Canada: Victory of indigenous peoples in court

Daishowa Inc. is a Canadian corporation with business premises in the provinces of Quebec, Ontario and Manitoba, that operates in the paper, packaging and sawmilling sectors. Daishowa is a subsidiary of Daishowa Paper Manufacturing Co. Ltd., a Japanese corporation. Daishowa Canada Company Ltd, another subsidiary of the Japanese holding, negotiated a Forest Management Agreement ("FMA") with the Government of Alberta in 1988 and. built a large pulp mill in Peace River, that would be supplied with wood harvested from an area ancestrally occupied by the Lubicon Cree First Nation in northern Alberta. In 1992, Daishowa Canada Company Ltd. transferred its interest in the pulp mill and related logging rights to the Japanese owned Daishowa-Marubeni International Ltd.

The Lubicon Cree took steps to protect their interests. After two years of useless negotiations with the company , the indigenous peoples contacted the Toronto based NGO “Friends of the Lubicon”. In 1991 they started a consumer boycott against paper bags sold by Daishowa, stating that the company's logging rights threatened the Lubicon's way of life. This measure was addressed to put pressure to the company and make it cease logging activities in the contested area.

As a response, in 1997 the company sued Friends of the Lubicon for damages caused by the boycott action. In April 1998 the Ontario Court decided that the consumer boycott lauched by Friends of the Lubicon was not merely legal, but "a model of how such activities should be conducted in a democratic society”. Dismissing the claims of the forestry multinational for a permanent injunction, the Ontario Court also observed that the protection of the Canadian Charter of Rights and Freedoms must be extended to protect political expression on issues of public importance. "The plight of the Lubicon is precisely the type of issue that should generate widespread public discussion", said Mr MacPherson, member of the Court.

In Japan, a newly formed Lubicon support group met with Daishowa and Marubeni executives in their head office in Tokyo immediately after theOntario Court decision and handed over a petition demanding them not to appeal to the Higher Court. Canadian activists have shown a cautious optimism and are considering an end to the boycott. The company promised to stay out of the area claimed by the Lubicon Cree First Nation.

Source: Yoichi Kuroda, May 1998.