectory of British Columbia’s colonial project.”⁸ As in many British colonial endeavours, state and capital worked closely together: when HBC’s original bid to extend its fur-trade monopoly to mineral extraction was unsuccessful, Company trader and Vancouver Island governor James Douglas declared that all mainland mineral rights belonged to the Crown. Evidence suggests the metropolitan government in London agreed, as it quickly claimed the whole of the mainland as its own, creating the colony of British Columbia in 1858 and placing Douglas at its head.⁹

B.C. was the first gold-rich territory in the world to experience an actual ‘staking rush’ (as opposed to the usual pell-mell scrambling of individual prospecting settlers), with new mining companies struggling to gain legal title to resource-laden land.¹⁰ The gold rush brought with it patterns of dependency, dispossession and disintegration of traditional ways of life for indigenous people, as well as occasioning the violent repression of several indigenous uprisings. But it was this all-out effort of the colonizers to claim land that would perhaps have the deepest impact on settler-indigenous relations. Instead of orchestrating treaties with aboriginal groups, as had been the colonial strategy on the other side of British North America in the previous century, the local government codified the intense process of dispossession into law with its 1859 Gold Fields Act. This piece of legislation, based on the mining law of fellow settler colonies Australia and New Zealand (which in turn had roots in the original California gold rush), introduced into Turtle Island the legal notion of ‘free entry’.

7. Roger Moody, *Rocks and Hard Places: The Globalization of Mining* (Halifax: Fernwood, 2007), 46.

8. Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849-1871* (TO: University of Toronto Press, 2001), 9-10.

9. Fetherling, *The Gold Crusades*, 67-81.

10. *Ibid.*, 73-74.

Based in the supposition that all mineral rights belong to the Crown, free entry systems operate on the assumption that mineral extraction is the most profitable of all possible uses for land – granting licensed mining companies the right to stake a claim anywhere at any time, regardless of either indigenous territorial claims or private property concerns. Other laws of this sort quickly spread across British North America – in Quebec and Ontario (then the United Province of Canada) first in 1864, and then in the respective codes enshrined after Confederation in tandem with the late nineteenth and early twentieth-century rushes for gold and silver in these provinces; and spreading eastward to Atlantic Canada (although only for a brief period in Nova Scotia). Free entry mining law continues to hold indigenous and non-indigenous communities alike across Canada in its grasp. In the words of West Coast Environmental Law scholar Karen Campbell, it “effectively comprises [all] other values in society.”¹² We should not forget that it was born in the bloody conquest of indigenous lands in so-called British Columbia.

Finally, this rapid development of the West did much to spur on colonization and industrialization efforts in the rest of the country. British fears about American encroachment on the Pacific coast and the growth of a new settler market in British Columbia were important factors in the push to build a transcontinental railway, a process that brought about ethnocidal conflicts between the new Canadian government and Metis and other indigenous groups on the Prairies; that set the stage for the intensive production of silver, copper and other metals (and the discovery of gold) in Quebec and Ontario – with the concomitant land-grabbing legal framework and push to develop massive hydro-electric projects; that caused the exploitation and death of thousands of migrant (mostly Asian) labourers; and that played a foundational role in Britain’s political and economic push to bring about a Confederation of its colonies in North America. As excited boosters of Nova Scotia wrote in 1862, having just discovered the first traces of gold in their own province, “Gold, that magic power in suddenly creating new empires, is found at the same time in British Columbia, the western portal, and in Nova Scotia, the eastern outlet, of British America,” going on to confirm the multi-layered and im-

11. See Barry J Barton, *Canadian Law of Mining* (Calgary: Canadian Institute of Resources Law, 1993).

12. Karen Campbell, “Undermining Our Future: How Mining’s Privileged Access to Land Harms People and the Environment – A Discussion on the Need to Reform Mineral Tenure Law In Canada,” *West Coast Environmental Law*, <http://wccl.org/sites/default/files/publications/Undermining%20Our%20Future%20-%20A%20Discussion%20Paper%20on%20the%20Need%20to%20Reform%20Mineral%20Tenure%20Law%20in%20Canada.pdf> (accessed February 5, 2010).

perial nature of the rise of the new country: “Who can doubt that Nova Scotia and British Columbia have a bright destiny before them, and that we may yet live to see them bound together in a chain of communication; along which the luxuries of Asia, passing on from ocean to ocean, will be borne upon their journey to the distant markets of the old world.”¹³ Contemporary Canada’s extraction industry is the standard bearer of a centuries-long process of gold-feverish land consumption by European powers.

the british brain

During our discussions of the mining industry and how to oppose it in the FAO, we have used an analogy of ‘the arms’ and ‘the brain’ to conceptualize the overall structure of the mining industry: the arms are the operations of mining companies on the ground all over the world, doing exploration and developing mines in the pursuit of mineral extraction. The brain is located in the northern financial centers, in the downtown offices of the investors, stock exchanges, and mining companies. In Canada this means Toronto and Vancouver, and to a lesser extent Montreal. This essay has thus far focused on the colonial destruction of the early arms of the mining industry on this continent. Less has been said regarding the ‘brain’ and this is in large part because earlier mining was less capital intensive, and therefore depended less on financial support from colonial centres.

Within the context of European colonial-capitalism there has been a general historical trend of mining becoming exponentially more capital intensive, profitable, and destructive.¹⁴ For the purposes of this essay the historical trend begins with the gold rushes in the 19th century, which were all extracting through placer mining. This method uses water to filter gold out of alluvial deposits left behind by ancient or existing streams. The easiest and most commonly known way of placer mining is to ‘pan’ for gold, which only requires a metal pan, and more advanced methods still only involved wooden sluice structures, and occasionally dams. These methods primarily takes place on the surface, are very labour intensive, and did not become more capital intensive until many years into the gold rush. Hence the large influxes of prospector-settlers who didn’t have much money to start with, but hoped to get rich anyway (and sometimes did).¹⁵

13. E.G. Haliburton, “The Past and the Future of Nova Scotia,” *Nova Scotia in 1862* [microform]: papers relating to the two great exhibitions in London of that year, http://www.archive.org/stream/cihm_23167/cihm_23167_djvu.txt (accessed 25 February, 2010).

14. Daviken Studnicki-Gizbert, “Exhausting the Sierra Madre: Long-Term Trends in the Environmental Impacts of Mining in Mexico” (paper presented at Rethinking Extractive Industry, Regulation, Dispossession, and Emerging Claims –York University, March 5-7, 2009), 3-4.

15. Daniel Cornford, “‘We All Live More like Brutes than Humans’: Labor and Capital in the Gold Rush,” *California History* 77, no.4 (Winter, 1998/1999), <http://www.jstor.org/stable/25462509> (Accessed August 12, 2010).

Stock exchanges did have a minor role in the placer gold rushes (such as the San Francisco exchange, and some not very successful investments from London). However, they became much more important during the late 19th and early 20th century, supporting the development of more capital intensive underground tunnel mining in the US, Canada, and throughout the British Empire.¹⁶ As mining has become more capital intensive and therefore dependent on centralized, elite/metropolitan financial support, there has come to be a more clearly defined 'brain' providing this support. For the tunnel mining of the late 19th and early 20th century this involved a combination of sources of financial capital: London for the British empire, New York for North America, and regional exchanges in most areas that had mining districts. This analysis will be looking at the increasingly important role of the financial brain(s) of the mining industry, and the role that they have had in relation to the precious metal mining of British settler colonies, and more recently in Canada.

Looking specifically at the US, which was the leading producer of mineral resources during the first half of the twentieth century, economists Paul David and Gavin Wright have argued that resource abundance is socially constructed, and not geographically determined:

The abundance of American resources did not derive primarily from geological endowment, we argue, but reflected the intensity of search; new technologies of extraction, refining and utilization; market development and transportation investments; and legal, institutional and political structures affecting all of these.¹⁷

Applying the same argument to precious metal mining in the British empire, it becomes necessary to look at the social factors that led to the development of the gold mining industries.

"A mine is a hole in the ground owned by a liar." This well-known definition of mining, usually attributed to Mark Twain, captures two of the main social factors to be considered in the development of mining projects.¹⁸ First, the expertise to dig the

16. Mira Wilkins, *The history of foreign investment in the United States, 1914-1945* (Cambridge, MA: Harvard University Press, 2004), 81-82, 557-558, 754-755.

17. Paul David and Gavin Wright, "Increasing Returns and the Genesis of American Resource Abundance," *Industrial and Corporate Change* 6, no. 2 (1997): 204.

18. Barbara Schmidt, "Miners," Mark Twain quotations, <http://www.twainquotes.com/Miner.html> (accessed July 18, 2009).

hole in the ground, and second, the lying to convince people to give you the capital to do it. In addition to Mark Twain, this way of understanding the mining industry is supported by two more reputable sources. First, analysts within the industry, when reflecting on what makes a successful mining company, conclude that they are most successful when they are run by people who are involved in both finance and engineering – ‘financial engineers’, such as Canadian mining industry figures Pierre Lassonde and Seymour Schulich.¹⁹ Second, the dual focus on engineering and financial expertise in mining is reiterated by business historians Charles Harvey and Jon Press in their work on the history of the British global mining industry at the end of the 19th century and the beginning of the 20th. Specifically, their two main works on the subject are *Overseas Investment* and the *Professional Advance of British Metal Mining Engineers, 1851-1914* and *The City and International Mining, 1870–1914*, which focus on engineering and finance respectively. This essay is focusing primarily on the financial side of mining, though there is no doubt that a similar parallel investigation of the technical side of mining could also be undertaken.

london & new york

The ‘lying’ associated with getting capital to finance mining projects is usually known as promotion, and those who specialize in doing it as promoters. It entails the selling the shares of mining companies that don’t yet have a producing mine, or even a viable deposit. Due to the inherent lack of information regarding the success or failure of a particular mining project, the speculative financing of these junior mining companies is a process that differs considerably from investment in most other industries, and even from larger mining companies.

The nature of mining finance means that it primarily happens at certain stock exchanges that operate in a way that is conducive to more speculative investment, and during the late 19th century this was the case for the London stock exchange. As Harvey and Press explain,

19. John Katz and Frank Holmes, *The Goldwatcher: Demystifying Gold Investing* (Chichester: Wiley & Sons, 2008), 234-235.

The London share market was very open and it was possible to generate trade in a company's shares...more easily than elsewhere...The position in London contrasted sharply with that in Germany and Paris where a much more cautious approach was taken towards dealings in international mining securities.²⁰

A comparison of the New York and London Stock Exchanges by financial historian Ranald C. Michie describes a similar difference across the Atlantic. The high trading commissions of the NYSE made it difficult for low-value shares, such as those of many mining companies, to be traded on the exchange. This was not the case in London, and as a result the average capitalization of companies on the NYSE was five times as large as those on the LSE. Furthermore, the NYSE would refuse to list shares such as those of mining and petroleum companies because "the uncertain nature of their business was felt to make trading in their securities hazardous."²¹

Exchanges typically have requirements that a company be profitable before it can be listed, or that it meet a minimum capitalization requirement. In the late 19th and early 20th century in the US, the New York stock exchange had very strict requirements of this sort, and this was done intentionally in order to only list successful companies so that more people would feel secure about investing their money through the exchange. In this way, the exchange served as a filtering system that could tell potential investors which companies were safe for investment. Most mining companies could not meet these standards, and were therefore traded unofficially on the 'curb market' outside the NYSE (which has since become the AMEX), and at regional exchanges were found in most major cities, especially those near mining districts.²²

The exclusivity of the NYSE led to the formation of the New York Mining Stock Exchange, which complimented the NYSE by trading the mining shares that could not be traded on the larger exchange. In 1885 the mining exchange merged with the two petroleum exchanges in New York to form the Consolidated Stock and Petroleum Exchange. The new Consolidated exchange

20. Charles Harvey and Jon Press, "The City and International Mining, 1870–1914," *Business History* 32, no. 3 (1990): 114.

21. Ranald C. Michie, "The London and New York Stock Exchanges, 1850–1914," *The Journal of Economic History* 46, no. 1 (1986), <http://www.jstor.org/stable/2121273> (accessed July 25, 2009).

22. Lance E. Davis and Robert J. Cull, *International capital markets and American economic growth, 1820–1914*, (Cambridge University Press, 2002), 72–77.

operated in direct competition with the NYSE, trading shares from many of the same companies until it finally closed in 1926.²³ Mining companies and others that were not eligible for listing on the NYSE were also traded in the unregulated 'curb market' that originally operated on the curb outside the NYSE, before developing over time into a formal exchange that eventually became what is now the American Exchange (AMEX). In 1908, approximately 80% of the shares traded on the curb market were reported to be for mining companies, but as it became a larger, more official market independent of the NYSE, the percentage of mining shares this went down to 41% in 1914, 18% in 1920, and 4% in 1930.²⁴ At the LSE, there were not the formal restrictions that were found at the NYSE, though there was some informal reluctance to trade smaller, speculative mining companies on the exchange. As a result there were multiple attempts through the 1860s, 70s, and 80s to form a mining exchange in London, but none of these were very successful. The London exchange was not exclusive enough to sustain the existence of a separate mining exchange.²⁵

regional exchanges up to the TSXV present

In addition to the large central exchanges in New York and London, there were also many smaller regional exchanges located in smaller cities in England and the US. As early as the 1850s, Leeds and Sheffield listed nearly as many foreign mining companies as London, and by the 1880s this business had become concentrated in Leeds.²⁶ In the US, the first regional exchanges were in Boston and Philadelphia, and more were established further west with the expansion of American settlement. In total more than 100 small regional exchanges were established across the US, with the largest in Boston, Philadelphia, Chicago, San Francisco and Los Angeles. These regional exchanges were founded to list the companies that were based in the same city as the exchange, and in cities near mining districts this often meant the formation of mining exchanges. The first San Francisco mining exchange was opened in 1862 specifically to list western mining companies. Similar exchanges were established in other cities near mining districts, such as Spokane, Denver, and Salt Lake City. In the 1930s the role of regional exchanges in the North American securities market began to change as a result of more rapid communication through

23. William O. Brown Jr, J. Harold Mulherin and Marc D. Weidenmier, "Competing with the New York Stock Exchange," *The Quarterly Journal of Economics* (2008).

24. Mary O'Sullivan, "The Expansion of the U.S. Stock Market, 1885–1930: Historical Facts and Theoretical Fashions," *Enterprise & Society* 8, no. 3 (2007): 505.

25. Roger Burt, "The London Mining Exchange 1850-1900," *Business History* 14, no. 2 (1972).

26. Lance E. Davis and Larry Neal, "The changing roles of regional stock exchanges: an international comparison," (paper presented at Social Science History Association meeting, Chicago, IL November 19, 1998), 19.

telegraphs and telephones, and national regulation of securities in the US through the creation of the Securities and Exchange Commission in 1934. These changes put the US regional exchanges in more direct competition with the central exchanges in New York, which meant that the largest ones began operating more at the national level and eventually merging with each other.²⁷

Under competitive and regulatory pressures, all of the small regional exchanges in the US eventually closed down or merged into larger exchanges such as the NYSE that were not as open to mining finance. However, this didn't mean the disappearance of speculative equity markets for junior mining companies in North America. Various Canadian stock exchanges were, and have continued to be, open to mining speculation. In the 1890s two small mining exchanges formed in Toronto in response to the demand for speculative mining investment during the gold rush in British Columbia. In 1898 the two exchanges merged to form the Standard Stock and Mining Exchange (TSSME).²⁸ During the first three decades of the 20th century, this exchange grew quickly. Starting with the first major gold and silver rushes in the Canadian Shield from 1903 to 1912, the exchange turned Toronto into a center for mining finance.²⁹ This trajectory resembled the rise of regional exchanges in mining districts in the US. Just as the US regional exchanges had come under pressure to merge in the 1930s, so too did the Standard Stock and Mining Exchange in Toronto. The crash of 1929 had brought scandal and criminal charges for five prominent brokers on the TSSME, whereas the larger, better regulated Toronto Stock Exchange emerged from the crash unscathed. As a result, the two exchanges merged in 1934.³⁰

In keeping with the previously described tensions between the speculation of mining finance and the more conservative investment patterns of other business sectors, the Toronto Stock Exchange began introducing "more stringent regulations and speculations" following the merger with the mining exchange.³¹ It was also at this time that Toronto succeeded Montreal as the national center of Canadian finance, giving it a similar role as New York in the US. However, unlike New York, in addition to being a national center of finance Toronto was also a financial center that had grown out of a mining district. Therefore, despite the stricter

27. Tom Arnold et al., "Merging Markets," *The Journal of Finance* 54, no. 3 (1999): 1085.

28. E.P. Neufeld, *The Financial System of Canada: Its Growth and Development* (Toronto: Macmillan, 1972), 478.

29. Donald P. Kerr, "Metropolitan Dominance in Canada," in *Canada: A geographical interpretation*, ed. John Warkentin (Methuen, 1970), 541.

30. Neufeld, *The Financial System in Canada*, 497.

31. Kerr, *Metropolitan Dominance*, 541-543.

regulation of speculation following the merger with the Standard Stock and Mining Exchange, the Toronto Stock Exchange continued to be relatively open to mining stocks. However, as time passed pressure mounted for the TSX to reign in the speculative trading associated with junior mining companies. In 1951 the SEC in the US accused the brokers on the TSX of “swindling Americans out of \$52 million annually” and in 1964 the situation exploded with the Windfall scandal, in which the rapid rise and then crash of a mining stock resulted from share price manipulations and faked core samples.³²

In the backlash following the Winfall scandal, the Ontario government imposed heavy regulations on mining speculation. Unable to do their business in a regulated setting, promoters and brokers of junior mining companies left Toronto en masse and began operating in Vancouver instead. This was the beginning of the reign of the Vancouver Stock Exchange as the center of speculative mining investment in Canada, world renown for its lack of regulation and transparency.³³ The VSX maintained this status until the end of the 20th century when another major mining speculation scandal again shifted the landscape of equity markets in Canada. In 1997 the Bre-X fraud involving fake gold deposits and a hugely inflated share prices continued until the truth was revealed and it all crashed. The fallout from this massive scandal undermined confidence in all Canadian mining equity markets, and resulted in the merger of all of the Canadian junior mining exchanges. Vancouver was the largest, but there was also the Calgary exchange, and the Montreal-based Canadian Exchange. In 2000, junior mining once again returned to Toronto through the formation of the TSX Venture Exchange, which now operates as a subsidiary of the TSX. This history of shifting mining finance demonstrates that it has been a hot potato that has been passed around the world. Most exchanges have not been willing to hold it, and holding it long enough has eventually meant getting burned by scandal and illegitimacy.

canadian exceptionalism

The kinds of regulations that were originally used to instill investor confidence on the NYSE are still prevalent on most exchanges today, and they make listing difficult if not impossible for most

32. David Cruise and Alison Griffiths, *Fleeing the Lamb: the Inside Story of the Vancouver Stock Exchange* (Vancouver: Douglas & McIntyre, 1987), 72-75.

33. *Ibid.*, 82-85.

junior mining companies. There are very few TSXV-listed mining companies that are cross-listed on American exchanges. This can be explained by the lack of a comparable speculative or venture exchange in the US other than unregulated OTC (Over The Counter) systems such as Pink Sheets. All of the American public exchanges are too regulated for junior mining companies. This argument for the uniqueness of the TSXV can be expanded to the global level based on the paper “The Canadian Public Venture Capital Market”, in which Cecile Carpentier and Jean-Marc Suret claim that the TSXV is the only public venture exchange in the world. They explain that it is the only exchange that specializes in micro-capitalization companies, and note that many of these companies are resource-based, which includes mining.³⁴

The TSXV lists most junior mining companies, though some of them are listed on the TSX. Overall, of the 1408 mining companies currently listed on both exchanges, 25% of them on the TSX, and 75% are on the TSXV. Based on a rough estimate of senior, intermediate and junior demarcations among all of the mining companies on the TSX and TSXV, the distributions of companies and capital among the sectors is as follows: 10 seniors are less than 1% of the companies and 60% of the QMV (quoted market value); 50 intermediates are 3.5% of the companies and 25% of the QMV, and 1348 juniors are 95.5% of the companies and 15% of the QMV.³⁵ This skewed distribution of capital among companies is a defining feature of the Canadian mining industry, and Canadian equity markets in general. A slightly different way of describing the situation would be to say that there are a very large number of small junior mining companies. This is especially significant because it defines the whole Canadian economy, and for this reason one economist claimed that “...it is not unfair to say that an unusually large number of publicly traded companies may truly be regarded as an example of ‘Canadian exceptionalism.’”³⁶ This exceptionalism demonstrates both the importance of mining in the Canadian economy, and the importance of the Canadian economy to the global mining industry. The TSX and TSXV are well aware of this situation, and promote themselves to investors and the mining industry as “global leaders in providing access to capital for growth-oriented mining companies.”³⁷

34. Cécile Carpentier and Jean-Marc Suret, “The Canadian Public Venture Capital Market,” CIRANO Working Papers 2009s-08 (2009).

35. TMX Money, “Mining,” TMX Sectors and Investment Products, http://www.tmxmoney.com/en/sector_profiles/mining.html (accessed July 01, 2009).

36. Christopher Nicholls, “The Characteristics of Canada’s Capital Markets and the Illustrative Case of Canada’s Legislative Regulatory Response to Sarbanes-Oxley,” Research Study Commissioned by the Task Force to Modernize Securities Legislation in Canada (2006).

37. Toronto Stock Exchange, “Unearth a World of Mining Capital” (from the Prospectors and Developers Association Conference, March 1-4 2009).

By virtue of its fundamental uncertainties, industrial mining has always depended on a form of speculative financing that is only possible under certain institutional and regulatory conditions. These conditions were first met in the relatively laissez-faire capital markets of London, as well as in the completely laissez-faire regional exchanges that emerged in most mining districts in North America. However, this speculative financing could not institutionally co-exist with the more regulated, predictable exchange conditions required for the financing of non-extractive industrial production (as epitomized by the NYSE). Over time, securities regulations, stock market consolidation, and competitive pressures to provide more stable exchange conditions, led to the disappearance of most stock exchanges that could support the speculative conditions required for exploratory mining capital. By the latter half of the 20th century, the Vancouver and Calgary stock exchanges were two of the last remaining vestiges in North America of this earlier form of financial institution. In recent years, these markets have been consolidated into the TSXV in Toronto, but its exceptional role in financial supporting the mining industry continues. As the only stock exchange of its kind in the world, the TSXV provides unique conditions for the financing the exploratory work of the global mining industry.

We have established that precious metals mining in Canada, and the social patterns of and legal justifications for dispossession that accompany it, are tied fundamentally to an overwhelming historical process of land-grabbing European expansionism that has plagued the world since the mid-fifteenth century. We've established as well that this process of imperialism was tied up with the development of the global capitalist system that we know today—specifically, tracing the lineage of speculative market structures, from nineteenth-century London financial markets to the particularly lax regulations for mining companies trading on the Toronto Stock Exchange today. Canada, then, in both its ongoing domestic mining policy and its dominant role in the global extractive industry, is performing according to the social and economic rules set out for it by a particular form of British imperial capital. •

a critical review of the quebec government's poverty-fighting measures: a discourse analysis

beatrice mulewa & samuel st-pierre theriault

While examining what is said and done by the government, it is worthwhile to consider the possibility of social transformation, and conceiving of the world in an alternative way. As a community organization, Project Genesis advocates for this alternative viewpoint. Project Genesis is critiquing the government's language and discourse. By deconstructing the government's rhetoric and discourse to combat poverty, it outlines how the Quebec government oppresses the poorest classes of our society by not providing them with the proper means of survival and social equity that they deserve: it perpetuates stereotypes and prejudices which do nothing to improve the quality of life of most welfare recipients.

According to the government's own reports – the action plans, Bill 112, statistic indexes etc, all designed to combat poverty and assist people on welfare – what has been implemented still hasn't been successful in wiping out poverty. What comes through in these reports is government consensus on what has been said and agreed upon to be the right way of solving social exclusion. Evidently, poverty still manifests itself today in Quebec, yet society at large has false notions about people on welfare. The failure of past actions to solve the problem thus prompts other alternative measures.

What the government has done, such as creating social programs that assist welfare recipients (the various training and educational programs) are inadequate and often constrain its clientele who are stuck in dependency because of inadequate government transfers and the health, housing and education problems that come as a result of the ensuing poverty. The dependency that the government creates is a reality that questions governance. The government implements a minimal wage that low paid workers silently accept. Indeed the poor and low income earners are oppressed. They remain stuck on welfare for a long time. Consequently, to create social transformation, there is a need to review the negative measures of the government and a need to co-ordinate the actions of those who oppose oppression and unfair lives.

Within such a conceptual scheme, where organized coordinated actions are the constitutive grounding for communities and their social study, the problems of representation and non essential or weak identities are avoided. Hence, a community in its own discourse constitutes interrogation of suitable coordinated activities. Therefore a political self defense and training workshop provided by Project Genesis to welfare recipient is a necessary conceptual scheme to counteract subjective reality and provide a stronger basis for grounding social reality.

communities open to analysis

Following the adoption of Bill 112 in 2002, the Government of Quebec created an action plan in the spring of 2004. The plan proved largely ineffectual and the adoption of the second plan, scheduled for the spring of 2009, has been postponed to make way for more consultation. Consultations have already taken place a number of times. The Government of Quebec is only using this as a pretext to maintain the status quo and delay any effectual poverty reduction measures. The Government of Quebec has been inactive in the implementation of its own law. Its actions are contradicting its words and the Liberal government keeps showing that it is working for the richer elements of Quebec society while ignoring those who most need help. The Quebec Government needs to do more to improve the living standards of the thousands of people living in dire poverty because of insufficient welfare compensations, it needs to address the urgent need for social housing, and it needs to stop discriminating between different aid recipients.

a cost to society?

Many prejudices still exist about welfare recipients. These stereotypes are harmful to the people who, because they have no other choice, are forced to turn to the government for help. One frequent prejudice is that welfare is costly to society. This thinking ignores the fact that the cost of not providing social aid is actually higher as this increases homelessness, health problems and petty crimes or fraud. The Quebec government has done nothing to attack this stereotype. In fact, the Quebec government through its actions has only helped to spread this and other prejudices. It has repeatedly refused to index the benefits of social aid recipients considered “fit to work” to match the rise in the cost of living. It has instead indexed their benefits at half the percentage, while indexing benefits

of other recipients, considered “unfit to work” for the full amount. The government made the judicious choice of fully indexing all beneficiaries in January 2009. The results of the policy for 4 years starting in 2003 however were still to effectively reduce the purchasing power of aid recipients considered ‘fit to work’, therefore pushing these individuals even deeper into poverty.¹

In 2008, the total cost of all direct financial aid provided by The Ministère de l’Emploi et de la Solidarité sociale (MESS) in Quebec amounted to 2,826 million dollars.² In 2008-2009, benefits were distributed to a monthly average of 479,928 people.³ However, because of government discrimination and virtual categories, some types of recipients receive up to \$294 less than others.⁴ The Quebec government has 2 programs for aid recipients: Social Solidarity, for individuals and families that have severe constraints to work demonstrated by a medical professional and lasting an unlimited or indeterminate amount of time; a second program called Social Aid is for people with no constraints or temporary working constraints. A comity in the MESS decides who is ‘fit’ or ‘unfit’ to work and have the power to ignore a doctor’s professional opinion. This discrimination is taking away an individual’s right to a decent life outside of poverty. It is also fuelling prejudices against individuals considered ‘fit to work’. Because of this arbitrary division, beneficiaries considered ‘fit to work’ are seen as lazy and unwilling to work which totally hides the reality that these individuals are not working because there is a lacuna of work to which their skills and ability are suited. The Quebec government argues that decent benefits would stop these people from going back to work. However, through its own actions, the Quebec government is handicapping these people by depriving them of the money necessary if they are going to bring themselves out of poverty (Comité luttés du FCPASQ).

Annex 1 shows how much it would cost to raise the price of welfare to different levels. The Quebec government is constantly saying that they do not have enough money to raise benefits to the most needy. The Quebec government is constantly saying that they do not have enough money to raise benefits to the most needy. This is the same government that prides itself on having reduced income taxes by 4.5 billion dollars from 2003 to 2008.⁵ In 2006 in Quebec, the richest 20% of the population made an average of

1. Nicole Jetté. “Indexation des prestations d’aide sociale au 1er Janvier 2009”. Front commun des personnes assistées sociales du Québec. 4 November, 2008. <http://www.fcpasq.qc.ca/Avis/pleine%20index%20tion%20automne%2008.html>. Accessed April 13, 2009.
2. Ministère de l’Emploi et de la Solidarité sociale. Rapport annuel de gestion: 2008-2007. Québec. 2008, 34
3. Ministère de l’Emploi et de la Solidarité sociale. Rapport statistique sur la clientèle des programmes d’assistance sociale. Québec. December, 2008.
4. Ministère de l’Emploi et de la Solidarité sociale. L’indexation des prestations d’aide sociale et des prestations de solidarité sociale. Québec. 2008. http://www.mess.gouv.qc.ca/publications/pdf/sr_dep_mon_tant_prestations.pdf. Accessed April 13, 2009. 2-3

61.1 thousand dollars a year after tax and controlled 39.2% of the wealth. The poorest 20% of the population by comparison made an average of 11.1 thousand dollars and controlled 7.1 percent of the wealth after tax and government transfer.⁶ *Annex 2* gives a quick breakdown of those numbers and shows that government taxation and redistribution benefits the poorer segments of society. It is clear from these numbers that it is not the money that is lacking in Quebec. Rather, it is the political will and leadership needed to help eradicate poverty.

exploiting the system?

Common prejudice says that people who receive money from the government get a lot of money, or 'they get free cable'. If only that was the case; however, the reality is that people living on welfare payments are for the most part living in misery. A single adult considered 'fit to work' receives \$588.92/month in Quebec. He can make \$200 a month working with all income over this 200\$ being confiscated by the government. According to the government's own estimates from a 1996 report entitled *The Road to Labour Market Entry, Training and Employment*, the government of Quebec set the 'essential needs' of an independent adult at \$667/month.⁷ Indexed, this amounts to \$861.57 in 2009.⁸ In this optic, only people presenting "severe constraints to employment" receive an amount that is sufficient to feed and house themselves properly and even they do not receive enough money because they are not always independent and require special services.⁹

According to an informal survey of people receiving government assistance conducted by Project Genesis, the average cost of housing and lodging alone came to \$826/month. When social aid recipients were asked what they could not afford: 53.5% of respondents answered food; 51.2% clothes and shoes; 27.9% medical & dental expenses; 23.3% recreation, outings, vacation; and 20% said computer, internet, TV. 35% of respondents indicated that they would have to skip meals at least 5 times a month while only 12.3% indicated that they never had to skip a meal. When asked how these situations had affected their health, 50% of respondents reported that they were stressed, 32.4% reported feeling depressed, while 44.1% marked that they were being affected physically or mentally without specifying exactly how. When they were asked to give the Minister advice, some of the more striking

5. Quebec Government. "Québec's Tax System Indexed for 2008 - \$215 Million in Taxpayers' Pockets". Quebec. December 12, 2007. <http://communiqués.gouv.qc.ca/gouvqc/communiqués/GPQE/Decembre2007/12/c2445.html>. Accessed 13 April, 2009.

6. Crespo, Stéphane. "Annuaire de statistiques sur l'inégalité et le faible revenu". Gouvernement du Québec, Institut de la statistique du Québec, 2008. http://www.stat.gouv.qc.ca/publications/conditions/pdf2008/inegalite_faible_revenu.pdf. Accessed 13 April, 2009. 75

7. p. 96

8. Ibid.

9. Baillargeon, Stéphane. "La discrimination fondée sur l'aptitude doit cesser, disent les assistés sociaux". Le Devoir. February 21 and 22, 2009. <http://www.ledevoir.com/2009/02/21/235.html>. Accessed March 30, 2009.

comments included: 'Make sure people's needs are filled', 'try to live on welfare for a month', 'be more understanding regarding diseases that prevent people from working', 'welfare should help you get out of welfare for good and be a productive member of society'. It is nonsense that people in Canada, one of the richest countries in the world often have to skip meals, stop buying cloths, or have to stay at home due to their limited resources. These decisions should not have to be made. Welfare should provide for food, housing, transportation and communications, as well as basic recreation.

The Quebec government seems to think that social aid recipients are second class citizens. It shows this repeatedly by discriminating against them and their children. The government confiscates all child support payments after the first \$100 dollars regardless of how many children this money is supposed to help. By doing this, the Quebec government is taking 46.5 million dollars a year away from the children who need it. This policy also affects students receiving money from the Loans and Bursaries Program who are subject to the same limits on child support payments.¹⁰ People receiving welfare aren't even allowed to get help or gifts from friends or family without the Quebec government deducting it from their cheques. Policies like these only help push social aid recipients away from society and into the vicious circle of poverty. The Quebec government needs to get its priorities straight and stop taking money away from the neediest families in Quebec so it can give tax cuts to the rich.

Programs designed to help aid recipients complete their basic schooling are mostly aimed at people under 25. People over 25 are instead encouraged to study a trade or get a job that requires no training. The Program Devenir, asks participants to work 20 hour a week in a community organization for an extra \$130 a month, that's \$1.63/hour.¹¹ For the majority of the 61,803 people who haven't finished their schooling and who are considered 'fit to work', To go back to school means they have to go through the Education Ministry's Bursary and Loans program where they are forced to indebt themselves to finish their basic schooling. Who do these programs help, aid recipients who are forced to work at minimum wage and can't receive the appropriate training, or businesses who get cheap labor subsidized by the government?

10. Coalition pour l'arrêt du détournement des pensions alimentaires pour enfants. "Pensions alimentaires pour enfants : Québec détourne 46, 5 millions par année destinés aux enfants les plus pauvres!". Presse-toi à gauche : Une tribune pour la gauche québécoise en marche. 7 December, 2007. <http://www.pressegauche.org/spip.php?article1232>. Accessed April 14, 2009.

11. Comité Luites du FCPASQ. "L'abolition des catégories à l'aide sociale". Front commun des personnes assistées sociales du Québec. 2009. <http://www.fcpcasq.qc.ca/apte%20et%20inapte-2009/argumentaire/argumentairecategories.html>. Accessed 13 April, 2009.

people on welfare don't want to work?

A large number of people, if not the majority of welfare recipients, receive welfare because they are unable to work for family, health, age, or other serious reasons. According to MESS's own statistics, at the end of 2008, of the 138 296 people receiving social assistance who were considered apt to work by the Quebec government, 7 147 had not completed primary school, 54 656 had not completed secondary school and 24 927 had no education past the secondary school level. 8310 people receiving social assistance lived in a region with an unemployment rate higher than 10%.¹² Going further, out of this same group of 138 296 people receiving social assistance who were considered apt to work by the Quebec government, 54 423 people had been receiving welfare payments for more than 120 months cumulatively showing that the government strategy of keeping benefits low is simply perpetuating the vicious cycle of poverty.¹³

Government measures supposed to help the 'working poor' or other kinds of 'deserving poor' such as families, or people over 55, have actually been creating barriers to further improvements in their living standards. According to indexed figures from Statistics Canada. A single person living in Montreal is considered poor if he or she makes under 22 370 dollars a year before income tax. To earn that much, someone would have to work 52 weeks a year, 40 hours/week and get paid \$10.75/hour.¹⁴ As it stands now however, minimum wage is set at 8.50 per hour; Although it will rise up to \$9/hour on May 1st, this is still creating a situation where the more 300 000 people working at minimum wage – 9% of the total Quebec workforce – are getting paid less than what would be required to get them out of poverty, thus creating a class of working poor.¹⁵ Government measures need to be suited to people's needs rather than business demands and public stereotypes.

A large number of welfare recipients do work; however, their income cannot meet their needs and thus require additional income to survive. According to government figures, of the 120 122 households receiving government aid and considered 'fit to work', 25% received extra income from other sources and 11,558 were receiving work income.¹⁶ The Quebec government does not seem to realize that a

12. Institut de la statistique du Québec. Principaux indicateurs économiques désaisonnalisés – Québec Niveaux Annualisés. Québec. March 16, 2009. http://www.stat.gouv.qc.ca/princ_indic/indicrm.htm. Accessed March 30, 2009.

13. MESS, "Rapport statistique"

14. Statistique Canada. Les seuils de faible revenu de 2005 et les mesures de faible revenu de 2004. Vol. 4. No. 75F0002MIF. Ottawa. April, 2006. http://www.statcan.gc.ca/pub/75f0002m/75_23

15. Presse Canadienne. "Le salaire minimum augmentera à 9\$ l'heure". *La Presse*. [La Presse](http://seaffaires.cyberpresse.ca). January 30, 2009.

16. MESS, "Rapport statistique"

large number of people are chronically underemployed. They can find work here and there; however, this income is simply not enough to meet their basic needs and they are thus forced to turn to the government for help. This situation is further problematized by the government's discriminatory practice of calculating work income for social aid recipients, not on a yearly basis like it does for all other citizens, but on a monthly basis. Beneficiaries have no incentives to work past the \$200 work exemption when work is available because the money they make is immediately taken off their cheques. Paid internships with part of the salary provided by the government are often just a way for employers to get low paid workers. Once the government money runs out, employees are asked to work under the table or leave. Services like these are designed with businesses in mind rather than welfare recipients.

People receiving government money are often stereotyped as thieves who steal government money. With benefits as low as they are, and laws prohibiting work for pay, is it really such a surprise that some beneficiaries have to turn to illegal means to make ends meet. In terms of cost to society, is such petty fraud driven by the need to survive comparable to the massive fraud by multi-millionaires such as Conrad Black or the Enron executives. The government has been neglecting the most fragile segments of the population for a few years now. With the economic crisis having no end in sight, many people from all parts of society are facing the possibility of having to turn to welfare to survive. Social programs are supposed to be the safety net that protects us from poverty, but with such a big hole in the net, beneficiaries have fallen through and find themselves living in misery. People receiving government aid have to spend so much time running around to find cheap goods and services that they have no time and energy left to look at their future, care for their health, their family and find a job.

conclusion

Project Genesis in its own discourse and work to combat poverty, provides a study of the community and an analysis of a possible social transformation. The people in need, should not be ignored, and change should be sought. This is the coordinative organization aspect of community in its own discourse. Project Genesis in itself ascribes for change – it analyses the government from inter-subjectivity and sentiments of identification, to the coordination and organization of col-

lective action. This solves both the problems of evincing a universally shared framework of experience and meaning as well as the study of communities whose constitutive features do not lie in a shared symbolic reality but in common interests and/or goals organized into action.

Here, two forms of community have been touched upon: the services provided to welfare recipients by Project Genesis are particularly community oriented similar to the proposals, actions plans; and intersubjective government coordinated actions (that is, government inaction on the matter).

With such character in community, one might consider dual power between government and Project Genesis in terms of implementing social change when investigating the connection of government language and broader social implications. •

Annex 1: cost of increasing benefits

	Monthly allocation + total cost for all benefits yearly			
Type of recipients (MESS, "Rapport statistique sur la clientèle", Dec 2008).	Present-2009-monthly allocation	2009 low income threshold before tax 1864/month as of 2009(Stats Can, 23)	Quebec government estimates of essential needs 861,57\$/month (Road to Labour, 96)	Abolition of discrimination based on perceived ability to work.
Single adult, fit to work. 88 692 people as of December 2008.	588, 92\$/Month Yearly: 626, 78 millions.	1864\$/month Yearly: 1983, 86 millions.	861,57\$/month Yearly: 916,97 millions	882,92\$/m Yearly: 939, 69 millions.
Single adult, unfit to work. 114 489 people as of December 2008.	882, 92\$/Month Yearly: 1213, 01 millions.	1864\$/month Yearly: 2560, 88 millions.	Not applicable	882,92\$/m Yearly: 1213, 01 millions.
All Aid recipients. 328 494 households in 2008.	Average of 698, 97\$/month. Yearly: 2755,28 millions	1864\$/month Yearly: 7347,75 millions.	Not applicable	Not applicable

Annex 2: disparity in quebec

	Segment of population	
	Richest 20%	Poorest 20%
Percentage of the wealth before taxes and government transfers	52.1%	1.0%
Percentage of the wealth after taxes and government transfers	39.2%	7.1%
Average family income before taxes and government transfers (thousands)	125.4	1.0
Average family income after taxes and government transfers (thousands)	61.1	7.1

source: Crespo, Stéphane. "Annuaire de statistiques sur l'inégalité et le faible revenu". Gouvernement du Québec, Institut de la statistique du Québec, 2008. http://www.stat.gouv.qc.ca/publications/conditions/pdf2008/inegalite_faible_revenu.pdf. Accessed 13 April, 2009. P:75

queers come out in solidarity with palestine

q-team

don't buy into the exceptionalism

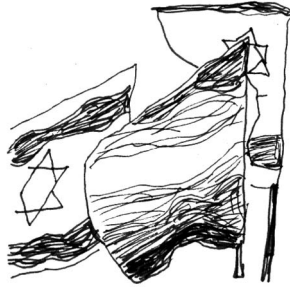
Queer solidarity with Palestine stems from opposition to all violent and oppressive settler colonial states that appropriate gay rights to further their expansionist agendas. We see how the state and its institutions can be presented as progressive, liberal and democratic; yet continuing to dispossess, dominate and control the parts of the population it deems threatening to its own existence.

gay tourism

In 2010 the marketing budget for attracting gay tourists to Tel Aviv is to increase ten times over. In promoting tourism in Israel, the occupier state is represented as a “Westernized, liberal oasis in the Middle East” where “liberated gay men can enjoy the nightlife at one of Tel Aviv’s gay bars” (quoted from *The Advocate*, 2007). Who exactly is ‘liberated’ in Tel Aviv? Israel isn’t exactly an oasis for Palestinians. Through racist claims like “Israel’s progressive policies continue to shine like a gay jewel in the Middle Eastern rough” (again, *The Advocate*, 2008), military aggression and occupation find another avenue to be justified through: that of ‘gay liberation’. We reject gay rights being used as state propaganda.

world pride

The World Pride parade was scheduled for Jerusalem in August 2006, but was canceled because the Israeli government couldn't provide security – there weren't enough soldiers as it coincided with the Israel-Lebanon war. The event was going to be used for the Israeli Ministry of Foreign Affairs to hide the government's war crimes behind a rainbow flag. The slogan of the World Pride Parade was 'Love Without Borders'. A queer political without borders should denounce occupation and military aggression, racially-defined citizenship; and most especially the apartheid wall!



gay rights vs. human rights

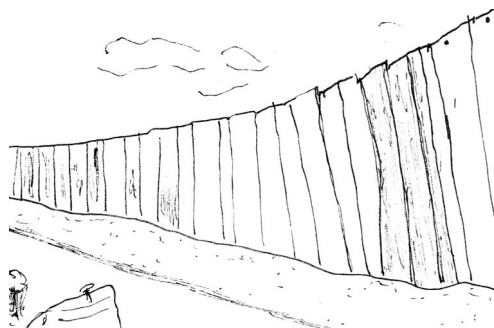
To an extent, Israel “legally enshrines the rights of gay people,” but it enshrines only some rights for some gay people. Palestinians living in Israel – whatever their sexual orientation – face state sanctioned, everyday discrimination and racial profiling in all areas of life, from courtrooms, to hospitals, to universities, to the streets in Tel-Aviv lined with the hippest, gayest clubs. Hundreds of Palestinian queers live illegally in Israel without access to employment or health care, under constant threat of deportation. For Palestinians in the West Bank and Gaza, their legally enshrined ‘rights’ from the state of Israel include restricted freedom of movement, routine human rights abuses, detentions, checkpoints, and bombing campaigns.

in solidarity with palestine

To an extent, Israel “legally enshrines the rights of gay people,” but it enshrines only some rights for some gay people. Palestinians living in Israel – whatever their sexual orientation – face state sanctioned, everyday discrimination and racial profiling in all areas of life, from courtrooms, to hospitals, to universities, to the streets in Tel-Aviv lined with the hippest, gayest clubs. Hundreds of Palestinian queers live illegally in Israel without access to employment or health care, under constant threat of deportation. For Palestinians in the West Bank and Gaza, their legally enshrined ‘rights’ from the state of Israel include restricted freedom of movement, routine human rights abuses, detentions, checkpoints, and bombing campaigns.

There is a vibrant, organized community of queer Palestinians with whom we can stand in solidarity, just as we work to stand in solidarity with anti-colonial struggles everywhere. We recognize that homophobia exists in Israel, Palestine, and across all borders. Queer Palestinians face the additional challenge of living under occupation, subject to Israeli state violence and control. Israel’s apartheid system extends gay rights only to some, based on race.

THERE IS NO PRIDE IN APARTHEID



qteam is a radical queer collective that aims to address the intersections of oppressions and consciously unsubscribe from the corporate versions of queerness that devalue diverse queer realities. (March 2010). www.qteam.org •

les queers sortent en solidarité avec la palestine

q-team

ne tombez pas dans le panneau de l'exceptionnalisme

Les politiques des queers radicaux en solidarité avec la Palestine proviennent d'une opposition à tout état colonial violent et oppresseur qui s'approprient les droits des gais pour étendre son agenda expansionniste. Nous voyons comment cet état et ses institutions sont présentés comme progressistes, libéraux et démocratiques alors qu'ils continuent de déposséder, dominer et contrôler les parties de la population qu'il considère un danger pour sa propre existence.

tourisme gai

En faisant la promotion du tourisme en Israël, l'état occupant est représenté comme un "oasis occidental libéral au Moyen-Orient" où "les hommes gais libérés peuvent apprécier le night-life à un des bars gais de Tel Aviv" (citation librement traduite de *The Advocate*, 2007), Les politiques radicales queers veulent davantage que des bars gais – et elles ne sont pas libérales. Par des commentaires racistes du genre "les politiques progressistes d'Israël continuent de briller comme un bijou gai dans le rude Moyen-Orient" (encore une fois librement traduit de *The Advocate*, 2008), les agressions militaires et l'occupation du territoire trouvent de nouvelles avenues pour se justifier: celle de la libération des gais. Nous rejetons les droits des gais comme propagande d'état.

défilé de la fierté mondiale (world pride)

La World Pride (Marche mondiale de la fierté) devait avoir lieu à Jérusalem en août 2006; toutefois, l'évènement fut annulé du fait que le gouvernement d'Israël ne pouvait pas fournir le personnel de sécurité – l'armée étant occupée à mener une guerre au Liban. Le gouvernement d'Israël car les soldats étaient L'évènement allait être utilisé par le Ministre israélien des Affaires Étrangères pour camoufler derrière un drapeau arc-en-ciel les crimes de guerre de son gouvernement. Le slogan du défilé était "l'amour sans frontières". Une politique queer sans frontière doit dénoncer l'occupation, les agressions militaires et la citoyenneté accordé sur des principes raciaux. Et plus que tout, le mur de l'apartheid!

les droits des gais versus les droits humains

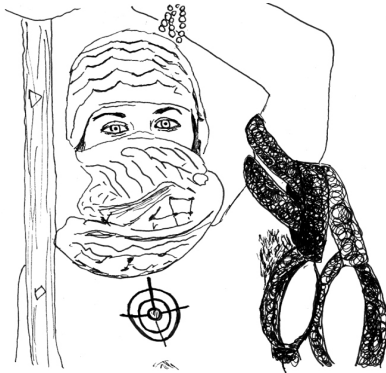
Jusqu'à un certain point, Israël reconnaît légalement les droits des gais, mais il ne reconnaît que certains droits que pour certains types de gais. Les Palestiniens qui vivent en Israël – peu importe leur orientation sexuelle - font face à des sanctions de l'état, de la discrimination quotidienne et du profilage racial dans tous les aspects de leurs vies, des tribunaux aux hôpitaux, des universités aux rues de Tel-Aviv avec ses clubs gais branchés. Des centaines de palestiniens queers vivent illégalement en Israël sans accès au travail ou au système de santé, sous la menace constante de la déportation. Pour les Palestiniens de Gaza et de la Cisjordanie, leurs droits légaux protégés par l'état d'Israël incluent des restrictions de leurs libertés de mouvement, des abus routiniers de leurs droits humains, des détentions, des contrôles et des campagnes de bombardement.

les droits des gais versus les droits humains

Nous supportons l'appel au Boycott, Désinvestissement et aux Sanctions (BDS) parce que la vibrante culture gaie d'Israël ne détourne pas notre attention de l'occupation, au contraire, cela la normalise. Comme Judith Butler l'explique: "tout événement, pratique ou institution qui présuppose que la vie culturelle peut continuer sans opposition explicite à l'occupation elle-même est complice de l'occupation." La communauté queer globale ne sera pas complice.

Il y a une communauté dynamique et organisée de queer Palestiniens avec laquelle nous pouvons être solidaire, de la même façon que nous sommes solidaires des luttes anti-coloniales partout ailleurs. Nous reconnaissons que l'homophobie existe en Israël, en Palestine et au-delà de toute frontières. Les queers palestiniens vivent le défi additionnel de vivre sous l'occupation, sujets à la violence étatique et au contrôle d'Israël. Le système de l'apartheid israélien étend les droits des gais à quelques élus, basé sur la race.

IL N'Y A PAS DE FIERTÉ DANS L'APARTHEID



qteam est un collectif queer radical, qui tente d'adresser les questions d'oppressions intersectionnels ainsi que de résister à la corporatisation des réalités queers. (mars 2010) www.qteam.org •

drawing lines in the sand: drought & privatization in kenyan maasai lands

erin coughlan

abstract: Climate change is predicted to cause drastic and wide-ranging environmental effects in less-industrialized countries of the global south, notably those situated at the equator. This research assesses how pastoral strategies of land use by the Maasai of Kenya respond to conditions of climate change, specifically a severe drought, in the light of legal land tenure changes. Land that was once held collectively has been now demarcated into individual parcels, and this article maintains that land individualization is not a viable policy for the indigenous pastoralist way of life, especially during times of ecological stress. First, this is anchored in the fact that fragmented herbivore grazing is less able to cope with drought, based on studies of environmental cycling in dryland ecosystems. This is corroborated by case studies of Kenyan Maasai of both subdivided and unsubdivided ranches, who find themselves less able to cope with drought in subdivided land because of hindrances and restrictions to movement. Spatially, people are not maintaining herds on their individual parcels, and are devising strategies to make migration possible. This is often done through the use of traditional land entitlements, and I examine the synergy of legal and traditional land entitlements to attempt to overcome the negative repercussions of subdivision in times of ecological stress.

a version of this essay
was presented at
Study in Action 2010,
Montreal

Dominant environmental discourse asserts that the countries and peoples of the world who are the least responsible for creating conditions leading to climate change are, for a variety of reasons, those who are most likely to suffer severe consequences. In Kenya, the indigenous Maasai tribe is no exception, and climate change is expected to increase the frequency and severity of droughts that affect the dryland ecosystems that they call their home. Where rainfall is localized in both space and time, rights of access to land can directly influence the ability of community members to survive. In order to support and increase the resilience of these communities to ecological stress, this article examines the effects of current land policy during a drought, and the ways in which this can be adapted to better empower the landholders to cope with climactic extremes.

There is a growing consensus within the scientific community about climate change trends expected to occur in the near future, although the dominant discourse does not claim to predict with detail the exact effects of future climate change on the varying ecosystems on this planet. However, the International Panel on Climate Change gathered enough evidence to predict that aggregate rainfall in the horn of Africa will decrease, possibly by 10% by 2050.¹ The general conclusion is that the frequency and magnitude of droughts in Kenya will increase as a result of climate change.² The Maasai are anticipated to be among those hardest hit globally, in that they will be required to cope with new droughts shortly after the occurrence of each previous one.³

The crux of many of these calculations is predicated on the El Nino and North Atlantic Oscillations, and the way in which these large-scale weather patterns will react to the earth's changing climate. The ecosystem in Kenya and Tanzania inhabited by Maasai is characterized by atmospheric patterns, including rainfall and temperature, that vary along with the El Nino Southern Oscillation.⁴ According to predictions about the behaviour of ENSO in models of climate change, scientists believe that the Normalized Difference Vegetation Index for pasture areas in Kenya will be reduced, indicating a decrease in the productivity of the vegetative base of the ecosystem.⁵

In this article, I will explore the interaction between climate change effects and 'development' in the context of the Maasai tribe of Kenya. The Maasai are semi-nomadic pastoralists, who traditionally managed their grazing lands through a system of communal tenure. To 'develop' this tribe, large-scale land reforms were instituted in the last 30 years that attempted to privatize the commons, to prevent the dominant Western land tenure discourse of the time, the 'tragedy of the commons' argument. Subsequently, the environmental discourse has changed course, and, based on research into the ecology of rangelands, has indicated that pastoral land use patterns are likely to be more ecologically sustainable than individual tenure. Specifically, it is of interest whether it is viable for the Maasai to maintain a pastoralist way of life during times of ecological stress, such as drought, when their land is demarcated

1. IPCC. "The Regional Impacts of Climate Change: An Assessment of Vulnerability." Cambridge University Press, 1997.

2. Ibid, 282

3. IRIN. Kenya: Impact of Climate Change on Three Masai Families. Magadi/Nairobi: UN Office for the Coordination of Humanitarian Affairs, 2008.

4. Ogutu, J.O., et al. "El Nino-Southern Oscillation, Rainfall, Temperature and Normalized Difference Vegetation Index Fluctuations in the Mara-Serengeti Ecosystem." African Journal of Ecology 46 (2007): 132-43.

5. Stige, Christian, et al. "The Effect of Climate Variation on Agro-Pastoral Production in Africa." PNAS 103 9 (2006): 3409-053.

into individual parcels. Does individualized land tenure provide the ecological requirements necessary to base one's livelihood on animal husbandry? What patterns emerge in a community that has recently demarcated their lands to individual tenure?

One such Kenyan community was selected as the focus of this study; located several hours south of Nairobi, Oltepesi group ranch was first demarcated in the 1990s. The severe drought of 2008-2009 provided an effective example of ecological stress, and a diverse selection of families, a subset of a larger survey project, was interviewed about their land use and mobility strategies during that time. Using contextual analysis and interviews of case studies in this community and a nearby, non-subdivided group ranch (Olkiramatian), it is possible to discern patterns about the effects of subdivision on pastoralism during a drought period.

This paper will attempt to examine a social understanding of landscapes and pastoral patterns of land use. To begin, it will overview the history and academic discourse of privatization of the commons that emerged from Western society. To determine the potential effects of subdivision on pastoral livelihoods, three courses of examination will be pursued. The first section will focus on the opinions and research of Western ecologists to outline the effects they predict for subdivision on dryland nutrient cycling, and how this will impact the success of pastoralism. The second section will explore the opinions of case study families in Oltepesi and Olkiramatian about subdivision and its potential repercussions for pastoralism. The topic of consultation will focus on whether or not there is a perceived loss of mobility. Thirdly, the geographical movements of both communities during a recent drought (that of 2008-2009) will be examined, based on empirical research with these case study families. This will elicit the current coping strategies employed by these communities, in order to draw a conclusion as to the viability of subdivision.

Because of the change to legal land rights, the Maasai are currently in a position where they are under the influence of changing and conflicting institutional structures, which will be analyzed using the "Environmental Entitlements" approach as explained by Leach et al.,⁶ in which institutions, patterns of common behaviour in a

6. Leach, Melissa, and Robin Mearns. "Environmental Change & Policy: Challenging Received Wisdom in Africa." *The Lie of the Land: Challenging Received Wisdom on the African Environment*. Eds. Leach, Melissa, and Robin Mearns. Portsmouth: Heinemann, 1996.

society, are examined with regards to their effects on the interface between society and the environment. The idea of entitlements is built upon the work of Amartya Sen, and refers to the actual possibilities of what a person ‘can’ have, based on their rights and opportunities. These entitlements are derived from one’s endowments, which are the actual rights and resources one possesses.⁷ The data presented here explains what resources people view as under their control, and which institutions delegate this control to whom. What options are available for use of these resources? Given this context, how are people responding to drought?

Using a framework of environmental entitlements to examine the observed decisions, it will be possible to perceive the interaction of environmental trends such as climate change with land policy and the resultant societal patterns of resource use. Through these inquiries, the effects of land privatization during a time of ecological stress can be identified, to better inform land management decisions. This has repercussions for the legal institutions for land rights and other aspects of local governance in Maasai-land, as well for other communities engaged in animal husbandry in arid lands.

background

the historical maasai land tenure system

Prior to engagement with colonial regimes, the Maasai organized their territory into sections, and people generally lived and moved within these boundaries.⁸ Although there was not a legal system of land ownership as understood in the West, the land was held under communal tenure, which consisted of highly structured regimes for allocation of user rights. This differs substantially from an open access system because one derived rights of access to the land and water resources through community affiliation and negotiation; having the right to use a piece of land did not exclude others from also holding that right.⁹ Mutual assistance networks within the communities allowed for adaptive management and fostered ecological and social resilience.¹⁰

7. Ibid.

8. Galvin, Kathleen, et al., eds. *Fragmentation in Semi-Arid and Arid Landscapes*. Dordrecht, The Netherlands: Springer, 2008, 37.

9. Galaty, John. “Rangeland Tenure and African Pastoralism.” *African Pastoralist Systems: An Integrated Approach*. Eds. Fratkin, Elliot, Kathleen Galvin and Eric Roth: Lynne Rienner Publishers, 1994, 187.

10. Galvin et al. 2008, 373

Maasai are semi-nomadic pastoralists; cattle, sheep and goats are the basis of their livelihoods and provide sustenance and capital to the herders. To sustain their herds, pastoralists continually moved their animals from place to place to exploit grazing land, both within and outside of their proper sections.¹¹ This movement was not a random phenomenon, but was mediated by a variety of environmental and social factors. The most notable is the division of land into dry-season and wet-season grazing land. Rainfall is bimodal in Maasai territory,¹² and dry-season grazing areas were set aside for regeneration during the wet season.¹³ Wet-season grazing land was usually at lower elevations and relied on temporary surface water accumulations, while during the dry season people would migrate vertically upwards into the wetter escarpments.¹⁴ This prevented continual grazing of the pasture, and assured the existence of grazing sources during times of water stress.

It would be a gross oversimplification, however, to predicate movement strategies entirely on ecological dynamics. Social structures are influential in migratory patterns; people can use movement to strengthen and manipulate social ties.¹⁵ Economic and political factors, such as the location of markets, transportation, threats of law enforcement and social conflict, affect migration decisions and can push or pull people in different directions.¹⁶

legal land history

In the early 1900s, European colonialists arrived Kenya, and Maasai territory came under British 'control'. The settlers appropriated a large amount of the most valuable land from the Maasai,¹⁷ and relocated the indigenous people to reserves that were less than one-third of their original landholdings.¹⁸ By the 1960s, the government paired with development agencies to advocate for sedentarization of the Maasai onto delineated sections of land. This scheme was not wholly opposed by the indigenous people themselves, who saw several advantages to the proposal. For them, title deeds were means to gain legal control over their land, and prevent further loss to outsiders; many Maasai supported the initiative even though the proposed "group ranches" did not necessarily include both dry and wet season grazing.¹⁹

11. Galaty 1994, 187

12. Galaty. "The Land Is Yours": Social and Economic Factors in the Privatization, Sub-Division and Sale of Maasai Ranches." *Nomadic Peoples* 30 (1992), 27.

13. Galvin et al. 2008, 57

14. Galaty. "The Indigenization of Pastoral Modernity: Territoriality, Mobility, and Poverty in Dry-land Africa." *African Pastoralism*. Eds. Bollig, Michael and Hans-Peter Wortzka: Berghahn Publishers, In Press.

15. McCabe, Terrence. "Mobility and Land Use among African Pastoralists: Old Conceptual Problems and New Interpretations." *African Pastoralist Systems*. Eds. Fratkin, Elliot, Kathleen Galvin and Eric Roth. Boulder, CO: Lynne Rienner Publishers, 1994, 73

16. Galaty in press.

17. Ibid.

18. Kimani, Kamau, and John Pickard. "Recent Trends and Implications of Group Ranch Sub-Division and Fragmentation in

In 1968, the Land Group Representative Act was passed in Kenya, which provided the legislative basis for the creation of Group Ranches, and divided Maasai territory into slices of land whose formal ‘owners’ were a group of adult male ‘representatives’ of the larger collectivity of community members.²⁰ The process of creating Group Ranches was carried out through the “Kenya Livestock Development Project”, and supported by international donors.²¹

After several years of group ranches, Maasai began to become disillusioned with the results. The leadership often turned out to be corrupt and inefficient,²² and people began again to fear the loss of their tribal lands through poor governance, while seeing the utility of individual title deeds for securing loans.²³ The alternative option presented was that of individual tenure, or subdivision of the group ranch itself. Kenyan national policy in 1983 encouraged this alternative, with the perspective that it was a necessary condition for economic development of the Maasai people to own land individually.²⁴ The President of Kenya himself expressed this as a ‘right’ of Kenyans to own land, and supported the demarcation option.²⁵

In 1986 the first group ranches subdivided, and private ownership became a legal reality.²⁶ By 2006, 32 of the 52 group ranches in Kajiado district were subdivided, 15 were in the process of doing so, and only 5 were not subdivided.²⁷ Unfortunately, subdivision was carried out inequitably, and there was much controversy over land claims with regards to age and clan membership.²⁸ Land was allocated in varying dimensions to different people, including outsiders who had no legitimate right to inclusion; corruption was pervasive.

why subdivide?

The foundation of the individual tenure school of thought is based on the well-known argument of the ‘tragedy of the commons’ by Garret Hardin, in which herdsmen over-populate their shared grazing area with animals because the negative return of shared environmental degradation to one actor is less than the positive advantage he gains by grazing one more animal.²⁹ The rational response to this type of prisoner’s dilemma thought experiment

Kajiado District, Kenya.” *The Geographical Journal* 164 2 (1998).

19. Ibid.

20. Ibid.

21. Galaty 1992, 27

22. Homewood, Katherine, Patti Kristjanson, and Pippa Chenevix Trench, eds. *Staying Maasai?*

Livelihoods, Conservation, and Development in East African Rangelands. New York: Springer Science + Business Media, 2009. 338

23. Kimani & Pickard 1998

24. Galvin et al. 2008:, 33

25. Galaty 1992, 28

26. Galvin et al. 2008, 200

27. BurnSilver, S., and E. Mwangi. “Beyond Group Ranch Subdivision: Collective Action for Livestock Mobility, Ecological Viability and Livelihoods.” *International Food Policy Research Institute (IFPRI)*, 2007. 2.

28. Galaty 1994, 30

29. Hardin, Garret. “The Tragedy of the Commons.” *Science* 162 3859 (1968): 1243-1248.

does not result in the most successful cooperative alternative. The World Bank therefore argued that communal land management in Kenya would lead to environmental degradation,³⁰ and people believed that privatization would encourage the stewardship of land, and avoid this tragedy of the commons.³¹

The dominant conception of nature at the time included the idea of a 'climax' community of vegetation that existed when the land is undisturbed. This concept is married to an inherent 'carrying capacity' of the land, which represents the largest number of a certain species that it can support.³² It follows that exceeding the carrying capacity will negatively affect the baseline conditions; rhetoric on this issue often cites the overstocking of animals as the root cause of the loss of productivity and biodiversity, sometimes even culminating in desertification.³³ Optimal land policy, therefore, would limit livestock numbers and contain nomadic pastoralists within legal boundaries. Based on this rhetoric, the Kenyan government believed that group ranches failed to meet these objectives, and needed to be subdivided.³⁴

Several cases were also made that private land tenure would increase the range of entitlements Maasai would control for their tracts of land. Private land tenure was expected to increase opportunities for Maasai to integrate their livestock production systems into the market-based economy, and provide animal products for the wider population. Economically, it was assumed that, without private rights to land, there is no incentive for improvement, and stagnation or degradation will ensue.³⁵

The Maasai who supported privatization did not necessarily believe all these arguments,³⁶ but many were in agreement that private land holdings were necessary to protect their territory from further outside encroachment or poor group ranch management.³⁷ The general hope was that revisions to the law would encode the customary rights of the Maasai and prevent others from encroaching on their land; accepting this proposed development from the government seemed to promise the security people were searching for.³⁸ Young men especially, who had not been included in the group ranch register, petitioned for subdivision in order to

30. Thompson, Michael, and Katherine Homewood. "Entrepreneurs, Elites, and Exclusion in Maasailand: Trends in Wildlife Conservation and Pastoralist Development." *Human Ecology* 30 1 (2002): 107-37.

31. Galvin et al. 2008, 26

32. Fairhead, James, and Melissa Leach. *Misreading the African Landscape*. Cambridge, UK: Cambridge University Press, 1996.

33. Homewood et al. 2009, 337

34. Kimani & Pickard 1998

35. Migot-Adholla, Shem, et al. "Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity?" *The World Bank Economic Review* 5 1 (1991): 155-75.

36. BurnSilver & Mwangi 2007, 5

37. Galvin et al. 2008, 233

38. Galaty 1999, 58

gain the entitlements of security of tenure and credit, even if they believed that subdivision would not be ecologically viable in the long term.

ecology of subdivided land

This section consults the current scientific literature about the ecology of semi-arid lands, and the ways in which these cycles affect pastoralism. What are the ecological effects of subdividing land where herbivores used to migrate? The current accumulation of academic studies has formulated a counter-narrative to the story of the tragedy of the commons.³⁹ Based on the nutrient and vegetative cycles of dryland ecosystems, it is currently predicted that subdivision will reduce mobility, and therefore the capacity of the ecosystem to sustain herbivores and biodiversity.

heterogeneous landscape

An appreciation of the diversity of vegetation is key to understanding dryland ecosystems. Different patches of flora develop as rainfall moves throughout the landscape, creating a system in which the forage and water is not homogeneous at any one time.⁴⁰ A 'climax' vegetation community does not develop, because the plant community is in a constant transition between a series of successional states. Change in one factor might cause a regime shift that cannot be reversed if the factor is restored, and there is no inherent baseline to which the system will return after a disturbance.⁴¹ Fluctuating rainfall is understood to create boom/bust patterns in the landscape, which render fixed stocking rates irrelevant based on carrying capacity analysis.⁴²

Based on this conception of ecosystem patchwork dynamics, mobility is understood to be crucial for animal species existing in these environments. Herbivores are physically adapted to be able to travel for hundreds of kilometers in search of water or forage; they graze in one area long enough to deplete the local vegetation before moving on.⁴³ In this way, they are able to sustain relatively even diets in a heterogeneous landscape, and such opportunistic foraging enables them to cope with uncertainty in grazing conditions.⁴⁴ Because the biomass of palatable vegetation is not concentrated spatially for herbivores, they need access to a larger

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39. Roe, Emery. Narrative policy analysis: theory and practice. Durham NC: Duke University Press, 1994.

40. Galvin et al. 2008, 55

41. Fairhead & Leach 1996, 282

42. Homewood et al. 2009:337

43. Galvin et al. 2008:45

44. Ibid., 56

geographical area to sustain the feeding requirements of a herd.⁴⁵ Mobile animals are also able to search out shade and avoid concentrations of parasites, diseases, or predators.⁴⁶ Scientists using remote sensing data have indicated that privatization will decrease forage options because people are not ensured to receive rainfall on their private plots.⁴⁷

The “connectivity” of the landscape is a defining ecosystem characteristic, describing both the distance between grazing patches and the ability of herbivores to migrate between patches. In contrast to the previous discourse of privatization, the conclusion from this analysis is that a larger degree of connectivity will increase the survival expectation of the species.⁴⁸ Based on this, pastoral mobility is not only a ‘rational’ adaptation to environmental heterogeneity, but is often considered the best use of semi-arid land because the animals are enabled to forage opportunistically and have the largest chance of survival in drought conditions.⁴⁹ In fact, a body of literature holds that indigenous Africans “may have long been practicing ‘opportunistic’ resource management attuned to non-equilibrium ecological conditions”.⁵⁰

The necessity of movement for herbivores is substantiated by arguments for ecosystem resilience based on plant community dynamics. The pattern of intensive grazing in one patch followed by migration to another patch reinforces the heterogeneity of vegetation in which different areas are in different stages of ecological succession and dominated by different species. This patchy regeneration increases the biodiversity of the area, and greater plant diversity also enables greater herbivore diversity.⁵¹

Herbivore movement is also a factor in the spatial distribution of nutrients; animals consume vegetation in one area and excrete high-nutrient waste products in another. Concentrations of these nutrients in areas where animals congregate can create the conditions required for tree growth. In this conception of ecosystem resilience, the biodiversity resulting from herbivore movement creates trophic energy flows that even affect predators, and increase the ability of the whole system to cope with shocks.⁵² It is believed that “opportunistic herd mobility across different ecological zones in a given area allows for a higher total carrying capacity compared with sedentary herds in each zone”.⁵³

45. *Ibid.*, 48

46. *Ibid.*, 62

47. Burnsilver & Mwangi 2007, 13

48. *Ibid.*

49. Kimani & Pickard 1998

50. Leach & Mearns 1996, 29

51. Galvin et al. 2008, 65

52. *Ibid.*, 68

53. Kimani & Pickard 1998

Therefore, researchers predict that privatization will decrease the ability of animals to find food. It is clear from the juxtaposition of these arguments with tragedy of the commons discourse that the studies put forth by the academic and development community can obscure diverse understandings of a system by framing the problem in a certain light, and can enable development policy that does not address key local realities.⁵⁴ In terms of environmental ‘degradation’, the academic community has drastically reversed its position on land individualization in semi-arid areas, from championing privatization to accusing the same system of such ‘degradation’.⁵⁵ Grazing regimes under subdivision will shift to intensive grazing of smaller tracts of land,⁵⁶ and it is asserted that this does not consider the long-term health of the ecosystem,⁵⁷ notably because the animals will need to be cycled more quickly through a smaller area and prevent the possibility of patchwork regrowth of vegetation.⁵⁸ This is expected to cause soil compaction, reduce infiltration, and hamper root systems.⁵⁹

subdivision reduces entitlements

Given that the ecology of semi-arid land requires mobile herbivores, reducing migration through subdivision makes pastoralism a less viable livelihood strategy. Many researchers have anticipated a change in the entitlements of Maasai ranchers under individualized tenure, including a reduction in mobility, reduced herd numbers, an increase in poverty, and social stratification. Sedentarization of nomadic pastoralists, as exemplified by reducing their land entitlements, will likely eliminate people’s access to adjacent plots of land as sources of pasture or potential homestead locations and constitute a reduction in mobility.

Some Maasai have fenced their “individual” land; in the Kitengela area, studies have shown that 60% of residents have erected a property fence.⁶⁰ Fences increase the travel costs of migrating, because animals are required to walk a meandering path to reach their destination. Herding cattle a set distance took twice as much time in 2004 as it did in the 1980s before subdivision was introduced. In addition, cattle are limited in the number and diversity of plants they consume.⁶¹ Another study showed that previous migratory ranges could be 5000km² seasonally, while today they are

54. Fairhead & Leach 1996, 3

55. Burnsilver & Mwangi 2007, 1

56. *Ibid.*, 2

57. Ntiati, Paul. “Group Ranches Subdivision Study in Loitokitok Division of Kajiado District, Kenya.” Nairobi, Kenya: International Livestock Research Institute, 2002.

58. Galvin et al. 2008, 72

59. Kimani & Pickard 1998

60. Homewood et al. 2009, 128

61. Galvin et al. 2008, 211

sometimes even reduced to 80km².⁶² Researchers are concerned that this limited mobility will reduce the capability of Maasai to deal with drought conditions during which they would not be able to migrate to distant pastures.⁶³

In general, it is currently expected that subdivided land will be able to support fewer numbers of livestock in the long term. This notably reduces the entitlements, in terms of the ability to raise livestock, of the Maasai in Kenya.⁶⁴ According to the predictions of a savannah ecosystem model, numbers of livestock supported on the land decreased as subdivided parcels dropped below 196km².⁶⁵ Households rely on the sale of animals for cash, and therefore a shrinking herd would reduce available monetary capital, and have negative repercussions on food security.⁶⁶

It follows that many researchers expect poverty to increase in Maasai communities. In these areas, wealth is measured by the size of one's herd, and in the Kitengela ecosystem, herd size still represents the largest explanatory factor for variations in household income.⁶⁷ Splitting families onto different parcels of land makes it more difficult for people to share workloads, such as pooling animals together for herding, and therefore decreases the leisure time available to each family.⁶⁸ Poor Maasai are also very vulnerable to selling their landholdings, and there is a widespread perception that people who have sold their land turned out to have become even more destitute.⁶⁹

A large body of research has also indicated an expectation that land subdivision will increase social stratification. Land that formerly belonged to all members of the community is now an economic resource that is marketable and considered "natural capital"; it can potentially enable those community members who are already well off to accumulate capital more quickly.⁷⁰ People run the risk of succumbing to a drought, during which they can be excluded from necessary resources.⁷¹ The literature expects that there will emerge distinct winners and losers from this situation, and the gap between the richest and poorest Maasai will grow.⁷²

62. Nriati, Paul. "Group Ranches Subdivision Study in Loitokitok Division of Kajiado District, Kenya." Nairobi, Kenya: International Livestock Research Institute, 2002.

63. Homewood et al. 2009, 399

64. Galvin et al. 2008, 54

65. Thornton et al. 2006, 350

66. Ibid.

67. Homewood et al. 2009, 136

68. Ibid., 213

69. Galvin et al. 2008, 214

70. Homewood et al. 2009, 25

71. Ibid., 388

72. Campbell, David, et al. "Land Use Conflict in Kajiado District, Kenya." Land Use Policy 17 (2000): 337-48.

There is a general consensus that if the Maasai suffer from reduced entitlements from their land resources, they will need to look elsewhere to derive entitlements that will allow them to continue raising livestock.⁷³ Unable to deal with temporal variation by using spatial migration, people become dependent on aid from outside, such as food aid and livestock feed.⁷⁴ When there is a high variability in the climate, fragmentation will necessitate reliance on outside resources to sustain the herbivore population, rendering a pastoralist way of life less possible based on the land.⁷⁵

Communal land tenure can offer the necessary migration to sustain animal herds, and the concept of the tragedy of the commons has even been reconsidered as the 'tragedy of enclosure'.⁷⁶ In fact, traditional systems might be most appropriate because of their capacity to address the large scale of land holdings required for pastoralism, in allowing for cooperation and coordinated management based on local ecological conditions of aridity.⁷⁷ The first way in which this has been reconceptualized has been the acknowledgement that pastoral societies did not consist of open-access regimes, but rather developed communal tenure systems that were governed by complex systems of social rules, such as migration patterns for livestock and limits on dry-season grazing areas.⁷⁸ Researchers characterize pastoralist systems as resilient in their flexibility⁷⁹ and also viable economically,⁸⁰ and Westerners recognized that communal tenure does provide communal control, which can sustain pastoralist use as it did in the past.⁸¹ Common land tenure is governed by social networks that have the potential to mediate conservation and investment for long-term viability.

context of empirical research

Given that the ecological arguments predict that pastoralism will not be a viable strategy during drought if the land is subdivided, this article now turns to the situation on the ground. The next two sections deal with empirical research on case studies of Maasai who articulate their views on subdivision and explain how they have been coping with a recent drought.

73. Galvin et al. 2008, 13

74. *Ibid.*, 26

75. *Ibid.*, 38

76. Galvin et al. 2008, 17

77. Galaty 1994, 199

78. Galvin et al. 2008, 370

79. Homewood et al. 2009:401

80. Migot-Adholla et al. 1991, 157

81. Homewood et al. 2009, 337

drought of 2008-2009

Drought is a normal, cyclical characteristic of ecosystem functioning in Kenyan rangelands. However, considering that it might increase in frequency and severity in the future, the imperative to understand coping mechanisms to deal with such ecosystem stress is even more salient. It is not possible to attribute any specific drought to the workings of climate change, so a recent drought will here be considered as a proxy to assess the situation of pastoralists.

2008-2009 represented a severe drought for many areas in Kenya; in July, the Kenya Food Security Steering group determined that the population affected by drought that was in need of “urgent humanitarian assistance” totaled 3.8 million people.⁸² Three rainy seasons were characterized by abnormally poor rainfall; the Maasai area in question received approximately 10-20% of normal rainfall.⁸³ By May 2009, the area was in the throes of a very severe drought, and suffering from local food insecurity.⁸⁴

site context: oltepesi group ranch, kenya

To analyze the effects of this drought, a Maasai group ranch was selected as a study area. Oltepesi Group Ranch is located in Western Kajiado district, approximately 50km south-west of Nairobi. The geology of western Kajiado district is mostly quaternary volcanics, and the terrain is broken and rocky. In this area, approximately 71% of the land is characterized as ‘semi-arid’ and 23% as ‘arid’, and the bi-annual rainfall ranges from 300 to 800mm as a yearly average.⁸⁵ Forest is rare, covering at most 1% of the area, and vegetation is dominated (74%) by wooded and bushed grassland.⁸⁶ Wild herbivores coexist in the landscape with their domesticated counterparts, and water is available for animals and humans from either boreholes or surface water sources, such as seasonal rivers and dams.

Within Kajiado district, Oltepesi group ranch is located in the Keekonyokie central location, which refers to a Maasai territorial distinction. It encompasses several hills, from approximately 3000 to 5000 feet above sea level. Most of the residents are engaged in husbandry of cattle, sheep, and goats, and agriculture is not prac-

82. (KFSSG), Kenya Food Security Steering Group. “The 2009 Long Rains Season Assessment Report”. 2009. Government of Kenya. <http://www.kenyafoodsecurity.org/longrains09/LRA_09_report.pdf>.

83. Ibid.

84. (KFSSG), Kenya Food Security Steering Group. “Kajiado District Long Rains Assessment Report”. 2008. Government of Kenya. <http://www.kenyafoodsecurity.org/longrains08/district_reports/kajiado.pdf>.

85. De Leeuw, P. N., B. E. Grandin, and Solomon Bekure. “Chapter 2: Introduction to the Kenyan rangelands and Kajiado district.” The Borana Plateau of Southern Ethiopia: Synthesis of Pastoral Research, Development and Change, 1980-91 (1993). <<http://www.fao.org/Wairdocs/ILRI/x5552E/x5552e04.htm>>

86. Ibid.

ticed because of the variable climate and water scarcity. The group ranch itself was subdivided in the early 1990s, and the adjudication section was closed in 1996. There is currently a case in court in which the subdivision is contested due to fraud and “dubious acquisition of title deeds by outsiders”.

research objectives

In examining the consequences of subdivision and drought for Kenyan Maasai, this research aims to emphasize depth rather than breadth in data collection. In *African Pastoralist Systems*, McCabe points out that there is a “surprising lack of detailed information on specific patterns of mobility for specific pastoral peoples”, and that a focus on the individual family unit can reveal the variety of decision-making factors at work.⁸⁷ The fieldwork carried out for this project attempts an analysis at this level, in order to thoroughly map out the diversity of factors influencing mobility decisions, and understand the perceptions of different Maasai as to what their endowments consist of, and what entitlements they are able to derive.

To do this, in-depth anthropological interviews were conducted on selected community members, under the umbrella of a larger-scale survey project at McGill University. The interviewees were selected to provide a cross-section of the society, and represent a variety of families from different walks of life and differing opinions about subdivision and the environment. A research assistant from Oltepesi, Parteroi Ntekeet Ole Nchoki, identified seven case study families that include: the chairman of the group ranch subdivision committee, a local community official, someone who had sold his parcel of land, someone who was swindled out of his land, someone who did not receive land, an outsider who did receive land within the ranch, and a member of the subdivision committee who later withdrew.

A formal interview was conducted with at least one member of each family, and focused on the mobility of their livestock during the drought from May 2008 to May 2009. Details of livestock movements were mapped out, and then questions were posed as to the rationale behind every move of the herd. People were asked to identify a previous drought and compare their current situation

to that time, and also to present their views about and understandings of subdivision. The interviews were fluid and non-scripted, so that a wealth of case-specific information and anecdotes could be drawn out, and the interviewees responded enthusiastically at the opportunity to share their experiences and opinions. Narrative analysis was performed on these transcripts, to draw out the congruencies and overarching points. To contextualize these interview sets, I lived in the same community as Parteroi, and we observed and analyzed events, social dynamics, and customs to add depth and perspective to the information gathered.

In addition, several interviews were also conducted in another group ranch, Olkiramatian, which is located approximately 70km southwest of Oltepesi, near lake Magadi. This group ranch was chosen because it is not wholly subdivided; the greater part of the ranch is protected under communal tenure and retains the historical grazing pattern between dry-season and wet-season areas. In this group ranch, four similarly in-depth interviews were conducted to gain a framework for comparison. People were asked to provide their views on subdivision and predict the ways in which it would affect their situation, to compare it to the reality in Oltepesi.

maasai understanding of subdivision: restricted mobility

Using these case studies, this section explores how Kenyan Maasai perceive subdivision and its effects on their ability to deal with drought. In essence, how do people understand subdivision, and have the pastoralists suffered a loss of endowments to maintain their way of life? Livestock mobility, as understood in this context, refers to the ability of pastoralists to move their animals from place to place, and is a strategy to deal with environmental variability. In terms of environmental entitlements, this is predicated on the right, or endowment, of land; the grazing access through livestock mobility is the entitlement derived from this endowment. The entitlements of the tribe have therefore changed; mobility is restricted due to subdivision. Privatizing the commons allocates land as an environmental endowment to individual people; in the case of the Maasai, that represents a restriction on the endowments of community members. Instead of a traditional system in which all Maasai had rights to the entire area, now each family is endowed only with a small tract of land and can be excluded from all others.

exclusion

In Olkiramatian, the group ranch with intact grazing lands, the respondents emphatically asserted that they would exclude others from their land if it were subdivided. A former chief explained that if he owned a parcel of land, he would fence it and control the number of people who enter and leave, such that he can refuse requests of other people to use his parcel. Maasai living in a subdivided ranch offered numerous examples of exclusion they faced or participated in when trying to migrate their livestock. These examples include fencing, permission-seeking, and reduced access to water compared to previous communal tenure regimes, and they culminate in the ultimate dissatisfaction with subdivision felt throughout the community.

In Oltepesi, people shared a variety of stories highlighting how the boundaries of subdivision restricted their mobility. First, fences had been erected around certain property boundaries, and this hindered the movement of migratory animals, both livestock and wildlife. In one case, a young man wished to move his sheep to the land of his grandparents. In pondering the migratory route, he realized that he was completely unable to devise a path because of all the fences in the way, and ended up hiring a vehicle to transport the sheep by road. Another woman brought up the point a lost cow chased by a wild animal can be run up against a fence and be killed easily, and this physical subdivision of the rangelands can change the predator/prey dynamics.

In addition to physical barriers, subdivision manifested itself in the assertion of ownership over land by one person towards others. Owning land as property implies the ability to prohibit others from this land, and the Maasai of Oltepesi engaged with this exclusionary concept in relations with each other. The most common discussion centered on the necessity of ‘begging permission’ in order to graze on the land that belonged to another person. One family explained that they remained on ‘their’ parcel at one point when it did not have grass; “we could not go elsewhere because those were...lands who belonged to other people who might refuse us to go there”. One woman complained that if you want to ask permission to use someone’s land, you have to ask permission of every man in that family, and you might receive differing responses. She

coughlan: drawing lines in the sand

was frustrated in that she did not know who to pay attention to. Another respondent explained that it takes a considerable amount of time to ask permission of the landowners, and starving cattle might die because of that delay.

Mobility reduction caused by constrained access to grazing land is not the only entitlement reduced by subdivision, but also access to water; there were numerous instances in which people of Oltepesi asserted property rights over water sources that were found on or near their parcel. If one's parcel does not contain a permanent water source, retaining range-fed livestock within its boundaries can be an impossibility. One family negotiated with the landowner of the path to a water source, and paid money to him for the use of the path. In another case, the owner of land through which a seasonal river passed established regulations in which others were only allowed to water their livestock after his animals had finished drinking; a different land-owner exacted money and labour for the upkeep of his waterhole. In response to shortages, an outside organization tried to make water more accessible throughout the Oltepesi community several years ago. A pipeline was installed that transported water from a distant escarpment to a storage tank in the village, but, after subdivision, those people who were allocated land through which the pipe ran began to grumble about letting water pass through 'their' property for the use of others. Over time, many of them installed taps into this water pipe, and water no longer reaches the storage tank for the use of the local people. Each of these situations constitutes a reduction in the entitlements of Maasai pastoralists to water their animals and of families to use the water found in their community.

dissatisfaction with subdivision

An historical comparison is most indicative of these changes. Throughout conversations and interviews, Maasai would attempt to explain the entitlements they controlled in the past, and how these differ from subdivision today. Some recalled experiences as a child, describing a drought when people were free to move. "Before, when there is rain you just see where the rain is and go there, but now you have to see where is that rain, whose land is that. So yes, subdivision has brought a very negative impact and has made the coping strategy very difficult." People articulate that they

previously possessed the ability to graze their animals where grass was growing and deal with temporal heterogeneity by spatially re-locating, as is discussed in the anthropological literature on the Maasai.

This is also highlighted in a comparison with the situation in Olkiramatian. In this group ranch, people moved throughout the common grazing land with no hindrance, and felt grateful for this ability, or entitlement. One respondent anticipated that if the ranch had been subdivided “we could have lost all the livestock that we had”. She pointed out that they moved “to all corners” and exhausted the grass everywhere, asking rhetorically “what if you had depended on your small plot?” People anticipated that there would be a loss of mobility if the land was subdivided, and locating grass would become a cash transaction.

Olkiramatian community members often migrated into a neighbouring, unsubdivided group ranch, the members of which were also allowed to enter into Olkiramatian. However, these Maasai expressed a vehement dissatisfaction with the subdivided ranches, and asserted that they would not enter into reciprocal grazing agreements with people who had demarcated their land. The rationale behind this is that they would be able to welcome visitors onto their ranch, but the visitor would not be able to return the favour because his land is privatized and does not allow for free migration. This constitutes a clear reduction in entitlements of the Maasai in Oltepesi, who are no longer welcome to share land with Maasai of unsubdivided ranches.

In general, Maasai of Oltepesi wish they could have migrated more than they did. They have the perception that there is still grass available for consumption within the ranch, and that they are being excluded from it by formal property rights. “If the land was not subdivided, we could have just migrated to other places where there is grass...I am very sure that there is still grass on cliffs right now but you are not allowed to cut the grass because this is individual land. If this land was not subdivided we could have just cut the grass where it is available.” People explain that they would have migrated to take advantage of the landscape heterogeneity, and they express the same perception as those in Olkiramatian that fewer animals would have died from the drought if the land had not been subdivided.

The general sentiment in the group ranch is that subdivision was a terrible decision, and most community members are very dissatisfied. This is exemplified in the case study of the chairman of the land subdivision committee and his family:

At the time of demarcation, this chairman was reputed to have divided the land unfairly; he assigned parcels to outsiders, including several of his mistresses from the Kikuyu tribe. After subdivision, the community came together and put a curse on this man, and he was killed several days later in a motor vehicle accident in Nairobi. It was notable that a Kikuyu woman was the one driving the car.

Even after his death, this man's fourth wife (out of five) was an ardent supporter of subdivision, and she held this opinion up until the time of this drought. In May 2009, it became clear that her opinion has radically changed; "Subdivision has done a lot of damage in fact for migration...I remember well when I was a child, when there was a drought, people were free to move where the grass was available...If the land was not subdivided, we could just be free, because whenever there is a drop of rain we could go there and this could make the people to survive." She even goes so far as to assert that this drought "is a punishment from God to try to punish people for subdividing the land".

This woman was able to explain that drought is the situation in which people are most in need of freedom of movement to sustain livestock on large tracts of land, and it is obvious during drought that subdivision does not provide this entitlement. This leads her to the conclusion that the drought will teach a lesson to the Maasai in terms of land rights and boundaries. She even goes so far as to advise that the subdivision decision be reversed, even though her family gained four tracts of land from the decision. "Because of drought, and the lessons we have learned, probably if it was ok, or if it was possible, the land would be managed the same as in the past. I think it would be advisable to revert the land if possible. There has been talk of over-grazing and people having a lot of animals, but I think that the problem is not over-grazing here but the long drought. I think that [now] is a time of penalty that people are receiving for making the land individualized."

Clearly, the demarcation process has had a large effect on the mobility of Maasai in Oltepesi. They are unable to migrate as much as they would like, and there are a variety of barriers in place that restrict people's movement. The reduction in their entitlements is evident.

maasai coping strategies: traditional land rights

What is very clear, however, from the empirical study, is that Maasai are not raising their animals solely within a single plot. To investigate the viability of subdivision, this section explores the strategies used by the study respondents to migrate their animals. In instituting subdivision, individual ownership defined and reduced the entitlements of Maasai to land. Yet, people recognized that the amount of vegetation growing within these parcel boundaries would not provide adequate forage for their livestock during the drought. Because of the heterogeneity of the landscape, any one parcel was not guaranteed a share of the limited rainfall, and therefore people called on entitlements through other institutions for the use of pasture.

If all Maasai obeyed the letter of the law of subdivision, the results of land ownership might be very different, and potentially catastrophic. But the Maasai did not stay within the boundaries of subdivision, and every community member I spoke with had migrated at least some of their livestock out of 'their' parcel over the course of the last year. How were people able to do so? To understand how Kenyan Maasai coped with the 2008-2009 drought, it is imperative to view society as a complex adaptive system that is engaging with multi-scalar factors. Traditional land entitlements were at work, coinciding with the legal type, and these institutions at different scales overlapped in their spheres of influence to create a hybrid result in the community. Innovative solutions were worked out between people, in terms of the way in which they integrated both legal and traditional forms of land tenure. Specifically, people engaged in novel land-sharing agreements that were predicated on the system of general reciprocity, and depended highly on networks of social capital; in many cases, just being Maasai allowed one right of passage through other peoples' 'property'.

reciprocity

The most concrete example of such a hybrid system of entitlements is the importance of reciprocal land-sharing that was cited by most respondents. In this type of solution, land boundaries were nominally recognized, and an agreement was made between the owner of the land and the migratory herder in which the visitor would allow the landowner to use his/her parcel in the future if needed. People were able to extend their entitlements to grazing pasture while still recognizing land ownership. This was clearly a method of providing insurance in the future against ecological heterogeneity, in case the small parcel of land for which one has 'ownership' does not receive rainfall. Three specific cases of this type of agreement illustrate the variety of forms in which it might be carried out.

In the first case, a man named Ikote explained how he shares his land reciprocally with his neighbours. There are two parcels abutting his father's land, and the three properties are used by the residents as communal grazing land. Each family looks after its own livestock, but is allowed to graze them anywhere on these three agglomerated tracts. Ikote also explained that he grazed his animals in search of grass in the hills outside the boundary of these parcels; he used the land of four different people, and three of them allowed him to graze with the stipulation that they would be able to use his land in the future. In fact, some of these people actually migrated at a later date to his parcel and remained until it rained in their area.

Ikote's mother explained the ideology of this system of reciprocity, based on an understanding of heterogeneous rainfall, with the indication that the appropriate coping strategy for this ecological condition is to gain entitlements to a larger area of land. These entitlements are a form of security of access to grass. She noted that the increasing use of fences poses a problem to this concept of reciprocity; she is contemplating fencing her land, but is wary of the consequences. "We fear fencing our land because you know you can fence your land but you cannot control rain. Maybe you fence, you restrict/block people; those people who did not fence, the rain might fall on their parcel and yours did not get rain so what do you feed on, stones? For example, I mentioned that on the 18th I had rain on this parcel but it did not cross to the other side of the road [which is the boundary of the parcel]; what about if the owner of

that land had refused people to enter his land, what would he have done now?”

In another situation, family members living in different locations used each other's land reciprocally. A woman migrated her sheep and goats (shoats) to the land belonging to her brothers, without even asking for their permission. When her land seemed more viable, she migrated her shoats back and her brothers followed her with their shoats, which then grazed on her property. This happened at least three times over the course of the drought year 2008-2009.

Complex types of hereditary affinities (ie: lineages or clans) were traditionally very important in determining which area one resided in, and are still used as connections for migratory purposes to broaden the area of land on which one is entitled to graze. This same woman was also approached by two families, one was a clansmate and one was her in-laws, who requested to migrate their animals to her land. She recognized that there was not very much grass available, and that having so many animals in the same space might finish off what little forage was edible. However, she agreed to let them come, explaining, “we fear that if we refuse, the other day when we are also being chased by the drought they might also refuse us. The Maasai used to say “mimiraki mirat entim”, which means “when someone is running for his life, you are not supposed to chase him away”.

The third case is less a similar instance of more general reciprocity. A family in Oltepesi was approached one day by a man whom they had never met, from the neighboring section of Matapato. He requested to migrate his herd of cattle to their land because he could see that there was grass in the area, and the family graciously acquiesced to his request without asking him for any type of monetary payment. It is notable that the man migrated with 300 cattle to their land, and the head of this household had only 150 cattle at the beginning of the drought. The rationale behind allowing him to come was predicated on this understanding of reciprocity. “We didn't ask anything [of him] because we knew that maybe, today the drought is occurring in that area, and we might be the next victims. Maybe, sometimes, here might be affected by drought and we might migrate to Matapato.” The woman relating this story finished with the proverb: “Oota taata, oota taisere”, which means, “Today you have, and tomorrow I might have”.

Reciprocity is an ingrained value in the traditional land management system of the Maasai, and many families were able to integrate this concept into the framework of individual property rights. This enabled Oltepesi's residents to expand their entitlements to include grazing rights in parcels other than their own. The endowment of private property combined with the traditional sense of Maasai community enabled them to derive the entitlement to graze on others' land, which was crucial to gain enough forage for the subsistence of their livestock.

social capital

The importance of social capital cannot be stressed enough in an explanation of how Maasai were able to migrate out of their 'legal' parcel boundaries. 'Social capital' networks can be understood as a form of endowments that have enabled Maasai to increase their entitlements for the use of grazing land. When looking to migrate animals, herders needed to take into consideration not only where the rain had fallen, but the owner of the land itself. At that point, the herder would need to decide if the land owner was likely to refuse if he asked to graze on that parcel; the strength of one's social relations became the arbitrating factor to mediate the entitlements one controlled to grazing rights on different parcels of land. One woman complained that she might see that it rained in an area, but then be refused permission to graze on that land if the person had ever 'collided' with her and was holding a grudge. Most migratory movements involved land belonging to relatives.

Maintaining positive relationships with other community members expands the entitlements one controls for grazing rights throughout the community. One family interviewed were migrants to Oltepesi; they were Maasai from another area, and their lack of positive relationships with the locals impacted their migratory strategies. The husband had bribed the land subdivision committee to gain a plot of land, and his family is resented by most Oltepesi community members. When they wanted to migrate their herd of animals, they did not look for options within the group ranch, but instead identified a white settler near Nairobi whose employees they could pay to graze their cattle on the land at night. They were the only family I spoke with who did this.

being maasai

In many cases, this same understanding of ‘family ties’ extended to apply to all people from the Maasai tribe. Often, just being Maasai endowed herders with the ability to migrate and graze wherever they wished, and the traditional concepts of land entitlement prevailed over legal rights of access. It is notable that many people mentioned the drought as a factor that made this possible. Communal land use happened in several contexts: when passing through the land of other Maasai, a culturally-informed inability to refuse migratory herders access to one’s land, and grazing on the land that had been purchased by outsiders.

Every interviewee identified at least one situation in which they migrated from one place to another, through private parcels, and did not meet any resistance from the owners. The rationale given in every case was similar, in that people identified that tribal membership entitled them to this ability. One family migrated their cattle at least 10 times over the course of the year 2008-2009, and never met resistance.

Several respondents cited both Maasai heritage and drought conditions for allowing them to migrate through private land without encountering problems. One woman explained that “we walked through different lands, because whenever there is a drought the drought always overrules the boundaries, so we just go through without even begging permission”. Another interviewee explained that “during drought seasons, during extreme drought, the fence/ boundaries are overruled by the drought because people will be crazy. They will not respect the boundaries because this is a survival tactic”. When pressed as to whether the boundaries are actually meaningful at all, she explained that “the impact is there because people realize this is your land; it is a hide and seek game so if they realize that you’re not around they might take livestock there, and enter without your consent... The impact of subdivision is recognition; it is not totally practiced”.

From these understandings, it is clear that Maasai strategies of land use are not rigid; in traditional forms of land tenure, the acceptable grazing patterns would change during times of drought. For example, during most of the year, it is unacceptable for people to graze on grass that is very young, such as shoots that sprout immediately after a rainfall. This maintains the ecological integrity of

the system, and allows the vegetation community to establish mature, resilient, specimens before they are consumed. In contrast, this rule is not applicable during times of drought, during which people are allowed to graze on young grass, in order to ensure the immediate survival of the livestock. The legal land tenure system does not make any allowances for changing regimes during times of ecological stress, but the Maasai of Oltepesi have integrated this concept into their current land-use practices. During drought, membership in the Maasai tribe entitles one with the right to migrate through Maasai territory; one interviewee maintained “I know that when there is grass in these parcels we could not have passed [through] because the owners would not allow it”. The reality of land rights is much more complex than that encoded in formal law, and integrates both traditional understandings of land rights and also the historically grounded ability to vary these rights according to ecological conditions.

In these situations, Maasai feel that they are unable to refuse someone who migrates to their land for grass. In one case, the son of the sister of a landholder arrived at his parcel with 50 cattle; the landholder only owned 10. The nephew had not asked permission before arriving; “after he came, he said just ‘here I am because there was no rain in our area and so I see that you got a little rain and I am going to graze here’”. The family correctly predicted that this would tax the grass on their parcel; “I think we are not comfortable about that because we knew that when cattle increase the grass will be finished but you know in Maasai culture you can’t just chase away someone if he comes”.

In another case, the young man called Ikote decided to bring his sheep to the land of his grandparents, but was afraid to ask their permission beforehand. “I thought they might refuse if I had asked, but if I just bring them they cannot turn me back.” His mother explained a similar sentiment from a Maasai framework. “To Maasai, livestock are very difficult to control because, one, we are not supposed to chase people who have been running away from the drought, and, two, they don’t even seek permission first to come here you just see them and there is no way you can tell them not to come...I don’t know who will have rain tomorrow, maybe me or them. ‘Naailookino mootiok kima’, (meaning, this is your turn today; the next turn will be mine).” Because of this cultural understanding of hospitality, people were not willing to refuse access to their land during times of drought.

Legal rights to land are not only interpreted differently during different time periods, but Maasai have extended their entitlements by refusing to heed parcel boundaries fraudulently allocated to outsiders. There are sections of Oltepesi group ranch which were given to non-Maasai, even though land subdivision had been advocated for on the basis that it would protect Maasai land from intrusion. The community is adamantly in opposition this, and no outsider has been able to set up residence on his or her plot, for fear of the physical retribution of the Maasai. In this case, the property boundaries are not recognized at all, but are treated as communal grazing land by the community. They are an instance of an entitlement to graze on land by virtue of one's membership in this community, as was the case before land privatization.

From these examples, it is clear that, although legal land endowments per person have decreased, the law is not the only institution that governs the entitlements to grazing land. People have recognized that demarcated land plots are not viable for the pastoralist way of life, and have therefore adapted this system. An entitlements analysis of the mobility patterns of the Maasai of Oltepesi indicate a hybridization of influences on land rights that are variable across space and time to more adequately equip pastoralists with access to grazing land. Maasai share land reciprocally in varying degrees, including communal grazing agreements, reciprocal negotiations, and general sharing with an understanding of potential future reciprocity. Social capital enables these transactions, notably through family networks, and being Maasai enables people during a drought to migrate without resistance. People similarly will welcome any Maasai who shows up unexpectedly, and will claim access to land that has been allocated to outsiders. In all of these situations, it is clear that people use traditional institutions to extend their entitlements during a drought, to better cope with the ecological heterogeneity of the region.

conclusion

On the largest scale, international theories of privatization of land affected the people living in Oltepesi when their traditional landholdings came under pressure for subdivision. Demarcated land has restricted the mobility of pastoralists, as explained in this case study, who comprehend that the entitlements derived from each plot of land are inadequate to subsist their livestock, which are simultaneously their investments and foodstuffs. The ecological

counter-narrative to privatization of rangelands currently supports this conclusion, and this has repercussions for environmental management systems around the world in semi-arid areas. Animal husbandry contributes to ecological heterogeneity through the mobility of herbivores, which allows for grazing strategies that are adjustable to the movement of rainfall and the diversity of vegetation. This in turn maintains the landscape itself. The Maasai have recognized the need for temporal and spatial variability in regulation, and have adjusted the contemporary boundaries of subdivision to account for this; they become more permeable in times of drought, and are not necessarily exclusionary. This case is not unique; theory suggests that there are a large number of highly varied and unpredictable environmental systems, and this study has repercussions for strategies to work within those systems as well.⁸⁸

Over time, drought is expected to increase in frequency and magnitude due to climate change, and Maasai will need to adjust in order to continue their pastoral livelihoods. Discussion of climate change is dominated by ideas regarding mitigation, and how anthropogenic climate change can be reduced. However, given evidence that the climate of many geographical areas is already affected, many scholars are calling for attention to be paid to the ability of people to adapt to a changing climate.⁸⁹ This is especially important in the case of indigenous people and developing nations, who might not have the infrastructure to quickly adapt to variable conditions.⁹⁰

Quite the opposite of supporting, the ability of the Maasai to adapt to climate change is clearly hindered by subdivided land, and this should be addressed in a timely manner to increase the resilience of the community in such a variable system. Communal land tenure systems are preferred by the people themselves, and are more ecologically viable in semi-arid environments. However, reverting back to pre-subdivision landholdings is not necessarily the best solution. Innovative alternatives to subdivided land should be explored in Maasai-land, to best approach the ecological viability of communal landholdings while still retaining security of tenure. For example, future changes to land policy could incorporate levels of strict zoning laws that would ensure the availability of pasture in areas that are secured with legal ownership. Creative, legal re-aggregation schemes that work towards promoting a viable pastoralist lifestyle could be possible in a number of forms, and build on the current coping system of reciprocal grazing arrangements by coding them and establishing legal access to greater tracts of land. •

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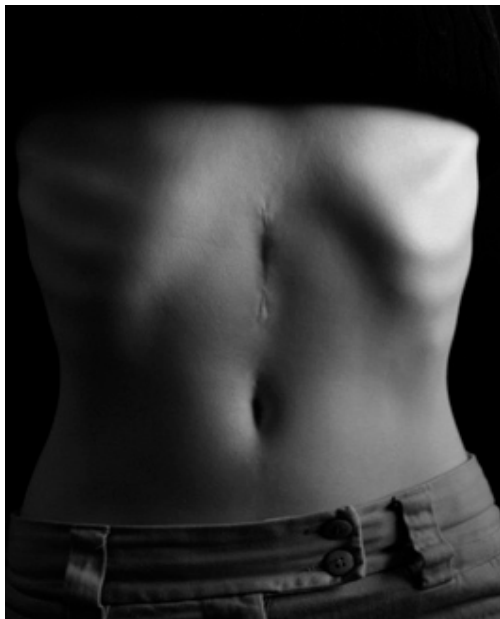
90. *Ibid.*

life lines

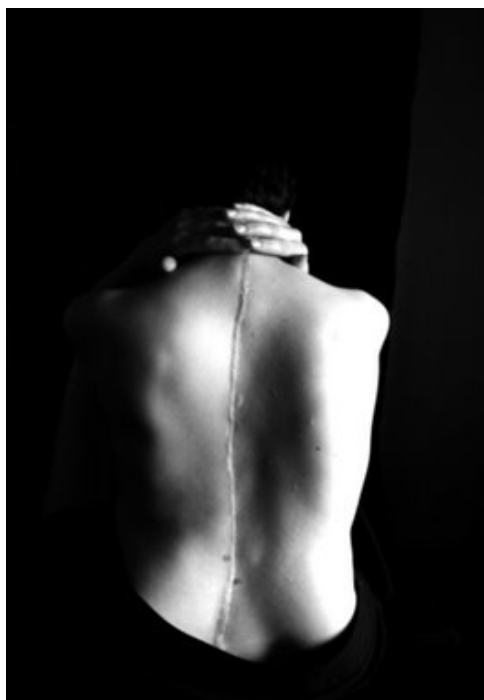
svea vikander

I am a Montréal-based visual artist and intern psychotherapist, working with issues of bodily self-determination and body image. The project I presented at Study in Action 2010 is called Life Lines and can be found online at www.onlinelifelines.blogspot.com. In this project, I am interested in creating alternative visual representations of traditionally 'unsightly' places. I photograph people's scars and document their narratives – about how they acquired their scars and about what meaning they find the outside world attributes to them.

Since I began to exhibit the project in 2006, I have received submissions from around the world – people who have photographed themselves and who wish to share their own stories/ images. While my work explicitly focuses on a 'taboo' or 'unsightly' subject area, it is a body-positive, anti-ableist project. In essence, it aims to address the oppression felt by people whose physical appearance marks them as 'other', to encourage a safe (and anonymous) exchange of stories and images about personal struggles to overcome illness, disease, accident, violent attack, surgical procedures, etc.; and finally, to encourage viewers to reconsider their ideas about their own bodies, as well as the bodies of others.



1. tamara



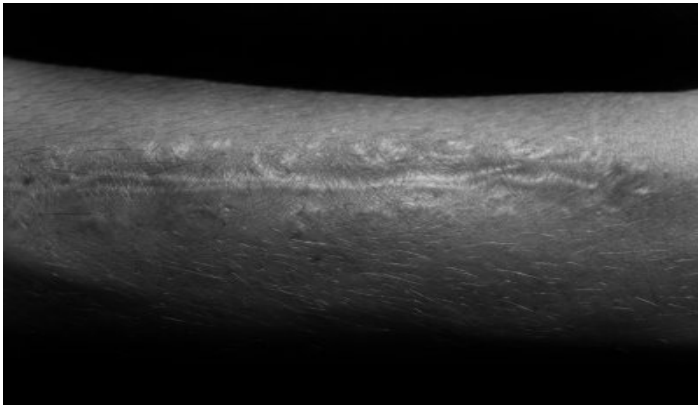
2. shara



3. andrea



4. kevin



5. peter

think local, recruit global:

the role of temporary migrant workers in canadian food production

kerri westlake

I will be discussing policies which grant temporary work permits to people living outside of Canada, known as guest worker programs. Although guest worker programs provide permits for many sectors, I will be focusing on agriculture.

a version of this essay
was presented at
Study in Action 2010,
Montreal

I started this research for the McGill Food Systems Project, in response to their request for criteria to help the administration choose between food providers. The goal of the project is to embed environmental and social concerns within the university's food purchasing policies, which to date have been focused primarily on price and quality. In building the criteria we tried to be cautious of the criticism of environmentalism as a historically white middle class movement that often fails to incorporate social concerns in discussions of sustainability. Examining human health and working conditions was one of the ways we tried to address this issue. I will be expanding on this section of the project, which is actually a work-in-progress. Specifically, I'll be expanding on the SAWP and TFWP as two increasingly important sources of labour in Canadian agriculture.

I want to begin by mentioning that there are ways in which my race, class, and cis- gender privilege inevitably informs my research both in ways I have tried to be mindful of and in ways that may be invisible to me. Additionally, the scope of sources I consulted was restricted by my English and limited French language skills. This is most evident in what I see as the greatest flaw in my research- the lack of formal incorporation of primary interviews. That said, I have had informal discussions with industry representatives, farmers, workers, and support workers. So thanks so much to those shared their stories and ideas.

Guest worker programs are racist immigration policies which create differential rights for those considered 'temporary' compared to those considered 'permanent'. The distinction between permanent and temporary is based on a gendered and racialized definition of 'skills' which is legitimized by the discourse of citizenship. Guest worker programs are based on the exploitation of temporary non-citizens to protect the economic privilege of permanent citizens. This presentation will discuss the ways in which the Seasonal Agricultural Workers Program (SAWP) and the Temporary Foreign Worker Program (TFWP) bolster the economic success of Canada's agricultural industry in a globalizing economy by restricting the rights and voices of temporary migrant workers.

The context in which my research emerged- that is, in the quest for 'sustainable' food – is one where much of the current literature calls for increasing local consumption. Often implicit in the argument for local food is a particular image of what it means to eat locally. This image has been taken up in branding and marketing tools, which conjure images of rolling pastures dotted with quaint houses inhabited by a tired but happy white family working in harmony with their domesticated animals to offer up sustenance to urban consumers. Such romantic visions of the Canadian family farm are prevalent in advertising and packaging and underlie much of the current push for local food.

But, not only are such romanticizations premised on the erasure of agriculture's historic reliance on a precarious and marginalized workforce, such as the use of British orphans in the early 1900s, and interned Japanese Canadians and German POWs during the world wars, but today they are more inaccurate than ever.¹

trends in canadian agriculture

Similar to global trends, Canadian agriculture has been characterized by expansion and consolidation. In the past few decades the number of farms has declined, while average farm size has grown, as has corporate control of these farms.² The percentage of children from farming families who pursue careers in agriculture is also rapidly declining.³

westlake: think local, recruit global

1. Preibisch, KL. 2007. Local produce, foreign labor: Labor mobility programs and global trade competitiveness in Canada. *Rural sociology* 72 (3):418-449.

2. Ibid.

3. Statistics Canada. 2001. 2001 Census of Agriculture. Government of Canada. Ottawa.

These trends have been in part caused by trade liberalization policies wherein, in order to remain economically viable in a globalizing market, farms must grow larger and larger to gain cost benefits that accompany economies of scale.⁴ In North America, these policies have led to divestment in small scale agriculture, the loss of former export markets, and artificial depression of commodity prices as a result of subsidies. One important consequence is a race to the bottom in terms of production costs, including labour costs.

The trends have meant growing demand for so called “low skilled” wage labour, while the destabilization of local or subsistence economies has created a surplus of dislocated workers. While there has always been a discernable link between the Canadian economy, agriculture and immigration policy, it is particularly tangible in this context. Since the 1960s, the government and agricultural industry have been claiming this labour shortage with increased force.

SAWP and the creation of a ‘reliable’ workforce

Enter the Seasonal Agricultural Workers Program. Initiated in 1966 in an agreement between the Canadian and Jamaican governments, SAWP grants temporary permits to low skilled workers in agriculture if employers, in accordance with the Canadians First policy, could prove that they could not recruit Canadian workers.⁵ It is important to note that the low skill category is based on the devaluation of manual work, and does not accurately reflect the importance of what these workers provide. (Indeed, the process of ‘naming’ – choosing which employees return to work in subsequent years – is so beneficial to employers because of the increased skills a returning employee can offer. Employers can also request workers with specific skills such as experience operating complex machinery.⁶)

Prior to this agreement, labour shortage demands had been largely met with permanent immigration recruitment programs that were highly regulated as to who may or may not enter. Temporary work, agricultural and otherwise, had been an informal phenomenon wherein migrants sought seasonal work in Canada with the expectation of returning to their place of origin.

4. Sharma, N. 2008. On Being Not Canadian: The Social Organization of “Migrant Workers” in Canada. Canadian Review of Sociology/Revue canadienne de sociologie 38 (4):415-439.

5. Human Resources and Skills Development Canada. 2009. Seasonal Agricultural Workers Program HRSDC Publication Services. [Accessed February 2010]. Available from http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ci_tfw/sawp_tfw.shtml.

6. Preibisch, 2007.

The novel emergence of state sanctioned temporary labour programs has become a strategy for ensuring Canada's successful competition in a globalizing economy. A reliable source of cheap labour was and is essential to encourage and maintain capital investment.⁷ But because agriculture is among the most hazardous and low paying sectors it is difficult to find employees. Additionally, the extent to which labour rights legislation applies to agricultural work is based on the relic of the family farm I discussed earlier, where rising costs associated with increased rights were not considered possible.⁸ As a result, to use Quebec as an example, farm workers' weekly minimum of one day of rest can be postponed, and they are not paid overtime.⁹ These conditions combine to create a sector in which, as government and industry representatives frankly admit, most Canadians will not work.¹⁰

Where Canadian residents or citizens are employed, they are most often poor or recent immigrants, and are often characterized as "unreliable" by their employers. For example, an article in Canadian Poultry Magazine states that a chicken catching company had previously "...had so much trouble finding catchers that we had to accept such unacceptable behaviour [as taking illicit drugs on the job]" but that "a major part of the solution came... when [we] started hiring guest workers from Guatemala.... Workers from Quebec know that they can be replaced".¹¹ The differentiation between reliable and unreliable workers is often conflated with race, gender, ethnicity, and/or nationality, but as scholar Nandita Sharma argues, "what allows migrant workers to be used as a cheap and largely unprotected form of labour power are not any inherent qualities of the people so categorized but state regulations that render them powerless".¹² It is by facilitating this conflation that the SAWP and TFWP act to perpetuate racist stereotypes as well as to create severe disincentives for workers to be anything but reliable.

SAWP, which has been expanded since 1966, is a program jointly overseen by Citizenship and Immigration Canada (CIC), Human Resources and Skills Development Canada (HRSDC), and the consulate of the sending country.¹³ While Canadian employers dictate the demand for workers and CIC ultimately grants work permits, the sending country is responsible for worker recruit-

westlake: think local, recruit global

7. Sharma, 2008

8. Choudry, A, J Hanley, S Jordan, E Shragge, and M Stiegman. 2009. *Fight Back: Workplace Justice for Immigrants*. Winnipeg: Fernwood Publishing Co., Ltd.

9. Gouvernement du Québec. 2001. *An Act Respecting Labour Standards*. edited by Commission des normes du travail. Québec.

10. Sharma 2008.

11. Dumont, A. 2010. *A Tough Job: Farmers can help make it easier*. Canadian Poultry Magazine.

12. Sharma 2008, 425.

13. The program now includes Jamaica, Barbados, Trinidad and Tobago, Grenada, Antigua, Dominica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Monserat and Mexico.

ment and all associated costs. Sending countries compete with each other to provide the most reliable workers at the quickest response time, as the remittances sent back now contribute significantly to these economies.¹⁴ These same agents have the role of advocating for workers' rights but the two conflicting incentives limits worker representation in the event of a complaint and in annual negotiations. Unequal representation is one of many ways in which employers are granted power by this program.

Employers also have full discretion as to which employees return to their farm. Through the process known as naming, employers can request certain workers back by name, in some cases for up to 20 consecutive years.¹⁵ Likewise, employers are granted the discretion to fire an employee for "any significant reason"; the North South Institute has reported reasons such as falling ill, questioning wages, and refusing unsafe work.¹⁶ Since a worker's permit is tied to a specific employer, to be fired is to lose one's status in the country. This is important because the threat of repatriation combined with the prospect of not being 'named' in the coming seasons engenders fear of speaking out or detesting sub-standard conditions. But, as they are currently set up, the SAWP and TFWP rely on worker complaints to determine whether employers are abiding by the program rules or provincial labour standards; the Commission des normes du travail (CNT) and the Commission de la santé et de la sécurité du travail (CSST) will only perform workplace inspections upon receipt of a complaint.¹⁷

In addition to restricting workers' voices, SAWP is designed such that its workers have fewer rights than their Canadian counterparts. That one's status is tied to a specific employer means that workers within this so called "labour mobility program" do not have the mobility to freely sell their labour as Canadians do. Also, while Employment Insurance (EI) is deducted off of the paycheques of SAWP employees, their loss of status and repatriation upon losing or finishing a job contract makes it practically impossible to claim EI payments. Similarly, while all foreign workers in Canada in theory have the same right as citizens to contest termination before the law, repatriation again means

14. Brem, M. 2006. *Migrant Workers in Canada: A review of the Canadian Seasonal Agricultural Workers Program*, edited by L. Ross. Ottawa: North South Institute.

15. The threat of refusing to name the family members of a given worker has also been reported; Brem 2006.

16. *Ibid.*

17. Personal interview with representatives of the CNT and the CSST, November, 2009.

that this is impossible. What underlies all of these injustices is the threat of repatriation and the fear and silence it engenders.

Many live on the property of their employers, who have full discretion to impose safety, discipline and property rules, often further limiting worker mobility. There have been a number of documented cases wherein employers withheld workers' personal documents, or refused to grant worker requests to be taken to medical facilities.¹⁸ The availability of documentation in Spanish, the first language of many workers, is limited.

In 1987, true to trade and econ lib trends, the HRSDC relinquished administrative control of the SAWP to Foreign Agricultural Resource Management Services (FARMS). FARMS is a non-profit, member (i.e. employer) funded and driven company. Simultaneously the cap on how many permits were granted was removed, and the number of SAWP workers increased 15 fold the next year. The move also increases employer representation in annual negotiations, particularly unjust considering the inability of SAWP workers to bargain collectively. Collective bargaining rights allocated to the majority of Canadian citizens are denied to agricultural workers in Ontario and Alberta. In Quebec, while not explicitly forbidden, Article 21 of The Quebec Labour Code requires that there are 3 ordinary and continuous employees—obviously a problem for those employed in seasonal or otherwise precarious work.

increasing precarity under the temporary foreign worker program

Despite the clear position of power that employers are already in, they continue to demand a more flexible, less regulated workforce. These demands were met in 2003 with the initiation of both the Live-In Caregiver program, which I unfortunately don't have time to talk about, as well as the TFWP, an expanded and deregulated program modeled on SAWP.

The TFWP expanded employment possibilities to new sectors and is organized outside of bilateral agreements, meaning that there are no annual negotiations with sending governments and

18. United Food and Commercial Workers Union of Canada. 2007. *The Status of Migrant Farm Workers in Canada 2006-2007*. Toronto.

that workers can be recruited from anywhere in the world.¹⁹ This means that if one workforce begins to demand rights, employers can easily hire a completely different set of workers. As one worker observed, this effect can already be seen: “they see that Mexicans are showing their claws and want to defend their rights, so now they prefer Guatemalans because they are more silent”.²⁰

While these programs are purportedly beneficial for economic empowerment and livelihoods of people in so-called developing countries, and are thus used to bolster the image of Canada as benevolent, they are in effect akin to slavery. As Eugenie Depatie-Pelletier argues, the conditions set up by the SAWP and TFWP are in breach of the UN Supplementary Convention of the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which Canada ratified in 1957. According to this agreement, the “condition or status of a tenant who is by law, custom or agreement bound to live on land belonging to another person and to render some determinate service to such another person, whether for reward or not, and is not free to change his [sic] status” should be abolished at any cost.²¹ SAWP and TFWP workers are both required to live on their employer’s property, as well as prohibited from seeking permanent status once in Canada.

That SAWP and TFWP workers’ permits are tied to one employer goes against the right to liberty and security of the person and freedom of association in Canadian Charter of Rights and Freedoms.²² These rights restrictions stand in stark contrast to those afforded to so called “high skilled” workers or temporary workers coming from wealthy predominantly white countries. Both high skilled workers with a temporary work permit and low skilled workers from predominantly European and Commonwealth countries are allowed to seek permanent status in Canada and neither are restricted to one employer nor repatriated upon termination of employment.²³

It is the conditions which create a precarious workforce that ensure the success of the industries in which these workers participate. In the past decade, Canada has become a net exporter of six

19. Additionally, unlike SAWP employees, TFWP workers pay for their accommodation, have no minimum requirement for hours worked per contract, and can stay for up to 2 years; Canada, Human Resources and Skills Development. Temporary Foreign Worker Program 2010 [Accessed March 2010]. Available from http://www.rhdcc-hrsdc.gc.ca/eng/workplac-eskills/foreign_workers/index.shtml.

20. Choudry et al 2009, 69.

21. Depatie-Pelletier, E. 2008. Under legal practices similar to slavery according to the UN Convention: Canada’s “non white” “temporary” foreign workers in “low-skilled” occupations. In 10th National Metropolis Conference. Halifax.

22. Ibid.

23. Ibid.

out of eight crops where SAWP workers are hired (apples, tomatoes, tobacco, cucumbers, peaches, cherries, ginseng, and greenhouse tomatoes).²⁴ This workforce is becoming what Sharma calls “permanently temporary”, as more similar work programs are implemented and the amount of workers participating in them is overtaking the number of citizens/residents in some sectors.²⁵ For example, in horticulture TFWs now represent 18% percent of the total workforce and 53% of the workforce in SAWP employing sectors.²⁶ People destined to enter the workforce with permanent status have shifted from 57% in 1973 to 30% 20 years later. The remaining 70% were workers entering with temporary status.²⁷

how the discourse of citizenship legitimizes exploitation

The importance of these workers to the Canadian economy is clearly at odds with their temporary, non citizen status but it is precisely their non-citizen status which allows for the legitimization of differential rights that are essential to their economic value. And, as Sharma argues, these unequal rights are naturalized by discourses of citizenship.

For example, in a 1971 discussion in the House of Commons, when asked whether unemployed citizens rather than “offshore” workers could be encouraged to work in agriculture by increasing social benefits, Prime Minister Pierre Trudeau replied: “No... the government will not commandeer the work force. The whole political philosophy of the government is based on freedom of choice for citizens to work where they want”.²⁸ It is clear that freedom to choose where one wants to work is a right reserved for citizens but also, that such a statement is not openly acknowledged as contradictory, is evidence of how citizenship naturalizes the existence of two sets of rights.

Of course, differential rights for citizens and non-citizens have been constant throughout Canadian history. The definition of citizenship began as explicitly racialized, preferencing immigrants who would not, to quote former Prime Minister Macken-

24. Brem 2006; Preibisch 2008.

25. Sharma, 2008.

26. Brem, 2006.

27. Sharma, 2008.

28. Ibid, 433.

zie King in 1947, "...fundamental[ly] alter the character of our population".²⁹ They remained so until the era of multiculturalism in the 1960s. This is popularly proclaimed as the time when Canada moved from a racist state to an inclusive one but, as evidenced by the SAWP and TFWP as well as the issues my co-panelist have discussed, terms of citizenship are still racist.

29. King, William Lyon Mackenzie. 1947. Canada's Postwar Immigration Policy. Paper read at House of Commons Debates, at Ottawa.

Throughout the presentation, I have talked a lot about the ways in which Canadian immigration policies restrict the rights and voices of temporary migrant workers, but I also want to make it clear that these policies by no means render these workers without agency. Nor have these conditions been passively accepted by workers. As long as there have been differential rights allocated to temp workers there has been resistance.

I just want to end by saying that the process of developing criteria for McGill's administration has been a frustrating one that has further solidified in my mind the comments made by last night's panelists. To affect change, it is necessary to target capitalism as the root cause of these issues. •

demystifying the life sentence in canada

re-con



MYTH: a life sentence means you are in prison for the rest of your life

During the partial ban on capital punishment throughout the 1960s, an average life sentence meant 7-10 years in prison. Now in Canada, a life sentence is 10-25 years in prison. Convictions that can result in a life sentence include first and second degree murder, manslaughter, treason, bank robbery and multiple escapes. Consecutive and indefinite sentences can also become a life sentence. It is also common for your sentence to be increased due to charges incurred while serving time, for failing to comply with correctional protocol. Finally, if we consider how many people die inside before their sentence is completed, a life sentence can mean you are in prison for the rest of your natural life.

MYTH: having completed your time in prison, you are 'free'

During the partial ban on capital punishment throughout the 1960s, an average life sentence meant 7-10 years in prison. Now in Canada, a life sentence is 10-25 years in prison. Convictions that can result in a life sentence include first and second degree murder, manslaughter, treason, bank robbery and multiple escapes. Consecutive and indefinite sentences can also become a life sentence. It is also common for your sentence to be increased due to charges incurred while serving time, for failing to comply with correctional protocol. Finally, if we consider how many people die inside before their sentence is completed, a life sentence can mean you are in prison for the rest of your natural life.

MYTH: the number of years you are sentenced to is the time you'll be in prison

When given a life sentence, the number of years you're sentenced to is the mandatory minimum amount of time you're required to spend in prison. That is to say that, once you've served your time, you become eligible to go on parole. But make no mistake- being eligible for parole does not mean being granted parole. The National Parole Board is the gatekeeper to the outside world for prisoners. They have absolute and exclusive decision-making power over who is granted parole. This could happen much later than the years to which you were sentenced to without parole. For people sentenced to 15 years or more, there's the 'Faint Hope' clause. This clause means that 15 years after conviction, you can apply to go before the parole board sooner. Since the abolition of the death penalty, this clause has been the most hotly contested part of the Criminal Code.

MYTH: a parole violation means you've committed a crime

Not necessarily. You can be sent back to prison for breaching a standard parole condition or an individually specific one. A parole violation could mean anything from drinking alcohol to not telling your parole officer about a change in your finances. Even if your parole officer merely suspects that you will breach your parole conditions, that's grounds enough for sending you back to prison. Parole officer's overuse of the ambiguous 'lack of transparency' as justification for reincarceration amounts to nothing more than a legalised 'gut-feeling'.

MYTH: when you're sentenced to life, you're the only one affected (you do the crime, you do the time)

Strict parole conditions will not only affect you, but also almost everyone significant to you. Correctional Services Canada is entitled to question, visit, and surveil others in your life - at work, home, and play. Prisoner's families are not only subject to society's stigma, but also the psychological and financial burden of a loved one's longterm imprisonment.

MYTH: prison is easy ('club fed')

Suicide rates for prisoners are nearly 8 times that of those on the outside. However deaths in custody are ambiguous because of the common nature of violence from prison guards and police. And if you fail to toe-the-line on the inside, you are not only less likely to get out on parole,

but also face the threat of solitary confinement – which is akin to torture. In Canada, HIV transmission rates are 10 times higher inside prison. Hep C prevalence is 25 times higher. Parole release rates are at their lowest. Considering that you have severely limited access to resources on the inside, it's not surprising that concerns around health-care make up most of the official complaints from prisoners. Inside the prison walls, you become a kind of non-citizen without many basic rights.

MYTH: harsher sentences prevent people from killing others

Until 1976, a conviction of murder was punishable by death. Since the process toward the formal abolition of the death penalty began in the early 1960s, the life sentence has shifted from 7, to 10, to 20, to now up to 25 years in prison without parole eligibility. Presently, there continues to be a push for longer sentences in hopes of deterring people from committing murder. Yet, studies repeatedly show that harsher sentencing is not necessarily the cause of a decreasing homicide rate. By focussing on the need for retributive justice, the root causes for why one might kill another get lost in the shuffle: how social and economic oppression structure people's lives and life choices.

MYTH: anyone who kills someone ends up in prison on a life sentence

Our society condones – even honours – many different kinds of killing. From the military to the police, murders are often justified as necessary. The State and corporations are also commonly responsible for less visible violence that can result in death (ex. poor labour conditions or denying refugees asylum), but are not stigmatized in the same way as those who commit interpersonal violence.

MYTH: if you're sentenced to life you're nothing more than a criminal

Being sentenced to life does not automatically mean that everything you've done in the past is now worthless, nor that you have no potential to contribute to the community in the future. One choice should not necessarily determine the rest of your destiny. Being a son, daughter, parent, friend or citizen cannot be disregarded or erased. When prison staff look down at you as though they are morally superior, it becomes ironic that you must be 'good' or ultra compliant yet you are inescapably assumed 'bad' and the guards are viewed as inherently 'good', while their disrespect and contempt for prisoners makes for routine violence on their part, from their positions of authority.

MYTH: the people incarcerated are the reason prison is dangerous

Lifers spend an extensive amount of time inside a system that is defined by heavy regulation, control, and punishment. The dangers lies in the destructive and restrictive environment of the prison, not in the prisoners themselves. According to the office of the Chief Coroner, between 1986 and 1995 only 9% of all the deaths in custody in Ontario were attributed to homicide. This statistic also does not distinguish between who committed these homicides whether it was guards or other prisoners. According to the same stats, prisoners were 4 times more likely to commit suicide than to be murdered. By concentrating on the “inherent” dangerousness of prisoners sentenced to life, the focus of public discussion often veers away from the brutality and violence of the prison system and its personnel.

MYTH: the people incarcerated are the reason prison is dangerous

If you have been sentenced to life you will be routinely categorized by the Canadian state as a “risk” to this conception of the “public” which you are now excluded from. You’re inevitably assumed to be a threat, yet parole conditions mean you have to be perfect: a kind of super-citizen. However, lifers on parole accounted for only 0.5 percent of the reported homicide deaths in Canada during the past 31 years. In contrast, in Montreal over the past 23 years, 60 people have been killed at the hands of the police. None of them have been convicted of either voluntary or involuntary manslaughter (this is called police impunity). Yet, who are we still encouraged to trust, and who are we lead to stigmatize and outcast? •

*published in montreal, may-june 2010.
this brochure is a CURE project for *re-con*.

subverting higher education: teaching environmental justice

kathryn lennon & asha philar

We are students in Environment and Resource Studies at the University of Waterloo, Ontario, who developed and led a student-driven seminar course on environmental justice. This presentation will address the process of planning and facilitating an environmental justice course. It will also focus on the challenges and successes we've encountered, and how to start discussions about difficult topics in an environmental studies context. We also hope to share resources and ideas with interested participants.

this article is taken from a workshop given at Study in Action 2010, Montreal.

how and why we created the course

As students in Environment and Resource Studies at the University of Waterloo, we encountered the assumption that everyone comes to environmental studies with the same understandings of the environment. As women of colour, we found this frustrating, and were especially concerned about the lack of discussion of race in relation to power and environmental decision-making.

We began with the questions: How can we talk about the "environment" as something universal when there are so many different ways of seeing the world"? Why is discussion of race issues absent in our environmental classrooms?

From here, we decided if nobody was teaching such topics, we would have to teach ourselves. We created Environmental Justice, ERS 475/675 as a student-led, for-credit seminar course. It ran at the University of Waterloo from January to April 2010. We had 15 students in the class, and one faculty supervisor. Our class met for 3 hours sessions, once a week.

course description (excerpt from our syllabus)

Environmental justice explores the way that environmental actions, policies and perceptions interact with social inequities. Environmental justice calls for an examination of the way that individuals and communities with less power are disproportionately impacted by environmental degradation, and are left out of environmental decision-making.

Environmental justice is a movement; an analytical framework; a state of being; a conversation for community understanding, advocacy and mobilization; and a political principle. This course offers an overview of environmental justice in theory and practice, and will introduce students to marginalized voices in the environmental movement, and examine ways in which identity shapes our understanding of environment.

The purpose of this course is to create a community of learners who will explore environmental justice topics that are often overlooked in other university courses. This is a peer-taught pilot course. The content of the course will be shaped by the knowledge, experiences and contributions of participants. We will focus on a Canadian context, using local examples. Weekly meetings will model anti-oppressive and interactive ways of learning, and will include guest speakers, readings and student-led activities.

course objectives

1. To gain a working knowledge of key concepts including: environmental justice, environmental racism, privilege, power, and oppression
2. To introduce participants to skills and research methods useful for environmental justice work including: indigenous research methodologies, participatory action research, and facilitation skills.
3. To develop critical thinking skills and use them to analyze environmental issues with an environmental justice framework.
4. To examine and challenge our own assumptions.
5. To hear from voices at the margins of environmentalism
6. To build course content and resources collaboratively.
7. To connect to a greater body of environmental justice research, knowledge and action.

Our learning in this course will be supported by discussions, lectures, group and individual work, readings, and activities. Through theory and reflection, case studies, and real world examples and application, we will explore micro and macro components of an environmental justice analysis. This is a very interactive and col-

laborative course. Participants must take responsibility for their own learning and are expected to: relate and apply concepts from the class to their life outside of the classroom, to contribute thoughtfully to class discussions, and to actively listen to their peers. Participants will contribute to course learning objectives through readings, discussions and projects, help build a course resource list and lead one activity during the semester.

Course themes include:

- history of environmental justice, and the canadian context
- race, class, and gender
- power, privilege, and oppression
- representations of environment and wilderness
- personal position and identity
- communication and consultation
- doing accountable research for and with communities not our own
- rights and laws
- decision-making and policy

definition gallery

To give you a taste of the activities we use in our classroom, we will now do an activity called the ‘Definition Gallery’. The purpose of this is to critically examine definitions of words such as environment, justice, environmentalism and wilderness. This exercise illustrated how language frames our understanding of the world.

Materials: chart paper, pens

1. Write the words *environment*, *justice*, *environmentalism*, and *wilderness* on sheets of paper.
2. Ask participants to add definitions of the words to the sheet of paper, either their personal definitions, or commonly used definitions.
3. Discuss the definitions, using questions such as: What were our sources of knowledge? How had we come by our understandings of these words? How had our personal identities shaped our understandings of these words?

discussion questions

- What are the advantages and disadvantages of teaching environmental justice as a for-credit university course, within a post-secondary institution, rather than as a free community-based course, or informal discussion group?
- What are the advantages and disadvantages of working within a system to create change?
- What is your current understanding of environmental justice, of how social inequalities fit in with environmental issues?
- Have you had a chance to learn about environmental justice in university classes?
- Do you have experiences with alternative education?
- Can teaching be a form of activism?

more resources

Andil Gosine and Cheryl Teelucksingh. 2008. *Environmental Justice and Racism in Canada: An Introduction*. (Emond Montgomery Publications: Toronto).

Julian Agyeman, Peter Cole, Randolph Haluza-DeLay and Pat O'Riley Eds. 2009. *Speaking for Ourselves: Environmental Justice in Canada*. (UBC Press: Vancouver).

Linda Tuhiwai Smith. 2005. *Decolonizing Methodologies: Research and Indigenous Peoples*. (Zed Books: London).

"Green is Not the Only Colour", <http://briarpatchmagazine.com/514/>

The Green Justice Kit

<http://www.youthactioncentre.ca/English/actionresources/guides.htm>

Interview with Robert Bullard, one of the pioneering scholars and activists in the environmental justice movement.

http://www.sundancechannel.com/thegoodfight/projects/robert_bullard

Kevin DeLuca. "A wilderness environmentalism manifesto: Contesting the infinite self-absorption of humans".

William Cronon, "The trouble with wilderness: Or, getting back to the wrong nature".

"Why are Greens so white?" Toronto Star- June 2, 2007 by Peter Gorrie, <http://www.environmentaldefence.ca/pressroom/viewnews.php?id=78>

Buzzelli, Mark. "Environmental Justice in Canada: It Matters Where You Live". <http://www.cprn.org/doc.cfm?doc=1969&l=eng> •

co-ordinator derek lappano
editors degane sougal & derek lappano
layout & design derek lappano
cover art madeleine r.

This journal was made possible thanks to a summer stipend grant by the Quebec Public Interest Research Group at Concordia University

thank-you:

tasha, jaggi, ashley (QPIRG-concordia) • degane the great (CURE-mcgill)
siji (CURE-concordia) • QPIRG-mcgill • maddie r, shannon f • those who
offered time & skill (sarah k, tara m, svea v, jules r-b, emma r, katie e, drew
n) • those who agreed to have their work published in this little journal

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