

PUBLIC HEARINGS

# **Toward Reconciliation**

**Overview of the  
Fourth Round**

**Royal Commission  
on  
Aboriginal  
Peoples**

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Fourth Round**

*April 1994*

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# Contents

Preface	vii
Introduction	1
The Fourth Round of Hearings	5
National Aboriginal Organizations	5
The Assembly of First Nations	5
Inuit Tapirisat of Canada	8
Métis National Council	11
National Association of Friendship Centres	15
Native Council of Canada	18
Native Women's Association of Canada	22
Pauktuutit (Inuit Women's Association)	25
The Relationship	28
Aboriginal Approaches	29
Non-Aboriginal Approaches	31
The Quebec Perspective	33
Healing	39
Women and Families	39
Health	41
People with Disabilities	44
Language and Culture	45
Education	47
Aboriginal Youth	50
Self-Determination	52
Self-Government	52
Treaty Rights	55
Land and Land Claims	57
The <i>Indian Act</i> and Federal Administration	60
Urban Issues	62
Métis Issues	64
Justice Issues	65
Self-Sufficiency	68
Economic Development	68
Employment	73
Natural Resource Issues	75
Fisheries and Wildlife	79

Appendix 1-Special Consultation with the Historic Mission Churches	83
Appendix 2-Submission from the Premier of Newfoundland and Labrador	91
Appendix 3-Schedule of Hearings, Round 4	93
Appendix 4-Public Consultations, Rounds 1 to 4	95
Afterword	101

# **The Royal Commission on Aboriginal Peoples**

## **Co-Chairs**

René Dussault, j.c.a

Georges Erasmus

## **Commissioners**

Paul L. A. H. Chartrand

J. Peter Meekison

Viola Robinson

Mary Sillett

Bertha Wilson

# Preface

This overview marks the conclusion of the public consultation process begun by the Royal Commission on Aboriginal Peoples in April 1992, when we opened our first round of hearings with a special ceremony at the heart of the North American continent - Turtle Island - in Winnipeg.

Over the 20 months that followed, members of the Commission visited 96 communities across the country, heard more than 2000 intervenors, sat for a total of 172 hearing days, and travelled hundreds of thousands of kilometres during four rounds of hearings. We went from the Atlantic to the Pacific and from the Canada-U.S. border to as far north as Cambridge Bay in the Northwest Territories.

When he defined our mandate, the Right Honourable Brian Dickson, former Chief Justice of Canada, asked the Commission to travel extensively to Aboriginal communities and to let Aboriginal people tell their stories in person. We have done our best to follow his advice; in fact, more than half our hearings took place in northern and Aboriginal communities, away from urban Canada.

We have been deeply influenced by what we heard from Aboriginal people and from our exposure to their communities. It has given us an understanding of Aboriginal issues that we could never have acquired if we had stuck to the beaten path of other Royal Commissions.

We realized, however, that we would also need input from other sources. The final round of hearings reflected this desire for balance in a number of ways.

Given the importance we place on the future relationship between Aboriginal peoples and the rest of Canada, we were anxious to hear the views of non-Aboriginal Canadians, who had only limited representation in the earlier hearings. We were pleased to learn that in many cases, it was our encouragement that led non-Aboriginal organizations to start thinking about Aboriginal issues for the first time, both in a general way and with respect to their own activities.

At the start of our work, the federal government set aside some \$8 million to provide funding for Aboriginal and non-Aboriginal organizations to carry out their own research under the Intervenor Participation Program (IPP). This initiative resulted in 142 organizations being funded, 126 of them Aboriginal and 16 non-Aboriginal. These research projects were intended to develop solutions to the issues in our mandate, and we wanted to hear from as many of these intervenors as possible in our final round of hearings.

In addition, we considered that the conclusions and recommendations of the national Aboriginal organizations, which had been granted about one-third of the IPP funding, were of particular importance in our last hearings. Finally, we felt that the Commission needed to hear more about Aboriginal issues unique to the province of Quebec.

In Appendix 4 we provide an overview of the individuals and groups that appeared at our hearings, broken down by province and territory. Over the four rounds we heard a total of 1,623 Aboriginal intervenors, among them 1,032 Aboriginal groups, organizations or governments and 591 individuals. There were also 444 non-Aboriginal intervenors, 361 of which were groups, organizations or governments, and 83 of which were individuals.

Part of our mandate as a Royal Commission was to encourage dialogue and to foster communication and greater understanding around Aboriginal issues. One way of doing this was to publish overviews of our four rounds of public hearings; these reports may also help to show Canadians how we arrived at the recommendations that will appear in our final report next year.

Besides our hearings, we have relied on a number of other sources of information and analysis. These include an extensive research program, field research reports in a large number of urban and rural Aboriginal communities, special consultations with governments and with Aboriginal groups, research funded by our Intervenor Participation Program, and the results of previous research into Aboriginal issues.

During the first 30 months of our mandate, we also held national round tables and special consultations on Aboriginal justice, health services, education, economic development, Métis issues, urban issues, suicide, residential schools, and the federal government's relocation of Inuit from northern Quebec to the High Arctic in the 1950s. The results of several of these consultations have been published, and others are forthcoming.

We also published commentaries on the right to self-government as a means of eliciting comment and offering direction to governments. And we have given wide distribution to discussion papers designed to focus the dialogue with intervenors and to indicate how our ideas were evolving.

The fact that our hearings are over does not mean that our process of consultation has come to an end. While we are preparing our final report during 1994, we will continue to consult with Aboriginal organizations and governments as well as with outside experts to obtain their views on policy options and on the solutions we are considering.

We again wish to thank all the individuals and groups that prepared submissions and appeared at our hearings. They have vividly described the problems outlined in our mandate and have laid out a rich menu of ideas and proposed solutions. We are deeply grateful. Our challenge now is to produce a report that addresses the historical grievances of Aboriginal peoples and provides the framework for a new relationship based on justice, equality and respect.

Georges Erasmus  
Co-Chair

René Dussault, j.c.a.  
Co-Chair



# Introduction

The Royal Commission on Aboriginal Peoples had four main objectives for its fourth and final round of hearings, which took place between November 1 and December 3, 1993: to hear the views of the national Aboriginal organizations; to hear as many as possible of the organizations that had prepared submissions with research assistance from the Commission's Intervenor Participation Program (IPP); to solicit a wide range of opinion on Aboriginal issues from the non-Aboriginal community; and to encourage more input from Quebec.

The Commission met these objectives with three weeks of hearings in Ottawa, Montreal, Vancouver, Winnipeg and Toronto during November and December 1993 (see Appendix 3). All seven Commissioners took part in the first week of hearings, in Ottawa, when the national Aboriginal organizations appeared. For the second week, the Commission split into three panels, as it had in earlier rounds of hearings, for consultations in Vancouver, Winnipeg and Toronto. Two Commissioners took part in the final week of hearings in Montreal.

In addition to the hearings, Commissioners took part in a special consultation with representatives of Canada's historic mission churches. The meeting addressed the historic and current role of these churches in Aboriginal communities across Canada, with particular reference to the churches' responsibility for residential schools (see Appendix 1). The Commission also received a written submission from the Premier of Newfoundland and Labrador, the Honourable Clyde Wells, which is summarized in Appendix 2.

During the final round the Commission heard a total of 113 intervenors, mostly organizations and voluntary groups. There were 68 non-Aboriginal and 45 Aboriginal intervenors, making this the first round in which non-Aboriginal groups and individuals made up a majority of those appearing. Because of the nature of the intervenors and of their submissions, the presentations were longer than in the earlier rounds and were often followed by considerable dialogue with Commissioners.

This overview of the fourth round of hearings follows the model established for earlier rounds. Its aim is to make the content of the hearings accessible to people interested in Aboriginal issues or in the work of the Commission without the need to consult the transcripts. (See the Afterword for information on hearings transcripts.) This overview attempts to bring together common themes where similar views were put forward by many intervenors. Unlike the earlier volumes, however, it devotes special attention to the views expressed by the national Aboriginal organizations during the first week of Round 4 and to the written submissions that they and other intervenors prepared with assistance from the IPP.

The Commission's initial hearings gave voice to the profound distress of many Aboriginal people and allowed them to delineate the range of problems experienced by their communities and then to begin discussing solutions. From the first two rounds the Commission was able to distil four 'touchstones', or key issues that seemed to bring together the concerns intervenors had expressed.

The four touchstones were self-determination, healing, self-sufficiency, and the relationship between Aboriginal and non-Aboriginal people in Canada. The touchstones continued to figure in the submissions put forward during Round 4 and once again served as a basis for organizing

many of the briefs.

The nature of the groups that appeared, and the support that many had received from the IPP, had some influence on the presentations received in Round 4. Many intervenors had prepared substantial briefs or policy papers and put forward lengthy lists of recommendations. Some had elaborated proposals that had been sketched in earlier appearances before the Commission. There was more policy-oriented discussion and more of a national focus than in the earlier hearings, many of which had taken place in Aboriginal communities. The earlier hearings were more closely linked to direct, local experience, and had a higher proportion of Aboriginal intervenors than Round 4.

Throughout the final round of hearings, Aboriginal groups continued to emphasize self-government, self-determination, implementation of treaty rights, and autonomy. There was general acceptance of the Commission's conclusions on the inherent right of self-government, expressed in the Commission's commentary, *Partners in Confederation: Aboriginal Peoples, Self-Government, and the Constitution*. This was not an issue that many non-Aboriginal intervenors had considered deeply.

When they discussed the relationship with non-Aboriginal people, Aboriginal intervenors focused on commitments made but not honoured by governments and by non-Aboriginal Canadians. A primary concern was to see land claims negotiated, treaties implemented and the right of self-government recognized in practical terms. The basic elements of the new relationship that Aboriginal people envisaged were mutual respect, good faith and equality.

There was a strong focus among non-Aboriginal intervenors on the need for participation, co-operation, outreach, and dialogue between Aboriginal and non-Aboriginal people. Many non-Aboriginal groups acknowledged the Aboriginal right of self-government, but some questioned how this would work. A number expressed concern about practical problems in relations between neighbouring groups or communities, and some, notably in Quebec, expressed doubt about Aboriginal demands or questioned whether historical wrongs are still relevant for public policy today.

Special concerns were expressed from both sides with respect to the impact of non-Aboriginals on Aboriginal territories in isolated and northern resource areas, and with respect to Aboriginal rights and the issue of wildlife management. Relative to earlier hearings, there was increased interest expressed from both sides with regard to co-management or joint management of resources and traditional territories not subject to exclusive Aboriginal control.

Particular interest was also expressed in the issues facing Aboriginal people with disabilities and Aboriginal youth. The principal concerns of Aboriginal women expressed during the hearings related to recognition within their communities, the problems that continue to be created by Bill C-31 (a 1985 amendment to the *Indian Act*), family violence, and the need to maintain Charter protection of the equality rights of Aboriginal women under self-government.

In Quebec, there were frequent references to the deterioration of relations between Aboriginal and non-Aboriginal people since the Oka crisis and to the future status of Aboriginal rights in a sovereign Quebec. Notable among these was a statement issued by the Quebec Equality Forum, a group representing leaders of First Nations in Quebec and leaders of a number of important non-Aboriginal organizations that support sovereignty.

A number of possible revenue sources for Aboriginal governments were suggested during the Round 4 hearings, and there was extensive discussion of different approaches to economic development. Among Aboriginal intervenors, however, there continued to be strong consensus on linking self-government to the need for a territorial base, and on the potential returns for Aboriginal peoples if they can regain control over their resources.

In their dialogue with intervenors, Commissioners frequently asked for ideas about how to implement proposed changes in policy and legislation and how to establish the new relationship of equality so strongly desired by Aboriginal intervenors. A number of ideas were suggested to assist this process, including the creation of a Treaty Commission modelled on the Waitangi Tribunal in New Zealand; the signing of a national treaty between the federal government and First Nations as a first step in treaty renewal; and establishment of a bilateral process through which to negotiate treaty renewal and the settlement of land claims.

Part of the mandate of the Royal Commission is to encourage dialogue and to foster communication and greater understanding around Aboriginal issues. As the fourth round hearings indicated, this is a goal shared by many people and groups in Canada, both Aboriginal and non-Aboriginal. The overviews of our public hearings are one means of fulfilling this mandate; they may also help to acquaint Canadians with what Commissioners experienced during our first two years of work and help to show how we arrived at the recommendations that will appear in our final report.

## The Fourth Round of Hearings

### National Aboriginal Organizations

#### The Assembly of First Nations

The Assembly of First Nations (AFN), representing status and Treaty Indians from more than 600 First Nations across the country, called for a new relationship between Aboriginal and non-Aboriginal peoples founded on the principle of co-existence and based on the treaties between Aboriginal peoples and the Crown.

Appearing before the full Commission, the AFN provided a comprehensive set of recommendations covering the general principles of treaty rights and self-determination and made specific proposals to apply these principles to the lives of Aboriginal people and their communities. The AFN brief contained 168 recommendations and dealt with virtually every area of the Commission's mandate. Because of its breadth, many of the AFN's specific proposals are covered under individual subject areas in this overview.

The AFN presentation was led off by a group of elders headed by Violet McGregor, an elder from the Birch Island Reserve. Their message dealt with the importance of maintaining Aboriginal languages, of maintaining the links between Aboriginal peoples and the land, and of upholding the teachings of the ancestors.

"We need to educate the younger generation that are holding offices today, to understand the language and the history and the culture of our people... We cannot function with the white society's regulations...because it doesn't work for us," Elder McGregor said. "We have to have our own regulations that we can live with, because we are different people. We are not the same as the white society, and we will never be. It doesn't matter what we do, we will never be that race of people, because we were given the gift of being different people. We are special people."



Elder Rose Fox, a retired school teacher, recalled the days when the schools were English only and Aboriginal students were given the strap if they spoke a word in their Aboriginal language.

Tobaonakwut Kinew (Peter Kelly), an elder who is also Grand Chief of Treaty 3, spoke of the difficulties faced by elders trying to teach Aboriginal languages in the schools when they had to conform to Ontario teaching methods. He spoke of the link between the language and the land that had been transmitted from generation to generation but is now in danger. Ojibwa children grow up with an inherent feeling for the water and for the need to catch fish, he said, "but because the language is no longer there then that inherent feeling...is no longer there."

National Chief Ovide Mercredi said the AFN had tried to stay away from repeating grievances or highlighting social problems and historical injustices in its presentation. He spoke optimistically of the new opportunities created for First Nations by the federal election, as a result of the commitments to Aboriginal peoples made by the Liberal Party. He was concerned that the new government not use the Royal Commission as an excuse for delay, however, and urged that the Commission speed up its work in areas of priority, such as finding alternatives to the policy of extinguishment and implementing the inherent right to self-government.

The primary message of the AFN—a message echoing that of many intervenors at the earlier hearings — was the need to restore the treaty relationship between Aboriginal and non-Aboriginal peoples in Canada in the way that it is understood by First Nations. Tony Mercredi, Grand Chief of Treaty 8 in Alberta, recalled this understanding for the Commission:

When we first met Europeans we offered them our friendship and we concluded agreements or treaties on how we would live together on the land. The basic principle behind those treaties is the principle of co-existence. This is critical to our vision of our relationship with Canada today.

We must learn to live side by side without seeking to control and dominate each other. This is the foundation for a new relationship.

Since our earliest relations we have been recognized as distinct peoples, with distinct languages, cultures, traditions, governing institutions and economies. There must be respect for this difference and acceptance of the fact that we have the human right to self-determination, to nurture the development of our peoples.

As distinct nations we don't stand inferior to other societies around the world. Our own unique vision of our relation to this land needs to be recognized and respected as material to the survival of humanity.

Chief Mercredi spoke of the bitter fashion in which Aboriginal peoples had been excluded from the land that was their way of life and of the trail of broken promises and destructive policies they had experienced:

I want everyone listening to put themselves in our shoes and feel our burning need to have our treaties honoured for the sake of our people, to respect our grandfathers, and to restore honour to Canada, the holder of the obligations through the Treaty Nations...

Against odds our people have miraculously survived oppression and colonialization. We have resisted complete assimilation of our cultural identities, our languages and our traditional governing institutions and economies. We are now in the path of renewal, the healing of our people and our indigenous nations...

He recalled how Aboriginal people had extended access to their land in a spirit of friendship and sharing, but instead had been dispossessed from their homelands and forced into poverty. "Any new relationship with the people of Canada must also be rooted in the

principle of sharing. It is time to end policies of exclusion and rejection of First Nations."

"Treaties," Chief Mercredi said, "were not a one-sided relationship dictated by governments of the original European newcomers to our homelands. They have always been and will always be a relationship based upon basic principles of trust, partnership and mutual respect captured in the treaties. This is why our treaties are so important to us. They must remain the basis of any new policy direction for the future, as this was always the original intention."

Building on this basic approach, the AFN made a series of recommendations relating to the treaties. These included federal recognition of the inherent right of self-government and the historic nation-to-nation relationship between First Nations and the Crown embodied in existing treaties; entrenchment of this treaty relationship in the Constitution; and creation of a treaty review process involving governments and treaty nations.

The Assembly proposed that a treaty tribunal system be established by both parties to resolve disputes regarding treaty implementation. For each treaty area, the AFN recommended the appointment of a mutually agreed treaty commissioner to act as an intermediary between the federal government and First Nations.

Commissioners focused on treaty issues during discussion with the Assembly. One question related to why Aboriginal people did not argue for the same access to public services as other Canadians as a matter of human rights, whether or not these services were a treaty right. National Chief Mercredi responded that the issue was one of collective rights as Aboriginal people, not just individual rights.

"If we agree with you that all our issues are human rights issues, that means we have to forget our collective identity," he said. "We have to abandon our history, our heritage. The submission we gave to you about reclaiming our nationhood should be burned."

Our people have a different perspective in terms of their station in Canada. The only reason why the treaty rights are not in power with the public services that you speak of is because the government does not recognize them as being of the same quality and the same standard, but it doesn't mean that they're right.

The fact that they don't recognize [treaty rights] is not a compelling reason for us to abandon the treaty just so that we can enjoy the same level of rights as other Canadians... The source of our rights is not as enshrined by an act of Parliament like the legislation respecting health. The source of our rights is our own history, our own culture. And we want to maintain that in the future.

If we give up on the treaties or even if we make the admission that treaties don't have the same standard and quality as health care that would be available to us as a human right, it would mean surrender in its absolute sense.

A Commissioner noted that the Commission is struggling to develop an alternative to the *Indian Act*. He asked if the AFN would support a national treaty between the federal government and First Nations that would interpret section 35 of the Constitution and the inherent right of self-government.

National Chief Mercredi replied that First Nations wanted their treaties implemented, but he did not think any of them wanted a national treaty. He said the Assembly hoped to establish a bilateral process with the federal government that could establish an agenda for reform, based on discussion and negotiation, that would include a plan of action for how the treaties are honoured and how the inherent right is applied.

Other major areas dealt with in the AFN presentation were education, land, resources, taxation, and the environment. Drawing from the Assembly's brief, AFN speakers affirmed the right of First Nations to take control of these areas based on their right of self-government.

In the area of education, the AFN called on the federal, provincial and territorial governments to vacate the jurisdiction they occupy over First Nations education. On land, it asked that these governments ensure that First Nations have an adequate land base, including access to their traditional territories, with full exercise of their Aboriginal and treaty rights to hunt, fish, trap and gather.

The AFN's written brief extended the principles of self-determination and Aboriginal control to such areas as health, housing, justice, culture, and economic development. It proposed creation of a number of new institutions, including a national First Nations Economic Development Agency, a First Nations financial institution, First Nations Water Commission, a National Aboriginal Education Council, and a First Nations Languages and Literacy Foundation.

Consistent with its policy for many years, the AFN recommended in its brief that the governments of Canada "must recognize that the inherent right to self-determination is the basis for all policies, legislation and relations regarding First Nations peoples."

The inherent right to self-government should be explicitly recognized and protected within the Constitution of Canada, the AFN said, even though this inherent right is already among those Aboriginal treaty rights protected by section 35. Such an amendment is required to ensure that all governments in Canada recognize the legal authority of First Nations governments based on the inherent right.

The AFN recommended that the *Indian Act* be phased out, with the transition to self-determination made a top priority for all governments in Canada. It said that federal and provincial fiduciary responsibilities to First Nations are not rooted in the *Indian Act*, however, and should continue.

With respect to jurisdiction, the AFN said, "Canadians have a choice. Aboriginal jurisdictions can be recognized and orderly arrangements can be made for the transition to self-government, or First Nations can assume jurisdiction unilaterally without discussion or negotiation with other governments." It recommended that federal and provincial governments vacate jurisdiction over all matters required by First Nations to exercise their full legal authority effectively and proposed the option of negotiated agreements for the recognition of Aboriginal jurisdiction "to ensure social peace."

## **Inuit Tapirisat of Canada**

The Inuit Tapirisat of Canada (ITC) focused on self-government and self-determination and made a special plea that the concerns of Inuit be considered separately from those of other Indigenous peoples when it appeared before the Commission. The ITC made a preliminary submission with 48 recommendations and promised to provide a final report for the Commission by March 1994.

Rosemarie Kuptana, president of the ITC, spoke of the discomfort Inuit feel with the label 'Aboriginal' and of the problems that this term has created for her people.

"Being labelled as 'Aboriginal' too often means that Inuit concerns are lost in the shuffle of most governments and most Aboriginal policy forums. In many ways, the label 'Aboriginal' is more of a hindrance than a help. It downplays our distinctiveness as a people and is too often

used to rationalize the limitation or denial of our fundamental human right to determine our own future as a people and to relate to other peoples as equals."

"It is not that we are not an Aboriginal people as that term is understood in Canada," she said. "It is not that we don't empathize and identify with the situations of other Aboriginal peoples. Inuit do feel, however, that being characterized as Aboriginal people has too often led to a failure to recognize our distinctiveness as a people. By definition, Inuit are distinguishable from all other peoples, including other Aboriginal peoples, with respect to our language, our culture, our lands, our values and our ways of thinking....It is our differences that [make] us a people."

Ms. Kuptana affirmed the Inuit right to self-determination but emphasized that Inuit do not wish to separate from Canada; they wish to join Canada as equal partners. She asked the Commission to recognize the status of the Inuit as a distinct people and to devote a separate section in each chapter of its final report to Inuit concerns, to ensure that their concerns were not lost in the shuffle.

Ms. Kuptana was critical of the current situation facing Inuit and of the role of governments in creating it. "The self-government issue...underlies practically every policy issue from economic development to justice and health - as does the Crown's fiduciary duty to Inuit," she said. "This is so because the denial of our collective human rights by federal and provincial governments has affected virtually every aspect of our life. Federal and provincial governments have presumed to assert power over Inuit lives in the most intrusive ways without our consent, and our culture and our very existence as a people are accordingly threatened."

Our people are suffering but the road back to self-sufficiency will require sharing by the rest of Canada as we have shared with you. We cannot be self-sufficient again without re-asserting some control of our own resources - of our land, of our renewable and non-renewable resources, and the revenues generated by our lands. The narrow framework of the current land claims policy is not sufficient to bring this about. The self-government issue must be addressed, and our interests cannot be sacrificed in budget-cutting exercises.

In short, the essence of the relationship between Inuit and Canada is an unequal power relationship in which Inuit rights have often been ignored and Inuit powers have been usurped by governments not of our making...

Ultimately a re-ordering of the power relationship, the achievement of equality at a collective level, can only be achieved by a sharing of resources and a sharing of legislative power.

We look forward to the day when Canada formally recognizes us as a people with a right of self-determination. We look forward to the day when our inherent right of self-government is expressed in the Constitution. We look forward to the day when we can take some governmental responsibility for the problems and issues facing our communities. We look forward to the day when we have an ongoing relationship with other Canadian governments based on a recognition of our right to be a people in Canada with the equal rights of peoples.

In its submission, the ITC promised to deal with the issue of extinguishment in its final report. During discussion, however, Ms. Kuptana noted that the Liberal Party promised, in its 1993 policy document, to abandon the blanket extinguishment clause as a condition of land claims and negotiations. She said it would be unfair if this promise did not include re-opening existing land claims agreements.

The ITC emphasized the Inuit preference for a public, non-ethnic form of government



covering an entire territory as opposed to ethnic governments with limited jurisdiction and limited lands. Ms. Kuptana noted the potential for conflict between this Inuit concept of self-government and the generally-held view in Canada that Aboriginal rights are based on pre-existing rights, and asked that the Commission carry out a human rights analysis of this issue.

A Commissioner asked about ITC's reaction to the Native Council of Canada proposal for a reference to the Supreme Court of Canada on section 35 of the Constitution and the inherent right of self-government. Ms. Kuptana responded that Inuit have always preferred to negotiate with the Canadian government on a wide range of issues, including constitutional change. She pointed to the risk of a negative judgement but added that "I think we have a political climate where there is acceptance of much of the Inuit self-government agenda, including the recognition of the inherent right in the Canadian constitution as it now exists." Inuit still want an explicit statement in the Constitution that would avoid the kind of ambiguity that now exists, she said.

The ITC brief reiterated the Inuit case for being treated as a distinct society within the community of Indigenous peoples in Canada and expanded on the ITC's argument for a human rights approach to the question of self-government.

Self-determination is not defined as an ethnic right internationally. It is a fundamental human right of peoples, not of ethnic groups. This framework would more likely provide the foundation for recognition of the right of Inuit to negotiate non-ethnic forms of government, since the right of self-determination includes all manner of implementation such as joining other nations and forms internal to recognized States.

The ITC submission argued that a distinction should be made between the focus on protecting traditional Aboriginal practices and constitutional recognition of the collective human rights of Inuit. This would reflect the view "that self-government is more than an Aboriginal right or ethnic right; that it is also a fundamental human right of Aboriginal peoples, as peoples; and would avoid extinguishment arguments... and the inconsistency of subjecting a fundamental right of self-government to regulation by another order of government."

"While traditional practices are important areas of cultural protection, the survival of a people requires the freedom to determine social, economic and political values (while respecting the rights of other peoples)."

The ITC submission spoke at length of the Inuit objective of increasing regional self-reliance and of the need for local and regional Inuit control to ensure that the Arctic environment and its renewable resources are preserved and managed for present and future generations. It made a special case for the federal government to recognize and fund harvester support programs as a "superior public policy instrument for strengthening the economic and cultural viability of Aboriginal communities".

"The renewable resource sector - based on hunting, trapping and fishing - is critical to Inuit both economically as well as culturally," the ITC said. "But harvesting costs money, and while it generates a large and valued domestic food supply, it often fails to generate enough cash income for hunters to support themselves and to buy the necessary harvesting equipment... Many Inuit fear that the skills and knowledge which can take a lifetime to acquire may be lost to future generations. This has grave cultural as well as economic implications."

The ITC submission linked poverty and unemployment to social problems in Inuit communities and called for hunter income support and effective job creation as components of an approach to social problems.

Before contact with Europeans, Inuit lived in balance with the world. Our existence

depended upon our ability to interpret the features of our natural world. We believed that we were surrounded by natural and supernatural forces that were not totally within our control... The dynamic and complex inter-relationship between humans, the environment, and other living beings formed the core of Inuit religion.... We believed that the world included both good and evil spirits, which could be influenced through the positive actions of shamans....

All that changed with the coming of Europeans into the North who introduced non-Inuit institutions such as the church, the state, modern technology, new values and traditions, foreign laws and a large number of social problems. As a result, our families and communities suffer from social pathologies such as alcohol abuse, family violence, child sexual abuse and suicide. Many of our communities are today experiencing serious social and economic difficulties.

Governments should adopt a more holistic approach to problem solving in Inuit communities, the ITC said, and Inuit should have autonomy and adequate resources to help in addressing these problems.

## **Métis National Council**

The Métis National Council (MNC) tabled a comprehensive 230-page report to the Royal Commission with 33 recommendations. The report, said the MNC, "constitutes a state of the Métis Nation address to the state and people of Canada about how the Métis seek to fit into the Canadian federation as it enters the twenty-first century."

Gerald Morin, president of the MNC, presented the report together with five Métis leaders who are cabinet ministers in the Métis National Council. Their report focused on the struggle of the Métis people for individual and national identity; for a land and resource base; for federal recognition as an Aboriginal people and a distinct national community; and for self-determination in the form of self-government.

The key recommendation in the report is that governments act along with the MNC to implement the Métis Nation Accord, the agreement that was negotiated at the time of the Charlottetown Accord to give constitutional recognition to the Métis and create a legislated process for self-government. The MNC took the position that the provisions of the Accord could be implemented now by tripartite arrangements, without requiring constitutional change.

Speaking to the Commission, Mr. Morin emphasized that the fundamental starting point, for the Métis, is "the recognition that we are a distinct Métis Nation based in the Métis Homeland in Western Canada. And that we as a Métis people, along with other Aboriginal peoples, have the inherent right to govern our communities and to determine our own destiny... That's the foundation that has to be recognized."

He was optimistic about this issue because of the support expressed by the Liberal Party during the election campaign and of that expressed by the ten provincial premiers at a recent meeting at Baddeck, Nova Scotia. "As we speak," he said, "we have a new federal government and ten premiers whose starting base is the recognition of the inherent right of self-government."

The MNC president described how the Métis Nation had been expressing the right of self-government in the development of its institutions and governing structures at the local, regional and provincial level, and in the formation of affiliated organizations delivering services to Métis people. The provincial associations are moving gradually to form legislative assemblies as the Métis evolve to greater self-government and develop different areas of jurisdiction.

"We would like to see a constitutional

amendment some time in the future to make it clear that we do have the inherent right of self-government," he said. "But that's something we will work on in the future.... For the time being we can move ahead within the current constitutional framework."

Mr. Morin spoke of the efforts of the Métis to renew discussions on the Métis Nation Accord with the federal government, the Northwest Territories and the five provinces that had originally agreed to the Accord - Ontario, the three prairie provinces and British Columbia. He noted that the Accord covered all the major items that would allow the Métis to move ahead, including self-government arrangements, establishment of a Métis land claims process, enumeration and establishment of a registry of the Métis people, and creation of a process for devolving government programs and services to Métis authorities.

The Accord could be adjusted to conform to the reality of no constitutional change and then simply be implemented through enabling legislation in the provincial legislatures and in Parliament, Mr. Morin said. Once this legislation was in place, its provisions would be implemented through tripartite discussions in each province and territory, similar to agreements that have already been signed by Métis governments in the three prairie provinces.

"The Métis Nation Accord was agreed to," he said. "We still support it. Tripartite talks are in place in some provinces and we want to move in that direction in other provinces. It is just a matter of moving in that direction through political will on the part of the federal and provincial governments."

Mr. Morin recalled how Louis Riel and the Métis people had declared a Métis provisional government in 1869 and then begun negotiations on the Métis Nation's entry into Confederation. "We are acting on the legacy of Louis Riel by declaring our own governments, putting in place our own governing structures, flying our flag and putting together the principles by which we see ourselves finalizing those terms and conditions by which we can enter Canadian Confederation," he said.

At the hearing the Métis leaders who followed Mr. Morin spoke to the major points covered in the Métis National Council report. Ernie Blais, President of the Manitoba Métis Federation, dealt with the issue of land. This question was examined intensively in the MNC report, which updated research from the 1970s on how Métis were deprived of their land entitlements during the nineteenth century because of delays in federal administration and widespread abuse of the land scrip system. This abuse had taken place in what is now Saskatchewan and Alberta as well as in Manitoba.

Mr. Blais noted that the *Manitoba Act* of 1870 had promised the Métis 1.4 million acres of land in return for extinguishing their Indian title to lands in the new province. The 1.4 million acres were never delivered, he said, because the federal government breached its fiduciary duty. As a consequence of this breach, the Métis believe that the surrendering of their title is a nullity and that their Aboriginal title therefore remains intact.

He urged the Commission to recognize in its final report that the Métis Aboriginal title had not been extinguished and to encourage the new government to enter into a framework agreement so that negotiations on Métis land claims can take place. In its report, the MNC urged the creation of a Métis claims process separate from the comprehensive claims of First Nations. It said a Métis land base should be established by the transfer of Crown lands or by land purchase.

Gary Bohnet, President of the Métis Nation Northwest Territories, asked the Commission to recommend that laws and regulations on wildlife be amended to entrench the Aboriginal right of Métis to harvest and use these resources.

Far too many governments...put forward the idea that hunting, gathering, fishing, these

are privileges for Métis. These are not privileges. These are fundamental basic rights that Métis have practised since their existence and will continue to practise.

There is this myth out there when you talk land and resources that the Métis may have less rights than some other Aboriginal people in this country. Our rights co-exist along with the other Aboriginal peoples in this country. We need strong recommendations from... [the] Commission in your final report.

Commissioners asked the Métis to explain their insistence that services to Métis people in urban areas be channelled through Métis organizations rather than provided on a status-blind basis, as proposed by the Native Council of Canada. Mr. Morin responded that if the federal government is prepared to recognize the inherent right of Métis self-government, it would be a blatant contradiction to refuse to deal with Métis governments.

A Commissioner noted that many people involved in service delivery have expressed their desire to have a status-blind approach that remains independent from Aboriginal political organizations. Mr. Morin noted that this view is often expressed by governments and called it a double standard, since nobody expects government departments to be removed from the federal or provincial government context.

Governments have to get out of their attitude of wanting control, he said. "Maybe in some instances it won't work out and we will probably make some mistakes...but we have to be allowed to make our own mistakes. We have to be allowed to fall down from time to time and pick ourselves up. That's part of the process of being able to govern yourselves as a people and as a nation."

Are there any circumstances in which a structure including more than Métis would be appropriate, a Commissioner asked. Mr. Morin responded that the Métis are not opposed to working together in some instances, particularly at the community level, but that fundamental respect for Indian, Métis and Inuit governments has to come first.

Asked whether the Métis would accept having the same kind of representation as other Aboriginal people on government advisory councils, Sheila Genaille, President of the Métis National Council of Women, responded that they would. The issue is one of equality, she said, so that the Métis are no longer considered "third-class Canadians and second-class Aboriginals".

In its written report, the MNC provided a comprehensive overview of the history of the Métis and of their relations with the federal and provincial governments; a review of the case for enumeration and for a national registry of Métis people in Canada; and extensive documentation of Métis claims to Aboriginal title and of the actions by governments aimed at extinguishing that title, in particular the scrip system.

The report offered a model for Métis self-government at the local, regional and national levels that included proposals for social and cultural development for the Métis nation, for justice reform and for environmental protection. As already noted, many of the 33 recommendations dealt with implementing the terms of the Métis Nation Accord.

The report identified denial of Métis identity, denial of federal responsibility to act on behalf of the Métis, and denial of a land base as the three major obstacles Métis development. The failure of the government to keep accurate statistics on the Métis, the report said, has caused a "double disadvantage relative to Indian communities." Métis are excluded from benefits coming from the Department of Indian Affairs and Northern Development and largely ignored by status-blind programs.

Next to recognition, the MNC recommendations put priority on an enumeration and registration process for the Métis and on the federal government acknowledging its consti-

tutional and fiduciary obligation to settle Métis land claims in western Canada.

As part of its recommendations for self-government and Métis control of programs, the MNC made a number of specific proposals designed to bring the federal treatment of Métis up to a level comparable to that of other Aboriginal peoples. These included proposals that the federal government fund Métis education, including post-secondary education; assume responsibility for providing health services to Métis people; act to increase Métis participation in the area of justice; and take special steps, together with the Métis Nation, to preserve the Michif language. The report said services in each of these areas should be developed and managed by Métis people whenever possible.

## **National Association of Friendship Centres**

The key issue raised by the National Association of Friendship Centres (NAFC) was the relationship between the traditional role of friendship centres as service providers in urban areas and the need for political representation for urban Aboriginal people.

The NAFC discussed the implications of urban self-government and the future role of friendship centres in a lengthy and detailed report to the Commission. It reached no firm conclusions but stressed the need for Aboriginal people in urban areas, and for friendship centres, to be included in future discussions of self-government.

The Association made an extensive presentation on the activities of the 111 friendship centres in its network and on the rapid growth of the urban Aboriginal population. It estimated the Aboriginal population directly served by these centres at 600,000. Wayne Helgason, president of NAFC, noted that over 70 per cent of the 1.1 million Aboriginal people in Canada do not live on reserve and therefore cannot access federal programs such as those available through Health Canada.

Darlene Cardinal, NAFC Treasurer, spoke of the value the friendship centres place on their 'status-blind' open door policy. "They do not segregate, discriminate or turn their backs on anyone, Aboriginal or non-Aboriginal.... Friendship Centres see people as each having value, worth, pride and feelings. These people are not simply a client group or target group, but are family. The extended family reality is central to what Aboriginal people believe and how they live."

Terry Doxtator, NAFC Executive Director, underlined the need for this open door policy. "We have to have a service delivery mechanism within urban areas that does not require the request of identification to produce something at the door to say 'I am status Indian' or 'I don't have a card' or 'I'm Métis' or 'I'm Inuit', or 'I just came from a reserve'," he said. "The conditions of urban life are much too critical to begin a discussion...around separation of service delivery for different constituencies."

"We have a daily record of how we meet the need of communities," he continued. "Community need is very real. When community need is created, it's not created along the lines of whether you come from a particular First Nation or a Métis community or an Inuit settlement. Community need is an experience of an urban environment, an urban setting."

Mr. Doxtator emphasized that friendship centres intend to stay around and that they have an experience and a history that should not be ignored in any forum where self-government is being discussed.

"We want to make sure that there's an understanding...that friendship centres are vital to the continuing development of self-governance in this country and have a vital role to play from here on regarding the future of Aboriginal peoples," he said. The services provided by

friendship centres help to promote unity and self-sufficiency among Aboriginal peoples.

In discussion with the Commission, the NAFC representatives questioned how effective the Aboriginal political organizations had been in representing urban Aboriginal people. At the same time they noted that the political dimension that derives from ancestry or from status identification is often not a reality for many Aboriginal people.

"If we're really going to think about redefining how Aboriginal people in urban areas achieve increased participation, increased authority and responsibility against the...mainstream system, I personally doubt if it's going to be through the political groups as they are constructed, but...through a process which includes and is inclusive," Mr. Helgason said. "Is 'political' where you shop or where you eat or how you support yourself and how you work together to achieve economic and social security? In that regard, yes, we have a new interest. Maybe it's not new, but it's an important interest in ensuring that the political rights of people are there in reality."

Mr. Helgason contended that the distinction between Aboriginal groups had served as a perfect excuse for governments not to act. He said urban Aboriginal people are honestly beginning to work together, appreciating their cultural and identity differences but knowing that working together was the only way to be efficient and effective in urban areas.

Commissioners asked what role the Friendship Centres expected to play in the development of urban self-government. Mr. Helgason replied that the centres see a very strong role in facilitating the development of Aboriginal self-government, by ensuring that "representation is meaningful, that participation is desired and effective, and that the outcome is positive."

The NAFC's written report focused on the issue of urban Aboriginal self-government and included a lengthy discussion of the rights of Aboriginal peoples in urban areas. It began by reiterating the Association's 1992 position on self-government, including support for the inherent right and for the right of all Aboriginal people, including those in urban areas, to participate in the establishment of their own governments.

The NAFC asked in its policy that all Aboriginal organizations and governments recognize the legitimacy and autonomy of existing structures, including friendship centres. It said that governments should recognize the primary role of the NAFC in serving urban Aboriginal people and ensure it is included in discussions on the needs of urban Aboriginal communities.

The NAFC submission dealt at greater length with the contradiction between the service delivery role of friendship centres and the need for urban political representation:

Friendship Centres are service delivery organizations, and the national association is equipped to represent Friendship Centre concerns at the national level. Friendship Centres were not created to be political organizations, but nevertheless are organizations which face the same sort of issues as the national Aboriginal political groups. We must be clear about this: we do not represent individual people - we service the needs of Aboriginal communities in Canada's urban areas.

"Aboriginal people in the cities, regardless of where they come from, face the same issues. Friendship centres exist to address these concerns, not to speak for the people who we service." The report concluded that decisions with respect to the integration of friendship centres with Aboriginal political organizations should be left up to each urban centre. "Regardless of the options, Friendship Centres can no longer afford to be isolated from the political organizations who represent the interests of their membership."

If friendship centres decide that they should remain out of urban Aboriginal

self-government, then they must decide their role with self-government, the report continued. It warned that urban Aboriginal people stand a good chance of being left out of the negotiation process for Aboriginal self-government if they do not have an effective political voice.

The NAFC report criticized the Royal Commission for failing to deal with the question of the self-government rights of Aboriginal groups without a land base in its report on the inherent right, *Partners in Confederation*. "If the Royal Commission is having difficulties dealing with this issue, it should not be surprising that urban Aboriginal groups are experiencing the same problem."

On the issue of accountability, the report notes that it is not clear how the Assembly of First Nations can be accountable to urban Aboriginal people. "Any political organization that claims to represent urban Aboriginal membership in any governmental organizations should be held accountable to those people. There is currently no process for addressing political issues that affect Friendship Centres and their membership. Considering that nearly 75 per cent of the Aboriginal population lives in urban areas, the lack of political representation is striking."

The report saw friendship centres as being able to co-ordinate and facilitate the delivery of services to urban Aboriginal people under self-government arrangements. "On the other hand, the four national political based groups were not designed or mandated to provide services to urban communities. They speak on behalf of their people but they are unable to provide the service needs of growing Aboriginal communities. NAFC exists in the space between these two worlds..."

Self-government for urban Aboriginal communities means more than simply political representation. It means that Aboriginal people should exercise control over the ways in which their needs are met. Services must be designed, delivered and maintained by local Aboriginal representation. The NAFC foresees itself playing a lead role in this process.

On the question of rights, the NAFC report acknowledged that the issue of urban Aboriginal peoples and self-government will be difficult to resolve, because historical occupation of an identifiable land base is one of the criteria used to establish eligibility to negotiate self-government arrangements. Urban Aboriginal people generally do not meet these criteria.

"Therefore," the report continued, "either the restrictive criteria must be changed in order to guarantee equal access to the right of self-government for Aboriginal peoples without a land base, or they will have to be given a land base. Obviously changing the criteria will be much easier to accomplish than engaging in further negotiations to secure a land base."

The report also examined the scope and content of an urban Aboriginal government and noted the difficulties that urban Aboriginal peoples will face in establishing their historical relationship with the exercise of the right of self-government. Since urban Aboriginal society is made up of various Aboriginal nations, the report conceded that on the basis of present case law, it would be difficult to establish that a fiduciary obligation arises in relation to urban Aboriginal peoples and the Crown.

With respect to financing urban Aboriginal government, the NAFC report cited an estimate by the Native Council of Canada that urban Aboriginal peoples pay an estimated \$4.5 billion in taxes annually. It suggested that the fiscal problems of urban self-government could be solved if these funds could be redirected. The NAFC also provided a comparison of federal spending for Aboriginal peoples on and off reserves. It estimated that in 1993 per capita federal funding for off-reserve services to Aboriginal peoples amounted to \$899 per capita compared to \$12,412 per capita for on-reserve and Crown land residents.

The final part of the NAFC submission dealt with urban programs and services for Aboriginal peoples. Its recommendations included devolution of the Aboriginal Friendship

Centre Program to the NAFC and the provision of federal support for a variety of programs for Aboriginal people in urban areas, including school programs, culture and language training, Aboriginal controlled child care, and reinstatement of the federal government's off-reserve housing program for Aboriginal people. The NAFC recommended a joint federal provincial initiative involving friendship centres to develop alternative and traditional justice systems in urban centres and called for special programs to be developed for training, education and employment of Aboriginal women.

## **Native Council of Canada**

The Native Council of Canada (NCC) focused on urban self-government for Aboriginal people in its appearance before the Commission and reiterated the case for equality of treatment for all Aboriginal people that it had made during the third round of hearings. In its written submission the NCC made a sustained argument for urban self-government that deals with the aspirations of Aboriginal peoples, with the constitutional and legal issues, and with questions of financial and administrative feasibility.

The Council proposed that a national treaty be used to establish the process for urban self-government along with enabling legislation in the form of an Aboriginal Authorities Act. It forecast that legal cases now before the courts would soon lead to the final collapse of the *Indian Act* regime and recommended a reference to the Supreme Court regarding the inclusion of self-government as an Aboriginal right within s. 35 of the *Constitution Act*.

The NCC estimated that urban Aboriginal people pay more in tax than the services the federal government provides for them and suggested that urban self-government is the cheapest form of Aboriginal self-government because the infrastructure needed is already in place.

The NCC's submission included a major cross-Canada survey of Aboriginal peoples' opinions along with more detailed studies on the needs and attitudes of urban Aboriginal communities in six cities, from Vancouver to Halifax. The survey found that 92 per cent of the urban Aboriginal people surveyed wanted greater control over their own affairs.

At the hearing, Ron George, President of the NCC, spoke of the efforts that the Aboriginal people represented by the NCC have made for many years to be recognized by the federal government. "We're the ones who have been knocking on the door of Confederation since 1867. We're the ones who have been kept outside the longest, and through some pretty cold winters. We're the ones who finally talked our way in last year," he said. "But our coach turned back into a pumpkin on October 26th last year, and we were kicked back outside once again."

Mr. George said that the people are determined not to be kept on the outside again and that they are not waiting for others to make things happen. "They're putting themselves through the healing processes that are necessary to undo the damages of a century of racist policies and programs, policies and programs designed to eliminate us forever as distinct peoples," he said. "They're recovering their traditions, they're recovering their languages, they're recovering their respect for themselves. They're regaining their hope in their future...by taking back control of the things that will ensure we have a future, like education."

The NCC presentation noted that the number of urban Aboriginal people rose to 400,000 in 1991, a 61 per cent increase since 1986, and that they were the fastest growing population group in urban Canada during that period. This group is expected to rise from its present 35 per cent to 50 per cent of the Aboriginal population within 20 years. At the same time, Aboriginal people in urban areas have higher rates of unemployment, lower incomes and poorer health than the



non-Aboriginal population.

The Council report argued that Aboriginal people have been pushed into urban areas as a consequence of federal government policies, and said it would be wrong for the federal government to wash its hands of responsibility because they had moved from reserves. It also contended that in many respects the need for self-government is strongest in the urban centres, because it is in these areas that Aboriginal traditions and cultural values are the hardest to sustain.

Mr. George said the only thing standing in the way of urban self-government is the political will. "We are convinced that the tools already exist to get the job done, whether legal, constitutional, legislative or administrative."

He noted that 65 per cent of the respondents in the NCC's survey had favoured either a community or neighbourhood model of self-government, which would focus governing rights on a particular area where Aboriginal people were concentrated, or a pan-Aboriginal government that would be status-blind and open to all Aboriginal residents living anywhere in the urban area.

In its report, the NCC favoured these two options and called for a "confederal model" of urban self-government in which urban centres would be treated as "common or neutral territories within which Aboriginal peoples can lift each other up by pooling their collective sovereignties in Confederation." It rejected two other alternatives, the creation of urban reserves or the use of autonomous Aboriginal agencies to provide specific services.

The report noted that there are many examples of self-government to draw on, in both the Aboriginal and non-Aboriginal community, and cited a number of precedents for governments to exercise jurisdiction without owning territory. Many precedents also exist for the idea of dual citizenship, the NCC said. Hence membership in an urban government would not imply loss of citizenship in a nation, clan or family based elsewhere, any more than citizenship in a First Nation strips an individual of provincial or federal citizenship rights.

Mr. George noted that Commissioners had stated that the right of self-government is independent of the issue of holding an exclusive land base, and asked that they give this opinion wide circulation. The NCC report dealt at length with the issue of whether Aboriginal rights are portable, making the argument that "to be Aboriginal anywhere in Canada requires being Aboriginal everywhere in Canada."

"The arbitrary borders of reserves, provinces and even treaties are unacceptable if they are used to prevent Aboriginal peoples expressing their distinct social forms and survival beyond or across them," the report said. It argued that the right of self-government comes not from territory or from the Creator, but from the people, organized in a community.

"There is nothing in the *Indian Act*, section 91 (24) or any other authority which suggests that extinguishment is the result of moving from a government-defined land base to other lands," the report continued. "The Aboriginal right of self-government should not be negatively affected simply because of the mobility of the Aboriginal people... To deny that those excluded from [reserves] have an Aboriginal right of self-government would be a cruel twist of fate, and one that is wholly unjustifiable. It would be to ratify colonialism rather than bring it to an end."

In its recommendations the NCC put forward a number of principles agreed to as part of the 1992 constitutional accord. It asked for recognition that all Aboriginal peoples hold the right of self-government where they are organized into communities, independently of whether they have a land base. It proposed that all Métis, as well as non-registered and non-status Indians, be recognized on the same basis as status Indians under section 91 (24) of the Constitution, ending their arbitrary exclusion from land claims and treaty rights and from federal programs designed

for Aboriginal peoples.

The NCC recommended that Aboriginal peoples be recognized as founding peoples of Canada and that their governments form one of the three orders of constitutional government in Canada. Mr. George acknowledged that municipalities are concerned about this proposal, but stated that they do not face the same realities or pressures as Aboriginal peoples.

"In 1992 there was unanimous agreement that if anyone is distinct, if anyone is founding, it is the Aboriginal peoples," he said. "We did not set out to offend the municipal level of government but the truth is that, unlike municipalities, Aboriginal communities must have their constitutional status protected in order to avoid assimilation under the tyranny of provincial majority populations."

Throughout its presentation the NCC noted the disparity in treatment by the federal government between status Aboriginal people on reserves and all other Aboriginal peoples, as reflected in spending and in access to Aboriginal rights and to federal programs. It criticized the federal government for failing to acknowledge the principle of equity of access even after this principle had been endorsed by the Supreme Court of Canada, and urged that the Royal Commission make equity of access "an explicit article of faith" in formulating all its recommendations, regardless of status or residence.

"In 1992 we obtained unanimous agreement for equity of access for all Aboriginal peoples to claims, to treaty entitlement or rectification and self-government processes," Mr. George said. "Whether a treaty person has status under the *Indian Act* is irrelevant..."

"This is the case in the Supreme Court's view of the law and it must be reflected in federal legislation and policy. It is nothing short of a national shame that after ten years of our rights being affirmed in the Constitution, we cannot say we have any equitable access to our rights."

The NCC recommended passage of a Fiduciary Obligations Act to bring into law standards of fiduciary obligation that have already been approved by the courts. A natural companion to such an act, Mr. George said, would be the creation of an Aboriginal Rights and Treaty Protection Office.

The Council recommended that the *Indian Act* be repealed- provided that a clear basis for community recognition and the protection of Aboriginal lands was in place- and that people affected by change from the old regime were involved in consenting to it. Noting that 75 per cent of Aboriginal people in Canada live off reserve, the Council recommended that new federal initiatives for Aboriginal peoples be transferred to a Minister of Aboriginal Affairs who would not be bound by the *Indian Act*.

The NCC asked that the government stop segregating Aboriginal peoples into categories on the basis of status or residence for the purpose of access to such programs as health and post-secondary education support. It recommended a new form of legislative recognition for non-*Indian Act* Aboriginal communities and called for a basic Aboriginal Charter of Rights and Responsibilities.

In its report, the Council spoke in more detail on how to proceed. "Our basic proposal on strategy is straightforward," it said. "Aboriginal self-government in urban Canada is a right, it is inescapable, realistic and, as well, the only way to go. Measures for its orderly implementation are now present within the range of political, legal and financial tools provided within the current constitutional framework."

The NCC focused on the Royal Commission's four touchstones as means to achieve this goal, but chose to talk of 'identities' as an alternative to the Commission's theme of relationships. "Instead of relationships, which speak very broadly to the reciprocal demands of commitment and understanding between all peoples, we feel the most crucial effort is to bridge the gaps and bind the wounds between and within our own communities, nations and peoples."

While the Council acknowledged the fundamental need for relationships, it maintained that "in our view the surest way to reaching understandings with non-Aboriginal peoples and governments is to first undo the confusion about our own identities."

Commissioners questioned the Native Council's recommendation for a Supreme Court reference on the right of self-government under section 35 of the Constitution and noted that this conflicted with what other intervenors had said at the hearings. The NCC responded that it preferred to negotiate the issue but it was confident that a Supreme Court reference would be successful.

Brad Morse, legal adviser to the Council, noted that the Supreme Court may be called upon to deal with the s. 35 issue in any event, as part of a case that also involved Aboriginal title or ownership of territory. He suggested that the issue would not be presented as clearly and cleanly in this situation as with a reference that was developed jointly by the federal government and Aboriginal peoples.

While people prefer negotiation, Professor Morse said, the experience of off-reserve Aboriginal people has been that governments show no coherent political will to negotiate self-government issues in a way that acknowledges that Aboriginal people might have an inherent right or jurisdiction. The alternative of Aboriginal communities simply exercising their authority is not workable, he added, because of the risks that governments would litigate and drag them into costly court proceedings.

Commissioners also asked whether the Native Council's proposals for equity of access means that services to all groups of Aboriginal peoples have to be equal.

"No, we don't mean that everybody has to be the same," Mr. George replied. "Every nation has its own criteria that determine the outcome of what they achieve. As long as none is left out because they happen to have lost their status or weren't registered or...because of where they live, as long as everyone has an equal opportunity to participate and vote or whatever the process is, that's what we mean by equal access." Mr. George referred to the federal government's "apartheid policy" of treating people differently because of their status, and maintained that the government has no right to make such distinctions or to deny Aboriginal people their rights.



## **Native Women's Association of Canada**

The Native Women's Association of Canada (NWAC) submission focused on issues and concerns of Aboriginal women, based on social animation and consultation activities that took place primarily in western Canada. Women who participated generally focused on local and community issues. A number said that they lacked information about self-government and also about the work of the Royal Commission.

At the hearing Laurel Claus-Johnston, a director of NWAC, noted that the Association's consultation process had identified critical issues for Aboriginal women such as the escalation of alcohol and drug abuse, physical and sexual abuse, family and community violence, and suicide. Employment, education, the lack of child care and inadequate housing were also highlighted.

"In spite of many significant victories in recent years, Aboriginal women continue to be subject to social and economic policies designed to suppress and undermine efforts for stability, social change and advancement," she said.

She noted that the poverty of Aboriginal people, particularly Aboriginal women and children under the age of six, had been documented in numerous studies and reports, as had their appalling living conditions, low life expectancy, high incidence of substance abuse and family violence, and high unemployment rates.

Ms. Claus-Johnston said that the average Canadian earns between four and ten times the income of the majority of Aboriginal people, and that the average income for Aboriginal women remains at approximately 36 per cent of the average male income. This is a particular concern, she said, because 28 per cent of Aboriginal households are now headed by women and most of these are single-parent households with children under six.

"It should come as no surprise that the majority of Aboriginal women live in poverty, and often in substandard housing," she said. "Since Aboriginal women's incomes are considerably less than the national average, this means that a greater portion of their meagre incomes goes towards paying for shelter costs, leaving less money for basic needs such as food and clothing." For Aboriginal single mothers, the lack of affordable child care creates additional barriers to training programs, education, and gainful employment.

At the hearing Sharon McIvor, Justice Coordinator for NWAC, arrived wearing a blanket decorated with ribbons. She recalled a closed hearing convened by NWAC and the Commission in Victoria the previous June to provide a safe environment in which to hear the concerns of Aboriginal women about family violence and related issues. "Each of the ribbons on the blanket represents one woman telling her story," she said. "They asked that we convey those stories to you, the Royal Commission, because they could not do it themselves...and they wanted their voices heard."

Ms. McIvor recalled that the women who came to the hearing feared for their safety. "Some of them had to actually move out of their own communities because of some of the incidents. They were not safe in their own communities any more. Some of them moved off the Island. Some moved up Island. And they came in a very secretive way so they would not be discovered."

Ms. Claus-Johnston elaborated on the concerns of women with respect to self-government. The women are saying they do not have a voice in decisions being made on their behalf, she said; they are apprehensive about the particular model of self-government being considered in their communities. Ms. McIvor asked that the Commission recognize that the present structure for making decisions on self-government is elitist and that there is no mechanism requiring the elite group to go back to the community to find out whether people know what is going on and whether they want to have input.

Asked about the use of a referendum to ratify self-government agreements, Ms. Claus-Johnston was hesitant. She said she preferred a true consultation process involving families and women in the decision making, so that the ratification would lie in the fact that the community had a voice.

Ms. McIvor noted that some Aboriginal women believe that the local election process is flawed. "In band elections we know that many people vote one way or another for other reasons than genuine desire to vote for something. We know because our communities are very small...no matter how private you make your balloting, everyone knows how other people have voted," she said. She cited instances where women had received threats or had welfare or education support withdrawn when they tried to lobby against a decision that their band had arrived at.

Once they quit lobbying, she said, the pressure was taken off. "As long as you have that kind of structure, you can't use a referendum as a good indicator that everyone agrees," she said.

Ms. McIvor and Ms. Claus-Johnston spoke with feeling about the barriers and obstacles facing Aboriginal women going into post-secondary education, even though a high percentage of Aboriginal students at that level are women. Ms. McIvor, a lawyer, spoke of racism in law schools and among fellow students, teaching staff and law firms and referred to the trauma that Aboriginal students go through just to complete their post-secondary programs. Ms. Claus-Johnston described the experience of post-secondary education for Aboriginal women as one of tenacity. "It is not a wonderful exploring time. It is very much [concentrated] on a vision and a goal, and women become hardened," she said.

Commissioners noted that NWAC had recommended stiffer penalties for sex offenders and pursued the question of whether culture should ever be used to soften the sentences of Aboriginal male abusers when family violence or abuse has taken place.

"I don't believe that stiffer penalties or higher incarceration rates or longer terms solve the problem," Ms. Claus-Johnston replied. "The problem is disrespect for women played out in violence. That is one of the focuses of healing, to heal the women and the children and the men, and bring them to the place they were before, where they walked with a respect in the beginning for the earth [which] was transferred to women." She said that if healing were the primary focus for the relationship of a community with an individual who was not well, then the focus would change from punishment to healing.

"Risk itself and harm is hard to deal with, but we cannot isolate and exclude and cut off men and their abusiveness. We must bring them back to their relationship with the earth and with women in that healing process."

Both NWAC representatives spoke in favour of creating a parallel justice system where

Aboriginal people could speak on their own with their own people. "We are on record several times as saying that we do not believe that we can aboriginalize the current justice system," Ms. McIvor said. She questioned the assumption that Aboriginal people are treated equally before courts or in prisons and attributed the length of their sentences and their failure to get parole to systemic racism in the justice system. To try to aboriginalize the system is like putting apples and oranges together, she said. Racism is inherent in the justice system and that is what has to be tackled.

Ms. McIvor questioned the piecemeal approach to reform and noted that the use of sentencing circles and other alternative systems had resulted in sex offenders coming back to their communities in two days and re-offending. The message getting out to the community, she said, is that it does not make any difference if women report incidents of violence.

The NWAC submission included a survey that covered some 250 Aboriginal women. The association concluded on the basis of the survey that over 50 per cent of Aboriginal women are concerned about matters relating to violence against women, as well as child abuse and care. To a lesser extent, survey respondents also voiced concerns related to self-government, housing, suicide, sexual harassment, human rights, language, the *Indian Act*, justice and economic development.

Respondents strongly favoured the participation of Aboriginal women in government policy discussions, including those on treaty and Aboriginal rights. Over two-thirds favoured giving off-reserve citizens the same rights as First Nations citizens living on-reserve.

Close to 90 per cent of those surveyed felt that an Aboriginal Marriage Act should be developed. There was strong support for Aboriginal child care legislation that would protect the rights of Aboriginal children in their own homes or when they are put up for adoption.

NWAC's recommendations focused on the areas in which its members expressed the greatest concerns. It proposed that programs be developed by Aboriginal peoples to address the issues of alcohol and drug abuse and the related issues of family and community violence, suicide, and physical and sexual abuse. Its suggestions included funding Aboriginal women who want to become community healers and the creation of healing lodges to address addictions.

NWAC called for additional resources to be provided to assist Aboriginal women in obtaining higher levels of education, through informal programs of training and through post-secondary institutions.

Responding to concerns about the lack of available information, NWAC recommended that a mechanism be established to provide information and resource material on issues of self-government and land claims. It also called for further research and for consultation initiatives on Aboriginal issues that would involve Aboriginal women at the grassroots level.

### **Pauktuutit (Inuit Women's Association)**

Pauktuutit's submission focused on the disruptive impact that contact with southern Canada has had on Inuit communities and culture and on the need for radical changes in the political, social and economic structures of the North. The Inuit women called for a holistic, integrated approach to services with control exercised by Inuit communities rather than by

government departments. Pauktuutit expressed particular concern about family violence and the need to assure Inuit women a full and equal role in Inuit society.

Presenting Pauktuutit's brief, Martha Flaherty, president of the association, noted that Inuit society is still in transition thirty years after the movement from traditional camps into permanent settlements. "The imposition of southern values, laws and institutions on Inuit society has resulted in social, political and economic chaos in our communities. Women have suffered doubly, for we lost status in our own society and were subjected to the patriarchal institutions born in the south," she said.

Ms. Flaherty noted the extent of social problems related to transition that are adding to the stress on Inuit families, including high rates of suicide, unemployment, family violence, and alcohol and drug abuse and the erosion of the traditional economic base. Parents are struggling to raise their children well in a world caught between two cultures, at a time when everything is still changing and the final outcome is unknown.

"At this point in our history we are dealing with so many problems, and there is so much that needs to be accomplished, that we can be overwhelmed if we lose sight of our basic strengths."

Ms. Flaherty spoke about the evolution of women's role in Inuit society as the Inuit settlements developed. Today many women work outside the home, and women have also taken on an informal role as caregivers, filling the gaps in social services in the North. But as the southern practice of devaluing women's unpaid work penetrates the North, gender equality has become an important issue among Inuit women, she said. Their status had shifted from "different but equal" in traditional society, to "different and definitely not equal".

She expressed concern about the lack of accountability of leaders in Inuit organizations and the under-representation of women in the Inuit leadership, especially on issues considered to be in men's sphere of responsibility such as land claims, economic development, and self-government. Mechanisms are needed to ensure participation of Inuit women in all boards and committees and decision-making bodies, as well as that of youth and elders.

Ms. Flaherty said Pauktuutit had dealt so much with family violence "that sometimes we think that there is nothing more to say on the issue. However, we are always brought back to reality by the painful, personal stories of individual women. In spite of all the discussions which have taken place over the past few years, the conditions which allow violence to occur and reoccur remain unchanged."

These conditions include gender inequality, cultural alienation, the erosion of traditional lifestyles and economies, inadequate housing, and a lack of control over the governments and institutions of the North. Services that are available in Inuit communities focus on helping women in crisis rather than alleviating the problem.

Ms. Flaherty said that Pauktuutit had worked to raise awareness of issues of violence and abuse and is now turning its attention to healing the deep psychological wounds caused by abuse. However, it had come to believe that it could not progress any further without the active participation of men. There is a desperate need for emergency services such as shelters and for longer-term services such as counselling and support for victims of violence and abuse. These services should be designed and administered by Inuit so as to be culturally relevant.

Our real goal, however, is to end all forms of violence and abuse in our communities.



This will only happen when the conditions that exacerbate violence are dealt with - alcohol and drug abuse, the devaluation of women and girls, poverty and dependence, overcrowded housing and economic instability. We also need our communities to be places which provide opportunities for personal healing and growth, and our lands, economies and institutions to be Inuit controlled.

Many of Pauktuutit's concerns about justice also relate to issues of family violence and to its desire to see Inuit women either participate more actively in the courts or have access to alternative means of justice. Ms. Flaherty cited the position taken by Pauktuutit at its 1993 annual meeting calling on all levels of the justice system to treat violence, sexual assault and child sexual abuse as serious crimes and calling for use of victim impact statements in all such cases.

"We must move towards change at as fast a pace as possible," she said, "but the unacceptability of the current justice system should not push us into moving so quickly that women and children are left behind. All Inuit justice initiatives must include Inuit women as full and equal partners from conception to implementation."

Commissioners focused on the issues of justice and family violence in their discussion with Pauktuutit. Its representatives emphasized the differences between the situation of Inuit women and other Aboriginal women and the need for different solutions because of culture, isolation, and differences in beliefs. There are hardly any programs or facilities in Inuit communities, they noted, whereas women living in urban areas can just pick up a phone to get help.

Ms. Flaherty recalled the difficulty of having Inuit concerns considered separately by the Panel on Violence Against Women. "It was very hard for me to get the Inuit section, because I was lumped with other Aboriginal groups all the time," she said. "I fought and fought and fought. I kept saying, 'I am not white, I am not like other Aboriginal people...I am not Indian, but I am Inuk.' I had to tell them, it is like lumping Japanese and Chinese together...you have to do a lot of educating to the non-Aboriginal people in Canada."

Responding to another question, Ms. Flaherty threw up her hands when asked how family violence figured on the agenda of the Tungavik Federation, the central organization for Inuit in the new region of Nunavut. If women are not involved then issues like family violence will not be raised, she said. "When we are sitting at the table they say they are supporting us; as soon as we turn around they are laughing at us."

Pauktuutit representatives noted that they have no representation on the board of the Tungavik Federation and that it has named no women to the Nunavut Implementation Commission. They expressed the hope that Inuit women would be appointed by Canada and by the government of the Northwest Territories.

Responding to Commissioners, Mary Crnkovich, legal adviser to Pauktuutit, spoke of the difficulties it had faced in challenging the lenient sentences given to Inuit men convicted of sexual assault. Pauktuutit walks a fine line on this issue, she said, because they know that the present system is failing and that culturally relevant services are not available for Inuit men in prison. At the same time, Pauktuutit does not want to see culture used as a means to give people lenient sentences. She said that Pauktuutit favours longer sentences for these offences if there is counselling and treatment.

Martha Greig, Vice-President of Pauktuutit, noted that sweat lodges and healing circles provided for Indian prison inmates are not culturally appropriate for Inuit because they have different spiritual aspects and strategies. She also noted that many women are having second thoughts about pressing sexual assault charges because of the risk of humiliation and gossip, particularly if a community leader or relative is involved. "People see that too much and they say, 'Why go through a monkey race. Why go through a circus when the system that should really help is not working?'"

Pauktuutit recommended that economic development be considered in a holistic perspective and emphasized the need to include affordable child care in economic initiatives to make them more accessible to women. Simona Barnes, Economic Development Officer, asked how social issues could be separated from economic issues and how unemployment and poverty could be separated from physical and emotional well-being or from such problems as youth suicide and alcohol and drug abuse.

With respect to education, the Inuit women spoke of high dropout rates among high-school students, many of whom must leave home to complete their studies. They called for the education system to be more flexible and culturally appropriate and recommended the creation of an Inuit college in the North that would provide courses reflecting Inuit traditions, language, arts and culture.

Pauktuutit was critical of the funding practices of government, which require that the wide range of social and health issues Pauktuutit deals with each year be separated into artificial categories such as alcohol and drug abuse, mental health, health promotion, and economic development. It also noted that project funding is usually tied to the government's fiscal year.

"This leads to a situation where long-term planning is impossible, projects are often rushed, and we are constantly stretching our brains to come up with project ideas that will concretely benefit our membership while fitting into the narrow mandate of the funding source," Ms. Flaherty said.

Governments should abandon, once and for all, the idea that society's problems can be separated, categorized, and ordered....The overall health and well-being of our people is intrinsically tied to the social, political and economic development of our communities. We can no longer afford to pay the price of dividing issues into manageable portfolios, programs and services. A holistic integrated approach is necessary at every level and in relation to every issue or problem.

Pauktuutit put forward four principles on which to base change - respect, control, resourcing, and pride. It linked these principles to the touchstones outlined by the Commission after its first rounds of hearings.

On the basic principle of respect, Canadian society in general, and particularly all the officials and institutions who work or operate in the North, must accept that "the Inuit way of doing things is just as valid as the western way."

"Based on respect for the Inuit way, governments must legally and constitutionally recognize Inuit self-government rights and enter into negotiations to implement these rights." Until a proper balance is restored among Inuit men and women, mechanisms should be put in place to ensure that women are equally represented in all decision-making processes and

bodies.

On resourcing, Pauktuutit recommended as a basic principle that the Inuit be given long-term funding agreements that will allow them to regain control and stabilize their society, as well as to develop programs based on their own priorities and needs. Inuit women should be assured full and equal involvement in financial decision making.

On pride, the Inuit women spoke to the need for the Inuit to move beyond seeing themselves as victims and to build on their strengths as a people—their rich culture, long history of survival, co-operative spirit, living language, and strong value system.

"Inuit women wish to work with men to regain control of Inuit society so that our children can grow up healthy, happy and proud," Pauktuutit said. "We also wish to be a part of Canadian society and we see Canada as a country with possibilities; Canada can be a diverse, exciting, productive, caring country; a country free of officially-sanctioned racism and sexism; a country where every child has an equal opportunity to grow up full of hope and enthusiasm for the future."

"Pauktuutit sees strong links between political self-determination and our ability to solve community level problems. As women, we know that real social and political change cannot occur without us."

## **The Relationship**

Many intervenors in Round 4 dealt with the nature of the relationship between Aboriginal and non-Aboriginal peoples. While there were common themes, there were also a number of substantial differences between the approaches of Aboriginal and non-Aboriginal intervenors.

Aboriginal intervenors in Round 4 focused on self-government, settlement of land claims and respect for treaties as the basis for a renewed relationship with the non-Aboriginal people of Canada. As in earlier hearings, these intervenors strongly criticized the federal government for failing to live up to its obligations to Aboriginal peoples and for lacking the political will to move forward on the Aboriginal agenda.

Among the large number of non-Aboriginal intervenors who appeared during the final round of hearings, there was wide support for Aboriginal self-government and in many cases, explicit support for self-government as an inherent right. A number of these intervenors described steps their organizations are taking to reach out to Aboriginal people or to raise awareness of Aboriginal issues among their members. Many spoke positively of the need for dialogue and mutual respect between non-Aboriginal and Aboriginal peoples. Little was said, however, about the performance of the federal government or the issues of treaty renewal and land claims.

At the Montreal hearings, intervenors dealt with the particular issue of the impact of Quebec sovereignty on the relationship between Quebec society and Aboriginal peoples in Quebec. One of the major presentations on the issue was by a group of Aboriginal and non-Aboriginal leaders from Quebec, the first (and only) such joint proposal to come forward during the Commission's four rounds of hearings.

## **Aboriginal Approaches**

The primary concern of Aboriginal intervenors was to see a relationship with non-Aboriginal peoples based on equality, recognition and respect. Their focus was on the federal government's responsibility to negotiate in good faith and in a way that acknowledges the collective as well as individual rights of Aboriginal peoples.

The Assembly of Manitoba Chiefs and the Chiefs of Ontario spoke to the need to restore the treaty relationship between First Nations and the federal government, echoing the position of the Assembly of First Nations.

In their submission the Chiefs of Ontario spoke of the spiritual basis for Aboriginal society and their view that sovereignty, and the holding and use of land, are gifts from the Creator. Nationhood, in turn, is a fundamental manifestation of sovereignty.

With respect to the implementation of the inherent right, the Chiefs of Ontario stated, "To us it is clear and simple. Inasmuch as the agreements were made with the Crown for 'as long as the grass grows, the sun shines and the rivers flow', the implementation of the inherent right of self-government will be on a nation-to-nation basis with the Crown in right of Canada and government-to-government basis with Ontario. The clarity and simplicity, however, dissipates in direct proportion to the lack of political will of the Crown representatives."

The Chiefs of Ontario spoke of the need for Aboriginal peoples to immerse themselves in their own original territories, languages, customs, traditions, beliefs and laws. "It would be the most honourable act for Canada and Ontario to live up to their legal duties and responsibilities by living up to their part of our original agreements. The process whereby they recognize our inherent right of self-government within our own nations and expedite processes to vacate our original jurisdictions will be the time when we start to live in respect, peace and harmony."

In Winnipeg, Grand Chief Phil Fontaine, of the Assembly of Manitoba Chiefs, called for the re-establishment of the bilateral relationship between First Nations and Canada as treaty signatories.

"The re-establishment of the nation-to-nation treaty relationship in itself would guarantee the development of First Nations," he said. "If the Commission is not effective in this area, then we have little confidence in the commitment of governments which have repeatedly demonstrated resistance to change."

Grand Chief Fontaine stated that the Assembly of Manitoba Chiefs would endorse the creation of a joint committee of Parliament and First Nations leadership to implement the Royal Commission's recommendations. With respect to the treaty relationship, he suggested that there be some form of mediation process using outsiders not connected to either side to help arrive at a satisfactory resolution of treaty issues, since using the courts or the adversarial process does not work. The Manitoba Chiefs also emphasized the need for public education directed to non-Aboriginal people as a priority for First Nations and for government funding.

Grand Chief Fontaine asked that provincial powers be limited to make room for the exercise of the inherent right of self-government. In Toronto, Grand Chief Gordon Peters of the Chiefs of Ontario noted that they are seeking a process whereby provinces could give legislative recognition to Aboriginal rights in areas where they had exclusive jurisdiction under the constitution, for example the environment, in addition to seeking federal recognition.

In their submission the Manitoba Chiefs contended that the current social conditions

among First Nations represent a violation of constitutionally guaranteed treaty rights, as well as a breach of Aboriginal and human rights. "Social conditions of First Nations are a product of the historical and current relationship with Canadian society," the Chiefs said. "It is a relationship characterized by systemic racism, political insincerity and inequality."

Many other Aboriginal intervenors also stated that the federal government had failed to live up to its commitments and to meet its fiduciary obligations to Aboriginal peoples. In Toronto, the North Shore Tribal Council spoke of the federal government's lack of political and bureaucratic will to deal with the essence of self-government. It spoke of the difficulties it had experienced in self-government negotiations because of the federal process of backroom decision making in which there is almost no accountability or creativity. The federal government is undermining the nature of the process as a negotiation between equal parties, it said, by unilaterally dictating timeframes and levels of resources.

Similar experiences were reported by the Conseil des Atikamekw et des Montagnais at the Montreal hearing: "Our people...get the impression that the governments have no intention to decide anything, and that they are simply pretending to dialogue with us, when in fact the real decisions are being taken elsewhere."

In its brief the Conseil spoke to the primary importance the Atikamekw and Montagnais peoples give to their ancestral territory as the basis for their independence and their social, economic and political development. "Our territory is the matrix, the source, the absolutely indispensable and primary element from which we will be able to rebuild an independence which for generations has been ridiculed, trampled, and blocked."

The Conseil asked that the negotiation of its comprehensive land claim be based on the recognition of ancestral rights and of their right to self-government. Rights attached to lands under claim should not be alienated except by agreement with the First Nation. Like many other Aboriginal intervenors, it asked that the federal government stop seeking to extinguish their ancestral rights as a condition for settling land claims.

## **Non-Aboriginal Approaches**

Most non-Aboriginal intervenors in Round 4 supported the Aboriginal right of self-government and looked to a new relationship based on partnership, sharing and respect. Very few commented directly on the implications of self-government or on the means by which it could be implemented.

The Aboriginal Rights Coalition (ARC), a group representing most of the major Canadian churches, took a stronger position, in response to what it saw as a challenge of transformation in the lives of Aboriginal people and of reconciliation with non-Aboriginal people.

"One issue that dominates all aspects of the relationship between Aboriginal and non-Aboriginal people is the imbalance of power that has developed over several centuries in this country," ARC said in its submission. "We believe it remains an evil, poisoning our relationships. We name the imbalance of power an evil because wherever it exists, in Aboriginal relations with government, industry and the churches, there we confront what is mean and ugly in this country. History witnesses to the truth that where an imbalance of power exists, the abuse of power follows."

ARC noted that the churches had been slow to acknowledge how this imbalance of power had been part of their life and work among Aboriginal peoples, but added that they had now made a commitment to help rectify the injustices that had dominated the relationship for centuries.

Darryl Klassen, speaking for ARC, described the relationship that is needed with a quotation from Plato: "Equality and justice are not guaranteed by law, but by friendship."

"We don't need more laws in Canada, we need a new relationship," he said. "We need a relationship based on respect. We need a relationship of equals and we need a relationship that recognizes we of non-native origins have as much, if not more, to learn and to gain as we do to teach and to give."

The Coalition made a wide range of recommendations, with the general theme of recognizing and accommodating Aboriginal concerns, ways of thinking, and Aboriginal rights. It called for compromises from the dominant society that would return land and resources to Aboriginal peoples, and charged the federal government with being intransigent and negotiating in bad faith.

ARC spoke in its submission of the 'spiral of violence' affecting Aboriginal peoples today and traced its origins to various forms of institutional violence inflicted by non-Aboriginal society. "Resource extraction on Aboriginal lands, without the consent of the Aboriginal people concerned, is theft, a form of violence," it said. "Racist actions and attitudes do violence to the self-esteem and dignity of individuals and peoples. The systematic devaluation of Aboriginal cultures and the attempt to assimilate Aboriginal peoples constitute violence in the extreme and represent forms of cultural genocide."

At the Ottawa hearings, Ian Cowie, a consultant on Aboriginal issues, also spoke out strongly. He said the current relationship of First Nations with non-Aboriginal peoples is "terminally flawed" and called for governments to show the political will to make negotiations with Aboriginal peoples work on a fair, balanced and equal basis. Negotiations should build from the community level, he said, noting that virtually every recent proposal or agreement that came from a higher authority, whether Aboriginal or non-Aboriginal, had been rejected at the community level. Mr. Cowie outlined a community-based process for negotiating self-government, based on a clear recognition of Aboriginal jurisdiction and on detailed study of the implications of each transfer of powers to Aboriginal control.

The Federation of Canadian Municipalities (FCM), appearing in Montreal, coupled its support for Aboriginal self-government with concern about the problems of implementation, including lack of communication with Aboriginal communities, the danger of unfair competition, and concern about the land claims process and its effects on economic development and resource projects.

The FCM asked that Aboriginal self-government in urban areas be carried out in co-operation with local governments. "Municipal leaders must combine efforts with Aboriginal leaders to identify and overcome barriers of mistrust, misperception, racism and systemic discrimination," it said. "Practical solutions can be found at the local, grassroots level regardless of constitutional fiat: we can commit to building better communities together."

The concept of Aboriginal self-government drew support from many non-Aboriginal intervenors, including the Canadian Labour Congress, the Canadian Teachers' Federation, the

Canadian Federation of Students, the National Anti-Poverty Organization, and the Canadian Medical Association. The Fédération des communautés francophones et acadiennes du Canada specified its support both for the right of Aboriginal self-determination and for the idea of collective Aboriginal rights. In Winnipeg, a vice-president of the North West Company, whose primary business is with Aboriginal communities, outlined the company's efforts to develop strong relationships with its Aboriginal employees and customers and expressed its support for entrenchment of the Aboriginal right of self-government.

Many of the non-Aboriginal intervenors focused their presentations on the specific area of activity in which their members were involved, such as health services, conservation or education. There was widespread recognition of the need for greater Aboriginal control over these services, and in many cases a desire to co-operate to help provide services not generally available in Aboriginal communities.

A number of intervenors detailed special arrangements that their organizations had taken to further their relationship with Aboriginal peoples. In several cases, these were initiatives begun after the Oka crisis of 1990.

In Ottawa, the Canadian Executive Service Organization (CESO) described a review it had undertaken since appearing before the Commission during its first round of hearings. This had resulted in the formation of a separate section, directed by a board with a majority of Aboriginal members, responsible for CESO's provision of volunteer consultants to Aboriginal enterprises and communities.

Dr. Paule Leduc, Director of the Canada Council, outlined a number of initiatives taken by the Council, including the creation of a First Peoples' Committee on the Arts with a mandate to help the Council research the most effective way to support the work of Aboriginal artists. She said one of the options now being examined was a proposed Aboriginal unit with designated resources.

Several labour organizations expressed concern about racism and stereotyping directed at Aboriginal people and recommended the use of cross-cultural training and other forms of education to increase awareness of Aboriginal issues among their non-Aboriginal members.

The United Steel Workers of America acknowledged, in a report to the Commission, that the union's culture supports an environment that is basically foreign to Aboriginal people. Many of its recommendations were directed to the union itself and dealt with awareness programs and programs to improve Aboriginal participation in the workplace.

The Canadian Teachers' Federation tabled a lengthy report on racism and education, focusing on Aboriginal peoples as part of its submission, and noted that many of its provincial components had recently established committees for Aboriginal education.

The Canadian Labour Congress (CLC), the largest labour organization in Canada, identified the relationship between Aboriginal people and labour as a strategic issue for the labour movement. It offered a number of practical recommendations to unions to demonstrate support for Aboriginal rights and to encourage the involvement of Aboriginal members, including a commitment to promote employment equity in order to increase hiring of Aboriginal workers by unionized employers. The CLC also proposed initiatives to minimize the adverse effects of changes in Aboriginal rights on union members and other working people.

In its submission the Conference Board of Canada noted the existence of problems in the

relationship between Aboriginal employees and non-Aboriginal employers, as well as the difficulties faced by Aboriginal employees working in a non-Aboriginal environment. It also noted the conflict between the traditional way of life and the development of new businesses needed by Aboriginal communities. The Board concluded that traditional activities needed to be harmonized with new businesses, because neither alone could satisfy the aspirations of younger generations while maintaining the links between their communities, identities and cultures. Employers, the board said, needed to recognize Aboriginal culture and build on its strengths and on the strengths of Aboriginal employees.

## The Quebec Perspective

The Montreal hearings were marked by concern about the current relationship between Aboriginal and non-Aboriginal people in Quebec and by the substantial interest shown in the issue of how Quebec sovereignty would affect Aboriginal rights. As occurred at the hearings at other locations, many of the non-Aboriginal intervenors in Montreal expressed support for self-determination and for increased Aboriginal control over services to Aboriginal peoples. Unlike the other hearings, however, there was also some opposition expressed on these issues at Montreal. Several specific proposals were offered as mechanisms to assist in the negotiation of Aboriginal land claims and self-government.

Christos Sirros, Quebec's Minister of Aboriginal Affairs, made a comprehensive proposal for a new relationship between Aboriginal peoples and Quebec involving a series of practical steps leading to self-government. He was the first Quebec minister to appear before a federal Royal Commission since the 1930s and the only provincial representative to participate in the fourth round of hearings.

Mr. Sirros began by appealing for co-operation and warning of the urgent need to act before the situation in Quebec became paralysed by distrust of Aboriginal peoples. He offered Quebec's participation in a process that would lead to the abolition of the *Indian Act* and the current relationship of guardianship and replace it with a negotiated relationship that is consented to freely by Aboriginal peoples.

The Minister urged that the existence of two distinct cultures, Aboriginal and Québécois, be recognized as an incontestable reality. "Whether they have been here for 4,000 or for 400 years, Natives and non-Natives have developed a feeling of belonging to the territory."

The two sides are interdependent and likely to remain so, he said, and they have inherited problems that were never resolved historically - notably the way Aboriginal people were dispossessed and relegated to the margins of Canadian and Quebec society.

Mr. Sirros recommended that action begin with an improvement of the existing situation, aimed at opening Quebec institutions to Aboriginal participation while improving infrastructure in Aboriginal communities and encouraging them to take charge of social services, the administration of justice and other services. This phase would also include agreements between Aboriginal peoples and Quebec with respect to Aboriginal rights over wildlife and participation in wildlife management.

The centrepiece of Mr. Sirros' proposals was the creation of a political forum that would bring all the Aboriginal peoples of Quebec together with the Quebec and federal governments



to work out the practical aspects of self-government. Half the membership of the proposed forum would be from Aboriginal communities.

The mandate of the forum should include the means of political agreement on self-government, he suggested, and the launching of self-government negotiations with individual Aboriginal communities or nations. The forum should also be mandated to establish a means to resolve differences and conflicts, along the lines of the Waitangi Tribunal in New Zealand or the British Columbia Treaty Commission.

"We must seek flexible, tailor-made procedures that emphasize openness and make it possible to vent resentment," he said. "We must stress dialogue in order to fully understand the context, history and dynamic of conflicts."

Commissioners pressed Mr. Sirros about whether Quebec was prepared to accept the inherent right of self-government rather than insisting on its being determined by constitutional amendment or by the courts. Mr. Sirros responded that it would be better to move on to work out the meaning of self-government, since the question would take a long time to resolve by either route.

With respect to land and self-government, Mr. Sirros recommended that the approach be as non-ideological and as flexible as possible. He suggested that Aboriginal governments exercise powers at a local or community level in populated areas, while having some influence over surrounding areas that would be designated for multiple use. A different approach could be taken in northern Quebec.

The most broadly-based group to appear at the Montreal hearings was the Forum paritaire Québécois-autochtone. Its manifesto represented a consensus based on a process of joint deliberation by the leaders of 11 Aboriginal and non-Aboriginal organizations, extending over several months. Those signing included leaders from the Grand Council of the Crees, the Abenaki Nation, the Conseil des Atikamekw et des Montagnais, and the Quebec Native Women's Association and, on the non-Aboriginal side, the Confederation of National Trade Unions, the Quebec Assembly of Bishops and the Confédération des Caisses populaires et d'économie Desjardins du Quebec. Several of these organizations also appeared separately before the Commission.

The main aim of the Forum was to find common ground between Aboriginal and non-Aboriginal peoples in Quebec and to develop proposals that would be valid both in the context of Quebec sovereignty and in a federal state.

The Forum put forward a number of principles on which it achieved consensus. These include recognition of the right to self-determination of all the peoples living in Quebec, including the right to political sovereignty. This recognition should apply both to Quebec's 11 First Nations and to the Quebec people, the Forum said, and would necessarily involve some form of association.

The Forum affirmed that the ancestral rights of Aboriginal peoples in Quebec include the right to territory and the inherent right of self-government, but it also recognized the rights of the Quebec people by virtue of having lived and worked in the region for more than three centuries. These political and territorial rights should be negotiated "in a climate of justice and not of relative power," it said, taking count of the historical claims of each Aboriginal people, of the rights of the Quebec people, of international law and of the living space needed by

Aboriginal peoples and by Québécois.

The Forum envisaged that Aboriginal peoples would have a territorial base while other territories, notably in northern Quebec, would be co-managed. It anticipated that governments would be established on territorial boundaries rather than on racial or ethnic characteristics, and that non-Aboriginal people living in these areas should have the rights and duties of citizens. Special agreements would be drawn up to cover Aboriginal communities in urban areas.

The manifesto stated that if the political status of Quebec were to change, it would take over all obligations relating to Aboriginal peoples that were previously assumed by Canada. The Forum recommended the immediate creation of a joint Quebec-Aboriginal body with the authority to oversee negotiations and to ensure that agreements between the parties were fairly and progressively applied. If Quebec chose sovereignty, the joint body would oversee a negotiated redefinition of the relationship between a sovereign Quebec and Aboriginal peoples.

For the longer term, the Forum recommended the negotiation of a co-existence treaty to govern the relations between Aboriginal and non-Aboriginal peoples, creation of a permanent joint tribunal that would see to its application, and adoption of a common charter of rights to protect individual, collective and national rights. It also proposed using New Zealand's Waitangi Tribunal as a model.

Members of the Forum noted the tensions between Aboriginal peoples and the Quebec population and the importance of both sides learning to live with their differences and to respect them. "The historical encounter which took place in 1534 was compromised because it was established on the basis of force; now it should be established in a context of justice, equity and mutual respect," the Forum said. "Our two solitudes have become intolerable; Québécois and Aboriginal peoples should establish the foundation on which they can build a truly equal alliance."

Commissioners asked members of the Forum what would happen if a First Nation in Quebec chose to adhere to Canada or to declare its sovereignty internationally. Romeo Saganash responded that each Aboriginal nation would have to make its own decision in the event of Quebec sovereignty, but that the Forum's goal had been to establish a plan for all the peoples living in a common territory.

Many of the Forum's proposals were endorsed by other groups that appeared in Montreal, including the Quebec League for Rights and Liberties, the Quebec Teachers' Federation and the Confederation of National Trade Unions (CNTU). Gerard Larose, president of the CNTU, was explicit in stating that despite their small population, all of the 11 Aboriginal nations in Quebec "should have the right to be treated on a basis of equality, nation to nation."

Mr. Larose suggested that Quebec should become sovereign in order to end the guardianship now exercised over Aboriginal peoples. Because relations have deteriorated in Quebec, it is important that work begin now to determine how the relationship would work. "It is past time that the Aboriginal nations, which have been dominated for so long, should be recognized as nations having the right to self-determination, to run their own affairs, to choose their future direction and to control all aspects of their future development," he said.

Lorraine Pagé, president of the Teachers' Federation, also looked forward to recognition of the Aboriginal nations of Quebec and, ultimately, to their becoming associated nations, each with its own base of sovereignty. She said that Aboriginal rights should be guaranteed not

solely by ordinary laws but by also by a treaty of association that stands above ordinary laws.

We believe that the simple fact of Quebec becoming independent does not change the situation of Aboriginal peoples in relation to the dominant society. They remain peoples who are unjustly dominated; this situation is neither improved nor worsened. Jurisdiction with respect to Indians would be transferred from the Canadian state to Quebec.

The Federation said Quebec should offer Aboriginal peoples a redefinition of their political status based on principles adopted by the National Assembly in 1985. This would recognize Aboriginal peoples' right to their own culture and language, along with the right of self-government and the right to direct their own development and to own and control their lands.

In its appearance the Grand Council of the Crees took a somewhat different approach. Grand Chief Matthew Coon Come disputed the claim of Quebec sovereignists that Quebec could secede with its territory intact while vigorously denying the territorial rights of the Aboriginal peoples in Quebec. He said the Cree had asked that the federal government guarantee to protect their right of self-determination before secession could take place. They were concerned that they had received no response and no offer of comfort.

"We are not discussing a Cree right to secede, but rather the situation where we are faced with the possibility of Quebec secession," he said. "The Cree people do not seek to oppose the exercise of self-determination by the people of Quebec with respect to their own territory. But if the entire Canadian constitutional landscape is to be unilaterally or bilaterally changed, the Cree people have the right to determine our own political status. Under these imminent circumstances, it is we who will determine our relationship with Canada, Quebec, or both."

Grand Chief Coon Come said that the fears of Aboriginal peoples about the prospect of Quebec secession had increased as a result of the election of the Bloc Québécois to Parliament. He expressed the frustration of the Crees at being excluded from the decision-making process affecting their territory, and at the failure of Quebec and the federal government to implement the James Bay and Northern Quebec Agreement. The Crees want to share in the decision-making process over their territory, he said, but are seen as being anti-development or anti-Quebec if they defend their people and what they think is right.

Concern about the implications of Quebec sovereignty was also expressed by Ghislain Picard, Regional Chief for Quebec and Labrador for the Assembly of First Nations (AFN), when he took part in the AFN's presentation in Ottawa. Chief Picard questioned the way Aboriginal people have been left out of the debate on Quebec sovereignty and said that First Nations do not accept the prevailing view in the province that Aboriginal issues can be resolved once sovereignty is achieved.

Presenting the AFN position, Chief Picard asked that governments affirm the right of Quebec's First Nations to self-determination, including a "right of option" in the event Quebec moves to sovereignty and a commitment that the political future of Quebec not be decided without prior consultation and negotiations with First Nations. He urged that Quebec publicly acknowledge the existence of Aboriginal rights in the old colony of Quebec, and that it enter into an agreement with First Nations in the province formalizing their nation-to-nation relationship.

Montreal was the only location where significant resistance was expressed to the

implementation of Aboriginal rights during Round 4. Many of the concerns expressed were put in the context of the deterioration of relations between Aboriginal and non-Aboriginal peoples in the province, resulting in part from the Oka crisis of 1990 and Aboriginal involvement with sales of untaxed goods.

One such intervention was from the Union of Quebec Municipalities (UQM), which questioned whether spending more than \$3 billion per year on Aboriginal people is justified when the federal deficit is running at \$40 billion. The UQM also asked whether the fact that Aboriginal rights were not recognized several centuries ago justifies continuing the granting of special privileges to Aboriginal people today.

The UQM said that relations between Aboriginal peoples and the rest of Quebec society could not be harmonized without resolving the thorny question of taxation. "The degree of tolerance has reached its limits within the population of Quebec, and...is past that limit in municipalities which lie near certain Aboriginal communities.... Local economies have been badly hit by illicit commerce in cigarettes, alcohol, gas, etc. and cannot hope to regain their vitality so long as the rules of the game are tilted in favour of one category of citizens because of their lack of respect for the law."

The municipal leaders called on other levels of government to ensure respect for the existing law by all citizens. They asked that the state of dependence of Aboriginal peoples be lifted and that in future, Aboriginal people pay for the services they received in the same way as other people in Quebec. The UQM suggested the creation of a consultative body involving Aboriginal and municipal elected representatives, as a means of encouraging better relations, but doubted that a rapprochement would be possible without a systematic review of the special treatment given to Aboriginal people in such areas as taxes and government benefits.

Lise Bourgault, a former Member of Parliament whose constituency included both Oka and Kaneshatke, directed her criticism at the Mohawks. She said they are destroying the image of Aboriginal peoples because of their involvement in smuggling and lack of respect for the law, and that it is urgent to bring an end to the activities of the Mohawk Warriors Society. She contested the basis of Aboriginal land claims and maintained that the presence of Euro-Canadians had been beneficial to everyone, including Aboriginal peoples.

Monique Farar, of the Quebec Federation of Outfitters, told the Commission that Aboriginal people are interfering with the outfitters' services to hunters and fishers through unplanned harvesting of wildlife. She proposed that all residents of Quebec be made subject to the same laws with respect to wildlife, or as an alternative, that there be a definitive resolution of Aboriginal land claims.

André Pelletier, president of the Quebec Wildlife Federation (QWF), described difficulties experienced in trying to build bridges to Aboriginal groups, to the point that he no longer dares to invite Aboriginal speakers to the Federation's convention. Mr. Pelletier commented on the lack of contact between Québécois living in urban areas and Aboriginal peoples. The people living in the greater Montreal region "have much more chance of meeting a Haitian or a Vietnamese than an Indian," he said. "They all have their minds made up about what an Indian is, even if they have never met a single one in their lives."

Several other intervenors also spoke of problems in relations with Aboriginal peoples related to hunting and fishing in wilderness areas. These problems are referred to later in the

section on wildlife.

The Quebec hearings were notable for the number of specific proposals advanced to establish or further Aboriginal rights. These included the co-existence treaty and joint tribunal proposed by the Equality Forum; the inclusion of Aboriginal peoples in a constituent assembly that would establish a new constitution for a sovereign Quebec, proposed by the Confederation of National Trade Unions; and Mr. Sirros' proposal to establish a political forum to allow Aboriginal peoples and governments to work together on self-government issues.

The Quebec League for Rights and Liberties recommended using international instruments such as the Universal Declaration of Human Rights as the basis for negotiation, to ensure that the rights of Aboriginal peoples cease being perceived as a uniquely local problem. It noted that half the land area of Canada had never been the object of conquest, treaties, or cession by Aboriginal peoples and that, from the international viewpoint, rights that are indispensable for their survival as nations could not be given up.

The Quebec Human Rights Commission also suggested using international agreements as a means of offsetting the unequal negotiating position of Aboriginal peoples. It stressed the need to recognize the collective as well as individual rights of Aboriginal peoples and called for a new ethic of negotiations based on reciprocal recognition and mutual respect.

The question of international human rights standards was also raised by Armand McKenzie, an Innu lawyer. He contended that federal legislation implementing the James Bay and Northern Quebec Agreement (JBNQA) had unilaterally extinguished the rights of the Innu in that portion of their traditional lands that fell within the JBNQA territory. This violated their right to equal protection of the laws and to protection against arbitrary seizure of property. As a remedy, he recommended that the federal action be withdrawn and that international human rights standards be applied to Canada's negotiations with the Innu.

Little was said at the Montreal hearings about the needs, or rights, of Aboriginal people living in urban areas. The Native Alliance of Quebec, speaking for Quebec's Métis population, recommended that the right of self-government be guaranteed in the constitution for Aboriginal peoples living off-reserve, including Métis people. It also proposed the establishment of a Canadian Aboriginal Charter of Rights, as a mechanism to ensure that Aboriginal rights are protected and properly interpreted.

## Healing

### Women and Families

The Native Women's Association of Canada and Pauktuutit (the Inuit Women's Association) were the two intervenors who made major presentations with respect to women and families during the fourth round of hearings. Other intervenors echoed their concerns about family violence and sexual abuse, social conditions in Aboriginal communities, and the need for women's equality in self-government institutions and in economic development.

Two intervenors spoke to the obstacles facing Aboriginal women in employment, in establishing businesses and in finding financing. In Ottawa, Pat Baxter, of Economic

Development for Canadian Aboriginal Women (ECDAW), tabled a report showing that Aboriginal women had received only 6 per cent of the \$345 million dedicated to the federal government's Native Economic Development Program between 1982 and 1989.

ECDAW found that Aboriginal women face barriers in the form of the standard loan criteria used by financial institutions and have difficulties obtaining seed equity to begin a business and in gaining access to financial training. Aboriginal capital corporations have also overlooked the needs of Aboriginal women. It recommended that financial institutions revamp their criteria and that different models of lending, such as the Grameen Bank's provision of credit for micro businesses in Bangladesh, be explored.

In Winnipeg, Geri Von Ramin, Co-ordinator for Aboriginal Women in the Canadian Labour Force (AWCLF), spoke to the "social challenges" facing working Aboriginal women. "We are over-represented when we look at unemployment figures and under-employment figures, low educational achievement rates, health utilization rates, suicide rates.... Aboriginal women have the lowest participation rate in the labour market across Canada," she said.

Ms. Von Ramin said Aboriginal women face wage discrimination and occupational segregation. Her group's report concluded that employment equity and human rights laws are ineffective in meeting the needs of Aboriginal women because the laws are not enforceable and do not address systemic barriers.

AWCLF's recommendations included the creation of provincial organizations to provide advocacy and public education to Aboriginal women on labour force issues; equal participation of Aboriginal women in matters involving employment on reserves; and the extension of employment equity legislation to all workplaces, with enforceable penalties against discrimination.

In Ottawa, the Native Council of Canada (NCC) linked healing within Aboriginal communities and families with the goal of self-determination and endorsed the family as the basic unit both of Aboriginal rights and Aboriginal governance.

Pat Apikan, speaking for the NCC, said families should have more decision-making authority and should, in the future, become the centre of Aboriginal governments. "If we only look at individual rights, or only collective rights, we may be missing something that has eluded us for at least a century," he said.

This theme was also raised in Winnipeg by Earl Boon, of the North West Company. He spoke of the need to protect the family as the natural and fundamental group in society and recommended the formation of a National Aboriginal Council of the Family, modelled on the Vanier Institute of the Family.

In Montreal, the Grand Council of the Abenaki Nation focused its presentation on the implications of Bill C-31 for its communities and the problems created by the federal government's administration of the bill. It noted that between 1986 and 1991, the population of two Abenaki communities, Wolinak and Odanak, increased by 41 per cent and by 36 per cent respectively as a result of people reacquiring their Indian status and reintegrating into their communities.

The major problem associated with Bill C-31, the Council noted, was the federal government's failure to provide sufficient financial resources to respond to the influx of new band members. As a result, overall living standards on the reserves have declined, and relations

between reinstated band members and other members have become strained.

The Council noted that bands are authorized to determine admission criteria and to draw up their own membership lists under Bill C-31. It criticized the Department of Indian Affairs and Northern Development for ignoring these lists when it establishes funding. In Wolinak, for example, the band has 550 people on its membership list, but the list recognized by DIA for funding purposes numbers only 304.

## Health

Although most intervenors on health issues were non-Aboriginal, there was widespread acceptance of the positions on health that Aboriginal people had advocated in the Commission's earlier rounds of hearings.

This included the adoption of a broader, more holistic approach to health services, placing control of health services primarily in Aboriginal hands, and increased use of Aboriginal health workers and caregivers. Specific recommendations included making greater use of Aboriginal midwives and placing greater reliance on traditional medicines and traditional healers in Aboriginal health care. Problems of alcohol and substance abuse should be dealt with on a community basis, it was suggested, with greater use of traditional knowledge.

In Ottawa, Marcia Mirasty, health promotion co-ordinator for the Meadow Lake Tribal Council, outlined a vision of holistic health care for the future based on a balance between mind, body and spirit and linked to the development of self-government and the creation of a community infrastructure. She said social needs such as family violence, child neglect and sexual abuse need to be recognized along with health prevention directed to diseases such as diabetes, tuberculosis, AIDS, and sexually transmitted diseases. Adequate nutrition and the use of traditional foods and medicines should also be involved.

In its presentation, the Canadian Medical Association (CMA) suggested that improvements in health are tied to socio-economic and political agendas. "More services alone will not improve the collective morbidity or mortality of Aboriginal peoples," it said. "We must enter a new era as partners of Aboriginal peoples in that regard. We must support empowerment in the broadest health promotion context... Physicians enjoy a strong tradition of advocacy on behalf of their patients' needs. We must now extend that advocacy to the larger Aboriginal community."

The CMA along with other intervenors noted the substantial gap in health and social conditions between Aboriginal peoples and the total Canadian population, reflected in such indicators as life expectancy - 10 years less than the rest of the population - and deaths of status Indians from injury and poisoning, which occur at four times the rate of the population at large.

A number of the groups representing health professions and caregivers focused on the need for more Aboriginal health workers and on the problems involved in meeting this need. Some noted that Aboriginal health administrators are becoming more common, but that trained health workers in Aboriginal communities are still generally non-Aboriginal. At this time, the greatest need is for multi-disciplinary workers and community health representatives.

In Montreal, Ghyslaine Desrosiers of the Quebec Order of Nurses spoke of the severity of the health problems experienced in Aboriginal communities, which have led the Quebec

Ministry of Social Affairs to declare Aboriginal peoples as a population at risk. She said turnover is high among nurses stationed in Aboriginal communities. Many of them are recent graduates and lack cross-cultural experience. The Order looked to a renewed partnership between nurses and Aboriginal communities and advocated an ecological approach to health care that includes biological and environmental factors as well as lifestyles and stress.

Dr. David Kinloch, Deputy Minister of Health for the Northwest Territories, outlined a number of principles that have been adopted since the territorial government took over responsibility for health care in 1988. These include the active involvement of citizens in health planning and management; reflection of the linguistic make-up and values of the community in the health system; local provision of health services; delegation of basic care from doctors to local health care providers; and increased Aboriginal involvement in providing and managing health care.

Dr. Kinloch said the N.W.T. is in the process of transferring health services to local communities and creating regional boards of management. As many as 50 per cent of the people working with these boards are Aboriginal, but most are in support positions. There were no Aboriginal physicians and few Aboriginal nurses in the Territories, he said, although half the N.W.T. students enrolled in health programs are now Aboriginal.

In Ottawa, Judith Stryckman, of the Canadian Association of Gerontology, noted that the income, housing, and health standards of older Aboriginal people in Canada are generally worse than those of other older Canadians and emphasized the need for research, education and policy initiatives that are sensitive to the needs of this group.

Ms. Stryckman estimated that elder abuse affects 10 per cent of older Aboriginal people, compared to 4 per cent of older people in the population at large. She referred to the problems of conflict that may arise between generations when younger Aboriginal people move away from their families to pursue education or work. Health problems may emerge because of loneliness among elders, she said, and elders may dread being sent away for care to a culturally inappropriate environment.

In response to Commissioners, Ms. Stryckman noted that all provinces had introduced long-term care reforms intended to reduce the volume of institutional care in favour of care in the community. Aboriginal people have not achieved services appropriate to their needs, but their communities are being refused when they seek approval for culturally appropriate institutions because too many other facilities are already in place.

In its submission, the Assembly of First Nations (AFN) focused on traditional healing and control by First Nations people, along with the federal government's responsibility to finance that care.

The AFN accused the federal government of negligence and of abdicating its trust responsibilities by dispersing health care programs and services to various levels of government, without consideration for First Nation governments. It recalled the written and verbal promises with respect to health care that were made as part of treaty negotiations and concluded that the lack of recognition of health as a treaty right lies at the root of many First Nations health problems.

The AFN made a total of 27 recommendations, concerned primarily with health care. It called for federal funding for strategies by First Nations to address such health issues as



diabetes, tuberculosis, AIDS, fetal alcohol syndrome and mental illness. The Assembly favoured a model of partnership between traditional and western approaches to healing and called for funding to increase the number of First Nations health care professionals.

Gary Bohnet, of the Métis National Council (MNC), noted that the Métis are in the worst situation of any Aboriginal people in Canada in terms of health and social services. The MNC recommendations focused on recognizing Métis authority over health care and social services and on providing the necessary resources so that the Métis can control programs and deliver them to their own people. The MNC also asked to be included in the non-insured health benefits program that is available to Indian people and Inuit, including dental services, drugs and eyeglasses.

The recommendations of the Canadian Medical Association went beyond health to deal with self-determination and community development. Acknowledging that the degree of ill-health in the Aboriginal population is unacceptable, the CMA recommended that issues relating to Aboriginal land claims be resolved and that essential needs that affect health in Aboriginal communities, such as housing, water supply, waste disposal, and employment, be addressed. The CMA also offered recognition for holistic health care delivery and health promotion along with openness and respect for traditional medicine and healing.

Another professional group, the Canadian Paediatric Society (CPS), spoke of the need to develop partnerships between non-Aboriginal health professionals and Aboriginal communities while remembering very clearly who is setting the priorities for health.

Dr. Gary Pেকেles, speaking on behalf of the CPS, described the experience of three areas in northern Quebec and in the Baffin Region where Aboriginal people have gained control of health organizations. The legal transfer of control is only the first step toward genuine control of resources by Aboriginal communities, he said, and many positions continue to be filled by non-Aboriginal professionals and managers. There has been greater sensitivity and a more locally-based approach to problems, he said, but curative care continues to be emphasized, with only lip service being given to community programs.

The CPS submitted a brief concerning the health problems of Aboriginal people that had been prepared in 1969 but whose recommendations had never been implemented. Dr. Fred Baker, chair of the Indian and Inuit Health Committee, singled out violence, accidents, parenting and education as areas where action is still required.

The Corporation professionnelle des médecins du Québec also spoke of the need for partnership between Aboriginal and non-Aboriginal peoples, but questioned the priority given to political autonomy.

"Autonomy is always relative, and political autonomy without administrative and economic autonomy runs the risk of never being achieved," it said. "We should avoid the temptation to invest energy uniquely in the creation of political structures to the detriment of other means of taking charge, such as the training of Aboriginal health professionals and the development of a viable Aboriginal economy."

## **People with Disabilities**

Little action has been taken to address the problems of Aboriginal people with disabilities,

even though these problems were identified 12 years ago in a special House of Commons committee report. Both the National Aboriginal Network on Disability and the B.C. Aboriginal Network on Disability underlined the low priority being given to this issue not only by governments, but also by bands and Aboriginal organizations.

Smokey Tomkins, speaking for the National Aboriginal Network on Disability, said that 25 per cent to 30 per cent of Canada's Aboriginal population has some type of disability and that 70 per cent of this group has low literary skills, a critical factor in determining the income and lifestyle of people with a disability. This means that the door to full membership in their communities and in society is closed to more than half of all Aboriginal people with disabilities, he said.

Mr. Tomkins spoke about the desire of Aboriginal people with disabilities to participate fully in community life and to overcome barriers in the areas of education, housing, health and social services that stand in the way of equality. "Dignity and self-worth will only be achieved when ignorance is replaced by understanding and discrimination is replaced by acceptance," he said.

Both groups spoke about the poverty, isolation, family violence and lack of services experienced by many Aboriginal people with disabilities. Ian Hinksman, President of the B.C. Network, cited problems of jurisdiction that interfere with service delivery. He said these disputes occur not only between the federal and provincial governments, but sometimes also between band and tribal council governments.

The B.C. Aboriginal Network on Disability, which appeared in Vancouver, asked that disability issues be treated as a priority and recommended focusing on improved housing and accessibility, job retraining, education and awareness programs, and a resolution of jurisdictional disputes. Mr. Hinksman also spoke about the need for compassion. "In too many instances this seems to be a word that has lost meaning in the Aboriginal community," he said. "Today it seems we have adopted the white man's attitude which is 'me first and to hell with everyone else'."

Doreen Demas, of the Manitoba Aboriginal Network on Disability, spoke in Winnipeg of the need to give Aboriginal people with disabilities 'attitudinal access' to services in their communities as well as physical access. She said Aboriginal people with disabilities have been basically forgotten and that many are still being left hidden in institutions. Services and equitable participation for people with disabilities should be part of self-governing institutions, she said.

James Sanders, of the Canadian National Institute for the Blind (CNIB), noted that blindness is more common in Aboriginal communities than in the rest of Canada. It is 500 times more prevalent in the Northwest Territories community of Rae Edzo than in the population at large, because of a hereditary disease.

Mr. Sanders described a co-operative project in which the CNIB, the Hay River Band Council and the Dene Cultural Institute are working together to develop a culturally appropriate approach to providing services to people with visual impairment. The project is being funded through the Band Council with the CNIB seen as an expert in blindness but not as an expert in providing service for Aboriginal people.

## Language and Culture

The survival and promotion of Aboriginal languages were a major theme in the Assembly of First Nations (AFN) submission during Round 4, as they had been in the Commission's earlier rounds of hearings. Other intervenors spoke about promoting and preserving Aboriginal culture, how Aboriginal people are reflected in the media, and the need for new initiatives in the areas of Aboriginal sport and recreation.

The AFN began its presentation with elders speaking of the importance of Aboriginal languages in First Nations culture, spirituality, customs and traditions. It picked up this theme in its written submission, stating that "our languages are the cornerstone of who we are as a people. Without our languages our cultures cannot survive."

The AFN cited a recent study showing that Aboriginal languages are declining, endangered or critical in 69 per cent of the First Nations communities surveyed and that more than two-thirds of the communities would lose their language within one or two generations unless action was taken. It noted that most First Nations language programs in schools are directed to preschoolers and to the early grades and that Aboriginal language programs for adults are available on less than 20 per cent of the reserves surveyed.

The Assembly called for a program of language revitalization as a means of achieving healing, renewal and rebirth in First Nations communities. Its goals would include all First Nations people fluent and literate in their mother tongue and seeing Aboriginal languages recognized as official languages in First Nations communities and used in all areas of everyday family and community life.

The AFN offered several recommendations to achieve these goals, involving federal support, assistance by churches that had sought to suppress First Nations languages in the past, and action by First Nations communities. It noted that the federal government currently spends 100 times more to promote Canada's two official languages than it spends promoting all 59 Aboriginal languages. These languages should be recognized in the Constitution and have the same legal status as English and French, the AFN said.

Sheila Genaille, of the Métis National Council, called for federal support to promote Michif, the distinctive language created by the Métis people by melding a number of Indian languages along with French and English. She said Michif, like other Aboriginal languages, will die unless governments and people work together to retain it.

In Ottawa, Barbara Barnes of the National Association of Cultural Education Centres (NACEC) spoke of the importance of revitalizing Aboriginal cultures as part of the process of reversing the effects of years of assimilation. The Association noted the Liberal Party's commitment in its election platform to provide "support and assistance to encourage the healing which is taking place within Aboriginal communities". To that end the NACEC recommended that support for the existing 72 cultural education centres be restored and enhanced and that funding be provided to permit similar centres in other First Nations communities.

Ms. Barnes enumerated some of the programs and services of the cultural education

centres, including Aboriginal languages research, museums, First Nations libraries and archives, promotion of elders' councils and cross-cultural training. She also spoke to the problem for Aboriginal people of adapting traditional culture to the twenty-first century.

Young people are not the only ones having difficulty with this issue, Ms. Barnes said. "I think that traditional leaders and elders across Canada and the United States are having that difficulty.... I think what you will find...is that we don't know. We don't know how we are going to do it. We don't know what to take from our culture into the twenty-first century."

Concern about Aboriginal culture was also expressed by non-Aboriginal intervenors. Dr. Emmanuel Stip, of the Fernand-Seguin Research Centre at the University of Montreal, suggested that cultural centres be established in urban areas in order to pass on Aboriginal languages and culture to non-Aboriginal people. As a model, he referred to the Goethe Institutes funded by the German government in many foreign countries.

Dr. Paule Leduc, Director of the Canada Council, described a series of initiatives to ensure equitable access to its programs for Aboriginal artists, including the establishment of a First Peoples' Advisory Committee. This initiative was criticized, however, by the Métis National Council (MNC). Sheila Genaille of the MNC said that the new committee has sought dialogue only with Indian and Inuit artists. She said that Canada's national cultural institutions have practised a form of exclusion that keeps Métis culture and artists on the fringes of multicultural and Aboriginal expositions, and that national museums have ignored the pivotal role of the Métis in the history of western Canada.

In Ottawa, Charles Bury of the Canadian Association of Journalists strongly criticized Canada's national and local media for their treatment of Aboriginal people. He said newspapers and broadcast media "often contain misinformation, sweeping generalizations and galling stereotypes about natives and native affairs." There are shamefully few Aboriginal journalists, most journalists have little understanding of Aboriginal people and communities, and very few of the media consider Aboriginal affairs to be worth regular attention. The result, Mr. Bury said, "is that most Canadians have little real knowledge of the country's native peoples, or of the issues which affect them."

Mr. Bury was also critical of media outlets serving Aboriginal communities, which he said are few and far between, always underfunded, and often subject to control by band councils or other forms of Aboriginal government. Worse still, he said, the majority of Canada's Aboriginal people are served by no local media at all.

Similar issues were discussed in Vancouver by the National Aboriginal Communications Society. Ray Fox, the president, described the development of Aboriginal communications over the past 25 years and the minimal support now provided by the federal government. He said federal funding for Aboriginal broadcasting has dropped by 50 per cent in 10 years and that the government's own evaluations have identified lack of funding, absence of training, need for equipment and the need for broadcaster independence as major problems.

Mr. Fox said better training for Aboriginal journalists and a more secure funding base for Aboriginal media should be priorities. Cable operators should be required to carry Aboriginal communications programs in urban areas, and the CBC should be held to its original commitment to provide free access for Aboriginal broadcasts.

He was critical of the federal policy restricting support for Aboriginal broadcasting to

northern Canada. He also expressed concern about the future of Aboriginal newspapers since the government withdrew its program support. About half the 85 Aboriginal publications in Canada now have non-Aboriginal owners, he said.

In Vancouver, the Aboriginal Sports and Recreation Association of B.C. reported on the connection between sport and recreation and other areas of Aboriginal life. In an extensive survey of B.C. Aboriginal communities, the association found that only 28 per cent of the respondents are satisfied with the present amount and types of recreational activities available, and that recreation facilities are considered inadequate in two-thirds of the reserve communities surveyed.

The Association made 12 recommendations dealing with recreation facilities, training, programming, awareness, and participation in Aboriginal communities. It said that the low participation of Aboriginal women in recreation activities should be investigated and recommended that traditional sport activities such as bone games and lacrosse be revived.

First Nations people should have access to the same high-quality recreation and leisure delivery as the rest of society has developed and enjoyed, the Canadian Parks and Recreation Association (CPRA) told the Commission.

Dr. Ralph Nilson of the CPRA cited evidence that recreation activities for Aboriginal youth are non-existent in many Aboriginal communities; that boredom among these young people is a serious concern of community leaders; and that recreation programs have a positive effect in building communities and in reducing crime.

Dr. Nilson questioned the proposal made during the hearings for a federal secretariat for Aboriginal sport, on the grounds that priority should be given to developing recreation programs at the community level. Like non-Aboriginal intervenors in other areas of activity, he urged that there be greater Aboriginal control over recreation programs and planning, that the Aboriginal recreation system be culturally grounded, and that partnerships be encouraged at the community level.

## **Education**

The need for greater Aboriginal participation and control in the area of education was stressed by both Aboriginal and non-Aboriginal intervenors. Their concerns included the need to make education more flexible and relevant in Aboriginal communities and the need for greater emphasis on Aboriginal languages and on the participation of elders. The Assembly of First Nations offered proposals for the total control of First Nations education through an independent Aboriginal body.

There was extensive discussion at the hearings on how to expand the post-secondary training of Aboriginal people in professions like teaching and medicine, and on how universities and colleges should respond to the needs of Aboriginal students. Both the Canadian Federation of Students and the Canadian Association of University Teachers urged that the cap imposed by the federal government on post-secondary funding for Aboriginal students be removed.

In Ottawa, members of the Association of Canadian Community Colleges voiced their concern about the continuing existence of racism and colonialism within the education system,

which they saw as a reflection of Euro-Canadian values.

Kevin Busswood, speaking for the Association, said that educational institutions fail to recognize the hidden agenda through which they are presenting the industrial way of life as the only way to go. He said it is not very useful to lament the effects of colonialism when its institutions are still alive and well in Canada.

Mr. Busswood contended that educators do not yet understand the social problems of Aboriginal communities, and that the techniques they offer to address those problems do not work very well. "When one travels around we found that those communities who have had the most success in dealing with the psychological legacy of colonialism are those that have found a way to operate within their cultural context and drawing on...the spiritual and other strengths that are present in their culture," he said. "We in the Euro-Canadian institutes don't have a very good handle on that."

Mr. Busswood called for partnerships based on recognizing the need for new, Aboriginal-organized and -led educational institutions that can address issues from within the Aboriginal cultural context. Ideally there should be one such institution in each region, he said, that would work in co-operation with other institutions while retaining its autonomy.

The idea of partnership was also advanced by other representatives of post-secondary institutions, but with a variety of approaches. Several professors from McGill University in Montreal spoke to that university's involvement with northern and Aboriginal peoples, citing programs that in some cases date back over 100 years. They also outlined recommendations for making McGill more sensitive to the needs of Aboriginal students, but admitted that the university still falls short in such areas as failing to consult with Aboriginal communities about their specific needs and failing to provide support for Aboriginal students on campus.

Professor John Wolforth, of McGill's Faculty of Education, spoke of the lessons learned from a program to train teachers in Inuktitut in their home communities, which McGill has operated with the Kativik School Board since 1970. He said McGill now has a pool of skilled Inuit instructors working with professors from the south, with the result that young Inuit students are now receiving quality teaching from qualified teachers in their own language. Studying in their own language is the fundamental basis on which to build self-esteem and self-respect.

In Ottawa, the Canadian Teachers' Federation stressed the crucial importance of Aboriginal languages in education along with the need for more Aboriginal teachers. It also presented a major report, prepared with its members, on racism in education.

Damian Solomon, Director of Professional Development Services, said the traditional teacher training model is not meeting the needs of Aboriginal teachers. Universities should look at teacher training in an innovative way, he said. They should admit mature students for teacher training based on their experience rather than their level of education and explore having Aboriginal teacher trainees do practical training in band schools as well as traditional schools.

The Quebec Teachers' Federation also emphasized the need to make greater use of Aboriginal languages in education along with the need for greater community control and more Aboriginal teachers. It noted that Aboriginal control of schools in Quebec has been accompanied by sharp increases in school participation and declines in the dropout rate.

Among Inuit in northern Quebec, for example, school participation has risen from 8 per cent in 1950 to as high as 98 per cent in the 5- to 15-years age group today.

In Toronto, the Ontario Federation of Home and School Associations expressed its total support for Aboriginal peoples' desire to control all aspects of their children's education, including their right to their own schools. It denounced the legacy of residential schools and the *Indian Act* and called for greater use of Aboriginal languages in schools and of elders to teach or advise both Aboriginal and non-Aboriginal students.

Speaking for the Federation, Norma Inch called for negative stereotypes of Aboriginal peoples to be erased from the curriculum and spoke of the need for positive history and culture. The federation, she said, "is marching up the hill shoulder to shoulder with native peoples."

The primary concern expressed by the Assembly of First Nations (AFN) in the area of education was gaining constitutional recognition of the Aboriginal right to education as an inherent right. Chief E. (Dutch) Lerat outlined the AFN position, calling for immediate negotiations to transfer control of First Nations education through an independent body, such as a National Aboriginal Education Council. The federal, provincial and territorial governments should relinquish their administration and policy functions, and the federal government should retain a role only as a funding source, Chief Lerat said.

The AFN based its submission on a major report on Aboriginal education, *Tradition and Education*, which it completed in 1988. The Assembly spoke of education as a fundamental tool in developing and strengthening Aboriginal self-government. It envisaged that First Nations control would cover education from pre-school to the post-secondary level and would extend beyond reserve boundaries to First Nations citizens attending provincial or territorial institutions.

The Métis National Council (MNC), in its submission, provided a blueprint for Métis education based on a federal Métis Education Act and on the use of institutions developed and managed by Métis people and their governing bodies wherever possible. It said the proposed Act should regulate the expenditures of all federal monies designated for any education initiatives directed to Métis people.

Priorities for spending would be set jointly by the federal and Métis governments, the MNC said, and institutions that did not bring their programs into line with this agenda would risk the loss of federal funding. The Métis National Council said federal support should include grants for Métis post-secondary students, who are now excluded from the post-secondary support provided to students from First Nations. Its presentation included a proposal for a Métis National University put forward by the Gabriel Dumont Institute, an independent Métis college operating in Saskatchewan.

Like the Métis, the Inuit Tapirisat of Canada spoke to the need for an independent Inuit post-secondary institution that would offer a wide range of programming in language and culture, in addition to a range of academic programs. The Inuit asked that the federal government recognize the Inuktitut language as the cornerstone of Inuit culture and identity and provide support in the same way as support is given for the English and French languages. They also pressed for local control of education and for elders to be involved in the educational process.

## **Aboriginal Youth**

The Commission made a special effort to hear the concerns of young people in Round 4 by organizing a series of youth forums on university campuses in addition to its regular hearings. Aboriginal and non-Aboriginal students took part in these forums, both as panellists and in discussion from the floor. The forums were held at Carleton University in Ottawa, Concordia University in Montreal and York University in Toronto.

Commissioners noted that the majority of the population in Aboriginal communities is under the age of 30 and expressed the desire to hear the views of young people on all areas of the Commission's mandate, not just on issues directly related to youth.

Speakers in the youth forums were asked to comment on questions related to the four touchstones outlined in *Focusing the Dialogue*. They spoke primarily about the relationship between Aboriginal and non-Aboriginal peoples, but like other intervenors, linked this concern with the issues of healing, self-determination and self-sufficiency.

Many panellists spoke of the need for partnership, understanding, communication and dialogue between Aboriginal and non-Aboriginal peoples. The need to educate non-Aboriginal people about Aboriginal history and culture was emphasized, along with the need to accept the diversity of Aboriginal peoples and the differences between urban and rural Aboriginal communities. Participants expressed concern about racism in the non-Aboriginal community and the lack of good will on the part of governments.

Non-Aboriginal participants expressed support for self-government but noted a feeling of fear among fellow students about what this would mean. Aboriginal students taking part emphasized accepting the two row wampum as the basis for self-government. They looked forward to the empowerment of Aboriginal people, the settlement of land claims, and Aboriginal rights being recognized as portable. They criticized the idea of Aboriginal governments being treated as junior to the federal or provincial governments.

The panellists saw self-sufficiency as closely linked to Aboriginal self-government and to the need for access to resources and an adequate land base. The recommendations made at the forums included allocating the taxes paid by urban Aboriginal peoples to pay for urban self-government, and giving Aboriginal communities a tax base through a 5 per cent tax on resource profits coming from their traditional lands.

With respect to healing, Aboriginal participants stressed the need to maintain their heritage and to begin the education in Aboriginal languages at a young age. They suggested that education about Aboriginal history be a requirement in non-Aboriginal schooling. They spoke of the culture shock that Aboriginal students experience in moving from rural to urban areas, and of their need for support in making the transition. At the same time, they felt that Aboriginal students should try to use what they learn for the benefit of their communities rather than becoming cut off.

For the future, the students described visions of a caring society based on harmony and interconnectedness. Some non-Aboriginal participants spoke of the particular contribution that Aboriginal people can make in caring for the environment.

An important theme at the forums was the need to blend traditional ways with modern society. At the Montreal youth forum, a Mohawk student from Kahnawake, Tracee Diabo, spoke of how to bring the two row wampum into a modern context. She said that Aboriginal



and non-Aboriginal people cannot co-exist without interaction. A new relationship should deal with the separation of powers, but also allow for a sharing of powers on issues such as the environment that affect both societies.

Ms. Diabo noted that the Mohawks have held to the concept of the two row wampum to the point of not engaging in Canadian politics, yet they are having to negotiate with the Canadian bureaucracy and government. She suggested that they would have to become more politically active in the future, or else be ruled by people they did not want to be ruled by.

With respect to urban self-government, she said that Aboriginal peoples would have to pool their resources to form a political organization and to find new ways of strengthening the urban Aboriginal community. Unless they became more politically active in urban areas, she said, there would be no change in the status quo to allow self-determination.

Ammond Salter, a non-Aboriginal student at the Montreal forum, said it is the task of non-Aboriginal Canadians to remove the barriers and to deal with the resource issues that make the path of self-government so difficult. He compared what needs to occur to the situation after a war, when the peacekeepers have not only to end the hostilities but also to resolve the issues that created them and to create a vision for the future. He saw a need for what he called a "passion for consensus", a process of decision making modelled on Aboriginal traditions that involves a willingness to listen and to deal with every participant's concerns.

Participants in the youth forums spoke of their personal experiences in learning about each other's cultures. At the Carleton forum, Markee Duprie spoke of the view of Canadian history he had acquired as a non-Aboriginal person and of his personal journey in learning about Aboriginal history. Unless non-Aboriginal people are prepared to take such a journey to inform themselves, he said, there will be no significant progress on Aboriginal rights.

At the forum in Toronto André Chamberlain, a law student from Quebec, described how he had discovered that he was Montagnais three years earlier, after being raised in an adoptive family as a white child. Every day, he said, he was learning and gaining respect for his Aboriginal heritage.

Many of the themes raised at the youth forums were echoed by young people at the hearings. In Montreal members of the Group of 22, a group of Aboriginal and non-Aboriginal youth brought together by Quebec's Standing Committee on Youth, spoke of the need to know each other better, to strengthen communication and to break from the errors of the past:

We can no longer think and act like those who, no doubt with good will, created the political systems that we know and experience today. Confrontation should give way to an approach to resolving and settling individual and collective issues that is healthier and more respectful: consultation, discussion, common accord and communication between equals rather than more and more intensive efforts to seek power.

The group concluded that young people are not sufficiently consulted by their elders in the area of community and social life. This problem is particularly acute among young Aboriginal people because they have to create a place in their own community and also affirm their identity in Quebec society, where they are subject to racism and prejudice.

The Quebec group made a series of recommendations, including the need to create bridges between Aboriginal and non-Aboriginal youth in the form of meeting places and joint activities; measures to give students and Aboriginal people more say in decisions linked to the school

system; and greater participation by young people and other citizens in decisions made by the community.

The problems facing young people on reserves were vividly described by a group of Montagnais youth at the hearing in Montreal. One of them, Suzie Basile, noted that young people represent 65 per cent of the population of her reserve at Weymontachie in eastern Quebec. She emphasized the need of young people for independence and to break out, not to be confined to reserves that are two kilometres square. Members of the group spoke of the lack of recreation and other programs directed to youth in their communities.

Anik Riverin said there are very few career options for Montagnais youth. Those that choose to complete their education and go to university are almost condemned to live away from their communities. Aboriginal and non-Aboriginal people living in rural and remote communities face a systemic problem, she said, in that the more education they gain the greater the certainty that they will never go back to their communities. At the same time, she said, Aboriginal young people who leave their communities to pursue an education often drop out because of the demands of living in non-Aboriginal society and because of the lack of support networks.

## **Self-Determination**

### **Self-Government**

Self-determination and self-government were the centrepiece of the submissions by the four national groups representing First Nations, non-status and urban Aboriginal people, Inuit and Métis during Round 4. These issues were also a focus for many of the Aboriginal groups who appeared.

As already noted, many non-Aboriginal groups also dealt with self-government in the context of their view of future relations between Aboriginal and non-Aboriginal peoples in Canada. They generally supported the inherent right of self-government and the Aboriginal right of self-determination, although some reservations were expressed at the Quebec hearings. These intervenors focused more on the quality of the future relationship with Aboriginal peoples, however, while Aboriginal intervenors were more concerned with gaining recognition for their rights and spelling out how self-government should work.

Aboriginal intervenors were insistent that self-government is inextricably linked to the issues of treaty rights and land claims and that it should not be considered a separate issue. They rejected the federal government's policy of separating self-government negotiations from land claims and pointed out that there are ample precedents for considering the two issues together, such as the self-government elements contained in the Nunavut agreement.

On the Aboriginal side, there was general support for the view expressed by Rosemary

Kuptana of the Inuit Tapirisat of Canada, that the self-government issue underlies practically every policy issue for Aboriginal people from economic development to justice and health. "We cannot be self-sufficient again without re-asserting some control of our own resources," Ms. Kuptana said. "The narrow framework of the current land claims policy is not sufficient to bring this about. The self-government issue must be addressed and our interests cannot be sacrificed in budget cutting exercises."

The Quebec Teachers Corporation was one of several non-Aboriginal groups in Quebec that argued that self-government must be linked to a territorial base. This view was also advanced by the Conseil des Atikamekw et Montagnais (CAM). The teachers were opposed to any form of ethnic government and proposed that all people living in an Aboriginal territory should come under its jurisdiction, a view also accepted by CAM.

This position was disputed by the Native Council of Canada, which saw the right to self-government and having a land base as separate issues. The Métis National Council also saw the two issues as separate, having already set up institutions for self-government while still seeking both recognition of its right and the creation of a Métis land claims process. Aboriginal intervenors from urban areas offered a variety of models for urban self-government, which they also considered to be an Aboriginal right. The AFN, on the other hand, said that the jurisdiction of Aboriginal self-government should be based on its territory, but could also include the provision of specified services for First Nations citizens living elsewhere.

Charlie Watt, of Makivik Corporation, was critical of the federal government for failing to adopt policies that recognize the option of non-ethnic government chosen by the Inuit in claims settlements throughout northern Canada. Such a policy should recognize that non-ethnic governments are being established as a result of negotiations with the Inuit, he said, and are primarily for their benefit.

Mr. Watt called for the creation of a National Inuit Treaty involving the federal government and all the Inuit regions. This mechanism would ensure that self-government institutions in different regions and territories would be able to do business with each other as well as enter into inter-governmental agreements on matters relating to Inuit concerns.

Throughout Round 4 there were references to the UN Declaration of Human Rights and to international human rights standards being used as the basis for determining Aboriginal rights in Canada, including the right of self-government. In Montreal, the Quebec Human Rights Commission cited UN declarations in making its submission. It saw difficulties in defining self-determination in an international context, but said this should not serve as an obstacle in implementing this right for Aboriginal peoples in Canada.

The Assembly of First Nations was more confident. It called on the governments of Canada "to recognize the inherent right to self-determination is the basis for all policies, legislation and relations regarding First Nation peoples" and backed up its statement with reference to the right of peoples recognized in international law, including the United Nations Charter.

Self-determination, the AFN said, "means we will take control over our lives to ensure that our rights, languages, cultures, traditions and people are sustained and flourish in the future.... We want to ensure that our nations survive even in the light of the great tide of assimilation we have experienced in Canada."

"Self-determination will not lead to a 'patch-work' Canada. Separation from the Canadian

state is not, as some critics suggest, our objective," the AFN continued. "We are seeking new relations and partnerships with Canada as part of the exercise to our right to self-determination. We are seeking this in friendship and not hostility."

During the hearings a number of models and approaches were put forward for the transition to Aboriginal self-government. Some intervenors who recounted their experience in self-government negotiations or in implementing agreements were critical of the federal government for delay, obstruction, acting in bad faith, and lack of political will.

Gerald Morin, President of the Métis National Council (MNC), said the MNC and the provincial Métis associations are doing everything in their power to express their inherent right to govern themselves. He said the MNC is exploring options for some form of Métis Nation Parliament, and that provincial governments are moving toward forming Métis legislative assemblies. Under the option being considered in Saskatchewan, this assembly would pass legislation such as a Métis Citizenship Act, which would allow the Métis to decide for themselves who are the citizens of the Métis Nation. The Assembly would be made up of Métis community leaders, while its executive would be designated as cabinet ministers.

The Assembly of First Nations submission called for governments to recognize the full jurisdiction of First Nations governments and to vacate jurisdiction over matters required by First Nations to exercise their full legal authority effectively. It urged that a process be developed between First Nations for orderly transition to self-government, but insisted that First Nations have the power to assume jurisdiction unilaterally without discussion or negotiation with other governments. Its proposals included phasing out the *Indian Act* and creating a special tribunal, on which First Nations and other members would be represented equally, to deal with conflicts arising from the transition to self-government. The AFN's approach was endorsed by the Manitoba Keewatinowi Okimakanak (MKO), a federation of 25 First Nations and Tribal Councils in northern Manitoba with a population of 34,000 First Nations people. Chief Sydney Garrioch and Michael Anderson, director of MKO's Natural Resources Secretariat, described the process by which MKO has been working since 1981 to establish a regional government for its members and to implement Aboriginal control in such areas as health services, education, administration and resource management. They said MKO is working as a parallel government and described achievements, such as a Bachelor of Nursing program, impending control over the region's hospital, and the development of long-term funding for new Aboriginal-controlled facilities.

As in previous hearings, the federal government was criticized strongly both for the way it makes agreements relating to self-government and for the way it lives up to them. In Montreal, the Conseil des Atikamekw et Montagnais pointed out that their negotiations have gone on since 1979 without even reaching an agreement in principle. The Conseil said that it is difficult to make their people understand that governments truly want to conclude a new social contract.

In Toronto, Chief Earl Commanda of the North Shore Tribal Council criticized the preoccupation with top-down approaches over the past 20 years and said that none of the Council's communities had benefited from the endless constitutional discussions. What is needed is recognition of the inherent right of self-government, followed by negotiated agreements at the community level. Chief Commanda said the process of negotiating self-government, in which the North Shore Council was involved, had proven to be limited, frustrating, and extremely bureaucratic.

During the hearings Commissioners asked several intervenors which concern should have priority in the renewal of Aboriginal peoples, healing or self-government. The reply was that the two should go hand in hand. Commissioners also expressed interest in how self-government agreements with Aboriginal communities should be ratified, but the subject was not discussed in depth.

## Treaty Rights

The central importance of treaties expressed by the Assembly of First Nations (AFN) and by other First Nations intervenors in Round 4 has already been noted. The concept of a national treaty was advanced by the Native Council of Canada, but the AFN expressed a preference for the renewal of existing treaties and negotiation of new treaties in areas where they do not now exist. Charlie Watt, of the Makivik Corporation, proposed the negotiation of a National Inuit Treaty that would establish the power and jurisdiction of various Inuit self-government institutions. The Quebec Aboriginal Equality Forum, a group of Aboriginal and non-Aboriginal leaders, also proposed the formation of a co-existence treaty to govern relations between Aboriginal and non-Aboriginal peoples.

In Vancouver, Armand Loth, of the Tribal Chiefs Association of Northeastern Alberta (Treaty 6), recalled a 1973 speech by Queen Elizabeth II in which she stated that "You may be assured that my government of Canada recognizes the importance of full compliance with the spirit and terms of your treaties." Despite this the federal government has steadfastly resisted establishing treaty-based programs and bilateral negotiations, he said.

Mr. Loth said the Department of Indian Affairs and Northern Development was created to hinder and impede treaty rights and to replace them with legislation. Along with other intervenors, he emphasized that treaties should be treated as being international in nature.

Allen Badger, speaking for the same group, outlined the problems it had experienced in dealing with the federal government:

Everything that is given as legislation within the *Indian Act* is given to us as 'here are the rules which will bind your nation.' Our treaties are not officially recognized. The federal government does not recognize them as legal. They are not recognized as being international, and it undermines everything that our Chiefs and Councils stand for [and] our right to self-determination....

Grand Chief Matthew Coon Come, of the Grand Council of the Crees of Quebec, spoke of the difficulties the Cree had experienced with the James Bay and Northern Quebec Agreement, which he called Canada's "first modern broken treaty." He said that implementation had required 15 years of negotiations, going from the establishment of a 'table of negotiations' through to an agreement to negotiate, negotiation of a mandate, etc. and that the Cree could not even count on ministers' signatures on agreements to be honoured.

Chief Coon Come said the failure to implement the agreement had dominated Cree-federal and Cree-Quebec relations, to the point that the negotiations regarding its implementation had become more contentious than the negotiation of the agreement itself. He noted that others had not been required to give up their fundamental rights in return for institutions and services as

the Cree had had to do as a result of the *Cree Naskapi Act*, and that Cree elders had been misled on this issue. Now, he said, the Cree are being asked to agree to construction of the Great Whale project in return for governments proceeding to implement the outstanding provisions of the 1977 agreement.

In Winnipeg, members of the Northern Flood Committee reported similar experiences in trying to ensure implementation of the promises of the 1977 Northern Flood Agreement. They contended that the agreement should be considered a treaty and an addendum to Treaty 5 and noted that the First Nations are still awaiting transfer of 20,000 hectares of land that been promised in the agreement.

Canada, Manitoba and Manitoba Hydro have failed to honour the treaty's provisions as signatories, they said, and have spent the past 16 years minimizing their obligations and indulging in stalling and starve-them-out tactics. They accused the federal government of demonstrating a lack of political will and criticized the process that led to the appointment of an arbitrator whom the First Nations had opposed. At the present rate, it would take two or three decades to settle the 172 claims now outstanding.

Commissioners asked at a number of hearings how the treaty relationship should be implemented and what should be done to ensure that the spirit and intent of treaties is honoured. Mr. Badger, of the Tribal Chiefs Association of Northeastern Alberta, responded that it is up to the federal government to live up to Treaty 6. Grand Chief Phil Fontaine, of the Assembly of Manitoba Chiefs, said that the commitment to implement treaties would be reflected in the government's actions and in the formal, nation-to-nation relationship that the Chiefs propose.

A number of specific mechanisms were proposed for overseeing treaties and other agreements during the hearings, including the creation of a permanent joint tribunal along the lines of the Waitangi Tribunal in New Zealand or the special commissions established in Ontario and British Columbia.

## **Land and Land Claims**

The importance of Aboriginal land rights was emphasized consistently by Aboriginal intervenors during Round 4 and drew broad support from non-Aboriginal intervenors as well. These groups underlined the importance of their territories for Aboriginal peoples in cultural as well as economic terms. They were critical of the federal process for negotiating land claims and favoured a process for resolving claims that would be fair and independent and that could be enforced. As already noted, there was widespread support for linking self-government negotiations with the land claims process.

At the Montreal hearing the Conseil des Atikamekw et Montagnais brought elders to testify how they and their forebears had used their peoples' traditional territory until the recent past. They described a pattern of intense and sophisticated Aboriginal land use, which was never appreciated by bureaucrats and other non-Aboriginals, over an area that stretched from the St. Lawrence north to Ungava.

With Euro-Canadian development, they said, all that has changed. Elder Albert Connolly told of a visit he had just made to his old territory. "All of the land of the Weymontachie people today is very poor," he said. "Where I lived as a child is all built up with camps and cottages.

Today when we look at the mountains and the portages, there is nothing there but sand. The forest companies have cut.... This summer we couldn't fish because everything was occupied. All of our lakes and our mountains have been emptied by forest cutting or by being occupied."

Pierre McKenzie gave a vivid description of the voyage up the Moisie River into his people's traditional territory and of the arrangements that were made for bringing mail down from Fort Chimo by canoe in time so that orders for supplies could be transmitted and delivered by ship before freeze-up.

"We Indians used to make good use of the territory," he said. "We had to make use of everything that the territory carried, because our medicines came from the land, our food came from the land, all of our hunting equipment came from the territory itself, the wood we used to construct our toboggans, the rods for fishing, the wood we used for our drums, everything; even the stones were used because they served as weights for our fishing nets."

Bernadette St. Onge, speaking in Montagnais, told of the losses her people suffered as a result of flooding by Hydro Quebec dams built without consultation or consent from the Aboriginal people affected.

Ms. St. Onge also spoke of the important role of women in traditional society both in administering the household and as the transmitters of tradition and of education for the young. Women did essential work in making snowshoes, moccasins, and cooking, she said, and had to be organized in order to prepare for the long, 10-month periods of absence when the family moved from the coast into its traditional territory.

People said that we lived in misery, that we lived a life of pain and misery. As for me, I have lived on the land and never had the impression that I was suffering or that I lacked anything at all. I never felt that when I was on the land. I was content with what I had...the way I subsisted, for me, there was nothing else.

Dennis Brassard, Research Director for the Conseil, showed a number of slides covering the 700,000 square kilometres of traditional Atikamekw and Montagnais land. They demonstrated that almost all of the area is now occupied for forestry or for recreational or commercial purposes, leaving very little place for Aboriginal activities.

The Atikamekw and Montagnais asked for recognition of the Aboriginal identity of their territory and for an affirmation of Aboriginal rights that would be reflected in a form of co-existence between Aboriginal and non-Aboriginal peoples. This would imply decision-making power over development and a claim on the exploitation of resources. They also sought free movement and free access for traditional activities along with acceptance of a policy of sustainable development over the territory.

The two First Nations made specific proposals for a multi-level system of land allocation, which would include exclusive areas fully owned by the community and shared areas in which traditional Aboriginal activities would continue to have priority. They recommended a third category of "conservation land" that would be reserved for future generations and held for the exclusive use of Aboriginal people. They also sought to designate historical, cultural or heritage sites, which would be under Aboriginal control.

The Assembly of First Nations (AFN) spoke briefly to land issues at the Ottawa hearing, but dealt with the issue at length in its written submission. It noted the poverty of First Nations

people and the small parcels of reserve land to which they are confined and compared this to the priority given to third-party interests over surrounding traditional lands. The federal government claims process is unsatisfactory, the AFN said, and the government has failed to exercise its fiduciary responsibility to Aboriginal peoples in dealing with their lands.

The AFN stated that the understanding of traditional elders and First Nations was that First Nations never agreed to surrender their lands to the Crown, but had only agreed to share the land with the newcomers to a level of six inches below the surface.

The Assembly's recommendations focused on recognition of the inherent right of First Nations governments to ownership and control of a defined land and resource base; negotiation of an adequate land base that would allow First Nations communities to be economically self-sufficient; and a resolution of outstanding Aboriginal claims over land and resources through an independent claims body with enough authority to compel the parties to resolve issues. A number of other intervenors also offered proposals for the independent resolution of claims.

The AFN also asked that First Nations have the option of taking land claims and related issues to the courts and recommended that the federal government not be allowed to use technical defences to deprive First Nations of legal remedies.

There was general opposition, including from the AFN, to the federal policy making extinguishment of Aboriginal rights a condition for settling land claims. Nunavut Tungavik Inc. (NTI), whose members had been required to agree to this condition in the Nunavut land settlement, spelled out reasons for this opposition when it appeared in Montreal.

Nunavut Tungavik Inc. noted that Inuit leaders had agreed to inclusion of the extinguishment provision only with the greatest reluctance. It recommended as an alternative to the government's use of a provocative "cede, release and surrender" clause, that the Aboriginal party could "recognize" the status of certain lands as Crown lands governed by laws of general application.

It is self-defeating for the federal government to suppose that the terms of land claims agreements can be fixed for all time. "There can be no acceptable final definitions of the compromises that must be made between societies over succeeding generations," the NTI said. "The conclusion of a modern land claims agreement must be seen as a beginning, not an end."

The Canadian Arctic Resources Committee (CARC) gave the Commission an extensive analysis of the land claims process from a non-Aboriginal viewpoint, reaching many similar conclusions. CARC called for a process of land use that would be based on sustainable development, would integrate economic and social considerations, and would reflect a balance between the different roles and values of men and women.

Modern land claims agreements are focused on setting out conditions for resource development, CARC said, and all but ignore issues of justice, language, culture, education and housing. "By implication, the contributions of the renewable resource sector are devalued. Also devalued are the social and cultural preconditions necessary for people to live meaningful and fulfilled lives of dignity."

Speaking for CARC, Terry Fenge criticized the absence of social justice in the compensation payments that had been made under land claims agreements and questioned the quantum of 15 per cent to 20 per cent of land area given to Aboriginal people in claims agreement in northern



Canada. They recommended that Aboriginal peoples share in all rents and revenues generated through the use of Crown-owned resources in settlement areas rather than being confined to sharing in royalties. Aboriginal people should also be given effective representation on decision-making bodies that control subsurface as well as surface resources, they said.

The Aboriginal Rights Coalition (ARC), appearing in Ottawa, spoke to the need for interim protection of Aboriginal lands while they are involved in claims negotiations. It recommended using measures such as a freeze on industrial development or an equitable sharing of resource revenues. Similar proposals were put forward by other intervenors.

The ARC said that alternative models for economic development and land stewardship, developed by Aboriginal peoples, should be explored for their viability and that the negotiations process should accommodate the unique history and knowledge of Aboriginal peoples as well as their needs.

As a specific example, ARC cited the devastation of the Lubicon Cree territory, where an estimated \$6 to \$7 billion in oil and gas resources has been withdrawn since 1979 while the community went from self-sufficiency to being 95 per cent on welfare. Elaine Bishop of ARC noted that there had been no protection of the people or the land and that Lubicon land rights continued to be unresolved 50 years after the dispute began. She commended the use of independent tribunals in land disputes that have not been resolved, such as the Lubicon Settlement Commission of Review. Such tribunals should have one member appointed by the federal government, one by the Aboriginal community, and one by mutual consent, she said.

The legal question of Aboriginal land rights was discussed in Montreal by Jacques Boucher of the Centre for Research on Non-Violence. He noted that the Australian Supreme Court had recently revoked the notion of *terra nullius*, the concept that there were no prior rights to land that was 'discovered' by Europeans. The Australian government followed this decision by recognizing the existence of an inherent Aboriginal right to territory in October 1993. Mr. Boucher recommended that Canada take the same course of action.

The Aboriginal right to territory was also questioned in Montreal by Jacques Proulx of the Union des Producteurs Agricoles. Mr. Proulx asked whether the nature of Aboriginal occupation of Quebec territory in the past justified their current territorial claims; he was particularly critical of claims covering major urban areas. While the UPA was willing to examine the legitimacy of Aboriginal claims, he said, a balance should be established "between what is 'legal' and what is 'reasonable'." Similar reservations were expressed by representatives from the Union of Quebec Municipalities.

While accepting the Aboriginal right to territory, the Federation of Canadian Municipalities expressed concern about the effects of land claims settlements on municipal revenues and on potential economic development and asked that municipalities not be excluded from the negotiation process. In Ottawa, the Canadian Labour Congress spoke to the potential impact of claims negotiations on working people, particularly those located in resource areas. It asked that labour be included as a stakeholder in third-party committees set up to advise on these negotiations, as is now the practice in British Columbia.

In Toronto, the Federation of Ontario Naturalists asked that an "allocation for nature" be maintained and that Aboriginal land claims not be resolved at the expense of the area or functioning of parks and other sanctuaries. In a brief prepared after consultation with four First

Nations whose territories are located close to provincial parks, the Federation asked that Aboriginal harvesting rights and rights to resources lying within park areas not be exercised, but be compensated, by agreement, with comparable rights lying outside the park area.

Where parks overlap traditional Aboriginal territory, it recommended that Aboriginal people be involved in both management and selection of park areas. The Federation also proposed the creation of First Nation Nature Reserves in unspoiled natural areas, where traditional cultures could be practised in harmony with the natural environment.

## **The *Indian Act* and Federal Administration**

One of the constant themes throughout the Royal Commission's hearings was criticism of the federal government, often coupled with a strong desire to abolish the *Indian Act*. This criticism was again expressed in Round 4, reinforced in a number of cases with detailed documentation based on research funded by the Commission's Intervenor Participation Program.

Federal administration of programs directed to Aboriginal people came under attack during the final round, as did the government's policy on land claims and self-government, the way in which it approaches negotiations in these areas, and the federal government's implementation of specific agreements with Aboriginal peoples.

A number of intervenors based their criticism on the federal government's failure to carry out its fiduciary duty, the responsibility to act as trustee on behalf of Aboriginal peoples' interests that has been defined by the courts. Concerns were expressed in almost every program area affecting Aboriginal people with respect to federal cutbacks, inadequate levels of funding, and funding practices that inhibit long-term planning.

Proposals that dealt with the *Indian Act* in Round 4 generally looked to new legislation that would recognize Aboriginal authority and replace the Act, rather than simple abolition. The Manitoba Keewatinowi Okimakanak spoke in Montreal of restructuring the *Indian Act* and dismantling the Department of Indian Affairs and Northern Development in favour of First Nations self-government. It called for a transfer of federal responsibilities for health, education and economic development to First Nations control and administration and the creation of long-term revenue transfer and equalization agreements between Canada and First Nations governments.

The Assembly of First Nations submission called for the elimination of the *Indian Act* and recommended that the Act be phased out as part of an orderly transition to self-government. The AFN singled out the band council system imposed by the Act for particular criticism. This system "has severely undermined our traditional governing systems and attacked our consensus form of democracy, which is almost universal for First Nations peoples," the Assembly said. In its place, governments based on First Nations traditions should be encouraged, including hereditary systems, clan systems and innovative institutions that combine traditional and contemporary approaches.

The AFN insisted that the fiduciary obligations of the Crown - that is, of both federal and provincial governments - be maintained even though the *Indian Act* is abolished. It saw this obligation as meaning "that the Crown should be a zealous advocate and protector of the rights of First Nations." Governments should disclose to First Nations all information regarding the specific impact of policies and legislation, it said, and the Crown should not act as an adversary with respect to First Nations interests, as had often occurred in the past, or place itself in a conflict of interest situation with First Nations.

The Assembly did not spell out how First Nations governments should be financed, but it did refer to the fiduciary obligations that would accompany a renewed treaty relationship with First Nations. It made a number of specific recommendations calling for federal support or funding of programs and institutions that would be under First Nations control and insisted that the right of First Nations to define and control their citizenship is integral to the right of self-determination.

The Native Council of Canada (NCC) proposed that the *Indian Act* be replaced with an Aboriginal Authorities Act that would provide for the recognition of Aboriginal communities, particularly for people living off-reserve. It called for a Fiduciary Obligations Act to give legislative recognition to the federal government's fiduciary duty and asked that the segregation of the Aboriginal population into categories on the basis of status or residence, for programs such as health and post-secondary education support, be terminated.

As noted earlier, the NCC recommended that all policies and programs not specifically mandated by the *Indian Act* should be handled by a ministry of Aboriginal Affairs. Commissioners asked whether the NCC wanted to see a Minister of Indian Affairs continue for a transition period. Ron George, President of the NCC, said the prominence of this ministry should be relative to the number of people the ministry represents. He noted the irony that three-quarters of the Aboriginal population is now paying taxes for the department without receiving benefits, because they live off-reserve.

Obstruction and lengthy delays in implementing signed agreements involving the federal government were reported at the hearings by the Grand Council of the Cree and by First Nations representatives involved with the Northern Flood Agreement. Chief Allen Ross of the Northern Flood Committee said that the federal government had tried to ignore the committee and destroy the agreement as well as trying to limit its responsibilities with respect to lands, monitoring and funding.

For some 16 years...the posture of the Government of Canada has been in conflict with the efforts of the communities and the Northern Flood Committee to mitigate and compensate for the impact of the [Manitoba Hydro] project. Canada did not fail to support us...Canada worked against us. Canada did not ignore our concerns...Canada attacked us. Canada did not act as a trustee for our resources and our interests; Canada...acted as a partner with our opponents, Manitoba and Manitoba Hydro. These were the policies of Canada as recently as three weeks ago. We can only hope that they will change under the new government.

In Montreal, Roger Gruben and other representatives of the Inuvialuit Regional Corporation spoke to the success of the Inuit in the western Arctic in implementing the Inuvialuit Final Agreement over the past 10 years, and of the reshaping of the economy and social structure of the region that has taken place as a result.

They too, however, were critical of the federal government's approach. They spoke of difficulties in convincing the government to honour the commitments and obligations set out in the claims agreement. Government compliance is inconsistent, and there is no system to ensure that all departments and officials are aware of their obligations. The government itself has frequently ignored provisions of the agreement respecting government contracting and economic development within the settlement region, they said.

## Urban Issues

The primary urban issue raised in Round 4 was that of urban self-government: how it should be established and what shape it should take. This issue was discussed at length by the Native Council of Canada (NCC) and by the National Association of Friendship Centres (NAFC), but it was also a major concern for Métis and for municipal intervenors.

No consensus emerged from the hearings because of divergence between the various status groups and the friendship centres on the best means of providing culturally appropriate services to urban Aboriginal people. The status-blind approach favoured by the NAFC and by the Ontario Federation of Indian Friendship Centres in Round 4 was questioned by First Nations and by the Métis. Friendship centre representatives acknowledged a further difference of views within their own movement, between the concept of friendship centres as purely service organizations and the idea of their becoming political organizations on which urban self-government would be based.

The Ontario Federation of Indian Friendship Centres noted in its submission to the Commission that there has been no appreciable change in the situation of urban Aboriginal people in Ontario since a review of their status in 1981. They continue to experience problems of unemployment, inadequate housing, limited education, racism, family violence, poor health, and lack of access to appropriate services. At the same time the urban Aboriginal population is also growing rapidly, a fact the Native Council also recorded in its report to the Commission.

Based on its analysis of four possible models for urban self-government, the Native Council concluded that a confederal model of urban self-government, organized on a community, rather than a geographic base, is the best approach for accommodating the diversity and the common interests of Aboriginal peoples in larger urban areas. It envisaged a variety of types of representation and accountability and suggested that Aboriginal education and child welfare should be the starting points for urban self-government.

Grand Chief Phil Fontaine, of the Assembly of Manitoba Chiefs, contended in Winnipeg that self-governing institutions in urban areas should be controlled through First Nations governments. He proposed that urban First Nations members receive services from a municipality or province, which would invoice the First Nation for the service. In Toronto, Grand Chief Gordon Peters, of the Chiefs of Ontario, suggested that urban Aboriginal people make arrangements with their individual communities to provide service mechanisms within cities.

Gerald Morin, president of the Métis National Council, affirmed the Métis position that services and programs for Métis be provided through Métis institutions and opposed what he called the "Aboriginal melting pot concept" of status-blind services. Pressed by the Commission, he said that partnerships with other stakeholders could be developed, provided that recognition of Métis government came first.

NAFC representatives pointed out that the friendship centre movement was based on a status-blind approach from its early days. Terry Doxtator, Executive Director of the NAFC, spoke of the difficulties of providing services on the basis of status when Aboriginal people share a common urban experience of employment and housing problems and racism.

When we can bring our strengths together in the friendship centre, we are actually

creating an environment [that] reduces the tendency to separate either the entire Aboriginal community from the rest of the community, or to create separations within the Aboriginal community itself.

The Ontario Federation of Indian Friendship Centres took an evolutionary approach to urban self-government and offered a number of models including co-management and self-governing legislation. In its report to the Commission it suggested that Aboriginal government institutions may be possible in small and medium-sized communities, while self-governing bodies could be designed to serve specific needs in large urban areas.

The Federation of Canadian Municipalities (FCM) recommended that urban self-government be established on a municipal model and asked that this be developed in co-operation with local governments. Mayor John Les, speaking for the FCM, expressed concern that Aboriginal governments would be elevated to a status equivalent to that of provincial governments while essentially acting as a form of local government.

The FCM's specific concerns related to maintaining comparable standards with neighbouring municipalities in areas under Aboriginal government or in urban reserves. It asked that municipalities be consulted to ensure that the implications of any agreements on local responsibilities and economic development are addressed. It called for Aboriginal participation in local affairs through municipal boards and agencies, and asked that Aboriginal leaders recognize municipalities and local government leaders as legitimate and valuable partners.

## **Métis Issues**

The major presentation by Métis in Round 4 was that of the Métis National Council (MNC), whose delegation included Métis leaders from all the jurisdictions in which the MNC is active – Ontario, the three prairie provinces, British Columbia and the Northwest Territories. The MNC's agenda included constitutional recognition of the Métis, implementation of the Métis Nation Accord, the development of Métis institutions and Métis self-government, and the creation of a process for Métis land claims.

This agenda was echoed by the Métis Society of Saskatchewan (MSS) when it appeared at Winnipeg. Clem Chartier outlined the need for Métis self-government in Saskatchewan and for Métis-specific processes that would enable the Métis to catch up with other Aboriginal peoples, issues that the MSS addressed in an extensive report to the Commission.

Mr. Chartier spoke to the obstacles the Métis had faced in pressing their case for land and resources. He said that Métis were barred from taking part in the comprehensive claims process in 1981 on the grounds that rights they may have had were extinguished by the scrip process. Métis are also excluded from the specific claims process because it is limited to Indian communities and bands.

As a specific example, Mr. Chartier cited the frustration felt by Métis at being excluded from the Indian Claims Commission's examination of grievances relating to the Primrose Air Weapons Range, covering an area in Alberta and Saskatchewan. Métis as well as Treaty Indians had been displaced from the area when the range was established in the early 1950s, he said, but the Commission's mandate is restricted to dealing with claims from Indian bands.

Commissioners asked what interim steps they should recommend to the federal government with respect to the Métis, since it is unlikely that the Constitution will be amended to provide recognition of the Métis under section 91 (24) in the near future. Mr. Chartier said that the federal government could stop arguing that it lacks the necessary jurisdiction. It should make a policy statement accepting that the Métis fall under section 91 (24) and saying it is ready to start addressing programs and services for Métis.

During the Métis National Council presentation Commissioners asked who should be included in the concept of Métis. Gerald Morin, MNC President, said that the MNC represents the interests of the Métis Nation based on the areas of western and northern Canada known as the Métis Homeland. If there are others who consider themselves Métis, he said, "it falls on their shoulders to assert themselves, their identity and their sense of who they are and where they think they fit into the Canadian federation."

In Montreal, the Native Alliance of Quebec intervened on behalf of an estimated 14,000 Métis in Quebec. Ginette Racette, the president, voiced many of the same concerns raised by Métis at other hearings, but disputed efforts by the western Métis to confine the designation of Métis to those whose origins date back to the Red River Settlement. She asked that the Métis of Quebec be included in the definition of Métis by the Commission.

The Alliance's priorities include recognition of the Quebec Métis, enumeration, education, and access to training under the Pathways to Success program. The Alliance cited the success of the Waskahegan Corporation, which has built more than 1,800 units for Aboriginal people living off-reserve in Quebec, and asked that the corporation be allowed to become an autonomous Aboriginal institution.

Like other Métis intervenors, the Native Alliance asked for a territorial base as part of the recognition of Métis self-government, along with a guarantee of hunting and fishing rights. A land base would be difficult to negotiate, Ms. Racette acknowledged, because Métis live in different parts of Quebec and do not have a defined territory.

## Justice Issues

In an extensive submission, the Assembly of First Nations contrasted the Canadian system of justice with the perspective of First Nations and offered a detailed argument for Aboriginal control of an Aboriginal justice system. Other intervenors in the final round of hearings pointed to the biases in the current system and spoke to specific issues of fairness, human rights, and policing. Particular concern was expressed about the treatment of family violence and sexual abuse, as well as the need for solutions that are healing, not just punitive.

The AFN submission on justice was discussed only briefly at the hearing. The Assembly began its argument by extending the conclusion of the Aboriginal Justice Inquiry of Manitoba—that the justice system has failed Manitoba's Aboriginal people on a massive scale—to all of Canada. It faulted the system for demonstrating cultural blindness, ignorance of the ways of Aboriginal peoples, and discriminatory and racist attitudes that have exacerbated the general sense of First Nations alienation.

The Assembly contrasted Canada's adversary-based justice system with the very different perspective of First Nations, in which justice is a part of the natural order and the primary

objectives are healing and harmony. Because the justice system is based on values and principles that are alien to Aboriginal history and traditions, the Assembly said, it cannot serve the people and can only oppress them.

The Assembly pointed out that the current social situation of First Nations communities is a direct result of a history of social, cultural and political oppression and that the suppression of First Nations traditions and systems of law and government continues today.

"The Canadian justice system has shown itself to be incapable of recognizing and respecting First Nation systems of law," the AFN said. "This wilful blindness has played a central role in robbing First Nations and their citizens of the cultural support required to maintain vibrant community life, and individual human dignity."

Most Aboriginal justice reports glossed over the distinct nature of Aboriginal societies, the AFN said, and had therefore focused on the superficial symptoms of the problem rather than on the deeper disease. To recover the social harmony traditional to First Nations life, healing and self-reliance would have to be addressed. This means eliminating dominance by Canada's governments and restoring a true partnership between First Nations and other levels of government.

"Governments will also have to undergo their own process of healing," the Assembly said, "for if there is one overriding message from the many Aboriginal justice inquiry reports, it is that the Canadian justice system is dysfunctional." Citing the report of the Royal Commission on the Donald Marshall, Jr. prosecution, it stated that "native Canadians have a right to a justice system they respect and which has respect for them."

The Assembly's proposals related to the creation of Aboriginal justice systems and to reform of the current system. With respect to Aboriginal justice, it drew from examples of traditional Aboriginal government to conclude that the principles of harmony, healing and full community responsibility are common themes among all First Nations and closely allied to the exercise of self-government.

First Nations should investigate and compile their traditional laws and procedures in consultation with their communities and with their elders, the Assembly said. It emphasized the need for community involvement as a means of restoring harmony and respect to the community.

"The problems in First Nation communities are not dealt with by the Canadian justice system with its emphasis on punishment and deterrence," it said. "These principles do not require individuals to make amends to society. As a consequence, the problems that led to the criminal behaviour in the first place go unresolved."

The AFN recommended a thorough review of the costs of the current approach to Aboriginal justice and suggested that this would reveal a massive level of existing expenditure that could be reallocated without increasing overall costs. It also emphasized the need for investment in economic development. "There is little doubt that poor economic conditions and centuries of dominance are largely responsible for most of the social breakdown and related crime problems experienced by First Nations," it said. "It is time...to face the fact that 'justice' includes economic justice."

The AFN did not make recommendations with respect to the extent of First Nations justice authority or linkages with the existing justice system. As community acceptance is gained for

local justice systems, it said, these issues can be dealt with during the course of implementation.

The Assembly criticized current federal initiatives in the area of Aboriginal justice and noted that many of them had been undertaken without consulting First Nations. It concluded that the recognition of First Nations justice systems could be achieved without constitutional reform.

In its recommendations the AFN called for recognition of the inherent right of First Nations to develop their own internal justice systems in accordance with their own traditions, needs and aspirations, and for the creation of an Aboriginal Justice Institute that would assist Aboriginal communities in developing and testing different models of justice systems. The AFN also recommended that an independent body reporting to Parliament be established to monitor progress in implementing the recommendations of various Aboriginal justice inquiries.

With respect to the existing justice system, the AFN noted evidence of systemic discrimination against Aboriginal people in almost every aspect of the system, from policing through charging through legal representation and sentencing. Drawing from the many recommendations made by various inquiries, it focused on ten key recommendations, including the need for more cross-cultural training, more community-based programs, greater Aboriginal involvement, and increased recognition of Aboriginal cultures and laws in the delivery of criminal justice.

The Assembly recommended the creation of Aboriginal-controlled police forces and an increase in the recruitment of Aboriginal police officers in all forces, along with an improved process for handling complaints of police misconduct. It recommended greater use of innovative forms of sentencing to prevent repetition of offences by returning the accused, victim and community to a state of harmony, without sending offenders to jail.

The Assembly concluded its justice proposals by reiterating its concern about the inaction and lack of political will shown by governments in the past. For that reason, it made what it called an overriding recommendation in two words: "Implementation now".

Apart from the AFN, questions relating to justice were discussed only briefly by the national Aboriginal organizations in Round 4. The Métis National Council looked to the creation of a Métis Nation Justice Secretariat, along with the establishment of an alternative Métis justice system and greater Métis involvement in policing, sentencing, and tribunals. Ron George of the Native Council of Canada spoke of how two systems of law might co-exist in an urban area and drew a parallel with the present co-existence of military law and the Canadian justice system.

Representatives of the Native Women's Association of Canada favoured a parallel system of Aboriginal justice, while those from Pauktuutit expressed support provided that Inuit women are fully involved in Inuit justice initiatives. As noted earlier, Commissioners discussed at length during the appearance of the two women's organizations how the justice system should deal with issues of family violence.

In Montreal, the head of Quebec's Advisory Committee on the Administration of Justice in Native Communities, Judge Jean-Charles Coutu, spoke of a number of options being examined by his committee. These include the use of mediation and community justice systems and the appointment of Aboriginal justices of the peace to administer band by-laws and local rules. Tribal courts and judges could have substantial powers in certain areas, he suggested, such as



child protection and welfare and the supervision of traditional forms of adoption.

Judge Coutu said that individual justices of the peace face a danger of threats or of becoming isolated in their community, and suggested that justice committees with five or six members be appointed to support the work of justices of the peace and to become involved in mediating disputes and in questions of sentencing. Working with an Aboriginal police force and band council, such committees could begin to create an internal structure for the maintenance of order in communities, he said. At present, very few Aboriginal communities have their by-laws in order, and some lack the budget to pay for legal assistance. The judge suggested that the process of establishing Aboriginal justice systems would not be easy and could take 15 or 20 years.

The Quebec League of Rights and Freedoms, appearing in Montreal, was one of a number of intervenors to suggest that reference be made to international instruments such as the Universal Declaration of Human Rights as the basis for Aboriginal rights. The League made this proposal as a way of ensuring that Aboriginal rights are not seen as purely local problems.

Citing the Oka crisis, the League condemned governments for consistently giving precedence to the right of development over Aboriginal rights, "whether it was a matter of electricity or of golf." It suggested that responsibility for Oka should be shared - by Canada for having let the land claims negotiations drag on; by Quebec, for having allowed the municipality of Oka to go ahead with its plans for a golf course; by the municipal authorities and investors; and by the Mohawk Warriors, for having created an unacceptable spiral of violence by taking up arms.

In the area of policing, senior officers of the Royal Canadian Mounted Police provided an extensive outline of the RCMP's efforts to increase Aboriginal awareness and recruitment. The RCMP is moving to a concept of community policing, they said, and is experimenting with innovations such as the use of elders in policing Aboriginal communities. Assistant Commissioner Leahy, RCMP Director of Personnel, said the force has set an objective of 765 Aboriginal officers, or 5 per cent of the force, by the year 2003, compared to 371 in 1992.

The status of First Nations police officers was raised in Ottawa by the Canadian Police Association. Jim Kingston of the CPA expressed anger about the withdrawal of funding and dismissal of 29 police officers of the Dakota Ojibway Tribal Police Association in Manitoba and offered his association's support for their efforts to reach a first contract.

Mr. Kingston said that most members of First Nations police forces are designated as special officers rather than as fully recognized police officers, even though they perform the same duties. As a consequence, they are denied protection from outside influences and from politics as well as collective bargaining rights. He recommended that Aboriginal police be recognized as full constables and noted that the Dakota Ojibway force could not have been disbanded if it had come under the Manitoba Police Act.

## Self-Sufficiency

### Economic Development

The discussion of Aboriginal economic development in Round 4 focused as much on obstacles created by the federal government and the *Indian Act* as on the other problems of making Aboriginal economic initiatives succeed. Access to finance and the problems of economic development for urban Aboriginal people were raised as particular issues, and a strong recommendation was made for First Nations to have full jurisdiction over taxes paid by their citizens as part of their right of self-government.

The Assembly of First Nations and other intervenors argued for an independent and continuing source of revenue for Aboriginal self-government. The settlement of Aboriginal land claims, development of resource industries and equitable sharing of resource revenues drawn from traditional Aboriginal lands were among their proposals for establishing a revenue base.

A number of intervenors spoke of the need for a balanced approach to economic development that respects Aboriginal values as well as market realities.

Jacques Kurtness, of the Conseil des Atikamekw et Montagnais, said in Montreal that his people need to nourish their spirit and to be able to transmit values to future generations as well as earning a living. For that reason, it is essential that they maintain access to their territory. "We do not want the nervous system of our people to be cut off from its base," he said. "We want development to emerge from within our communities and not in the form of transfer payments coming from outside."

Lynne Toupin, of the National Anti-Poverty Association, said Aboriginal people face an employment crisis deeper than the one facing the rest of Canadian society and warned that social programs are not enough to get people out of poverty. People want to be able to make a contribution to their society, she said, but "by virtue of some of the assistance programs, we have marginalized a whole sector of society because there is no opportunity for them to be in the workplace."

Ms. Toupin warned that control over resources and the development of Aboriginal businesses is not a panacea. "If the goal of economic development is strictly to build high performance industries at almost any cost, then the crisis of employment will simply remain, and at best to a lesser degree only."

The same message was voiced by the Canadian Executive Service Organization in Ottawa. "Economic development which is not grounded in the realities of the market is likely to fail. Similarly, programs created at the expense of family values or social relationships are likely to create longer-term social costs," it said.

"In a community which has experienced social problems, it may be essential to help community members to deal with these in parallel with other development activities. Development which does not integrate these factors is not likely to achieve much that is lasting." CESO also recommended settling Aboriginal land claims and resource disputes as quickly as possible, in order to provide resources and a stable climate for Aboriginal economic and community development.

Simona Barnes of Pauktuutit, the Inuit Women's Association, said most government programs are not designed for community development or for the needs of women. She stressed the need for reliable and affordable child care as part of economic development initiatives.

Ms. Barnes cited two projects to illustrate the kind of holistic development favoured by Pauktuutit. One is a sewing centre and daycare centre in Arctic Bay, originally financed with assistance from the Canadian Automobile Workers. The other project, in Igloolik, was set up to make and sell traditional clothing and to provide counselling for victims of family violence.

A number of intervenors documented the economic problems of Aboriginal communities, including high levels of unemployment, poverty and limited development. In Ottawa, Helen Buckley, an author on Aboriginal issues, asked why these conditions continue more than 100 years after Aboriginal peoples had signed treaties. She blamed the federal government for deciding to bring in social assistance rather than establishing a new economic base when traditional Indian economies began to decline in the 1950s. Today, she said, government services and welfare account for 80 per cent of federal programming for Aboriginal people while economic development accounts for less than 5 per cent.

Ms. Buckley said that the \$175 million annual funding for the Canadian Aboriginal Economic Development Strategy is just a drop in the ocean when set against the problems facing Aboriginal people. She saw the solution in self-government, but said that funding for Aboriginal economic development should be increased to \$1 billion per year for the next five years.

Grand Chief Phil Fontaine, of the Assembly of Manitoba Chiefs, was critical of the fact that the Pathways to Success program is status-blind and under-funded. He said that Treaty First Nations in Manitoba alone require \$200 million annually for training, compared to the present allocation of \$21 million for all Aboriginal people in the province.

The problems of gaining access to financing for Aboriginal businesses were noted especially by women during Round 4. Pauktuutit noted the irony that women are often interested in starting businesses that require little capital, but that financial institutions and economic development programs are more interested in supporting large-scale projects. Pauktuutit favours the creation of credit unions to make up for the lack of banking institutions in Inuit communities. Simona Barnes, speaking on economic development, said Inuit women also need access to financial skills such as bookkeeping and the development of business plans.

Pat Baxter, of Economic Development for Canadian Aboriginal Women, said financial institutions should give priority to serving remote and rural communities, not only for lending but also for savings. Collateral requirements for lines of credit should be eased, she said, and the institutions should revamp their lending criteria to allow for soft assets, leasehold improvements and inventory.

Representatives of the Canadian Co-operative Association and the Confédération des Caisses populaires et d'économie Desjardins du Québec spoke about their efforts to extend credit union services in Aboriginal communities. While both groups reported success, they also spoke of obstacles, including the difficulties of recruiting Aboriginal candidates to credit union boards of directors, the isolation of Aboriginal communities, a high record of bad debts, and a population in some areas that is unaccustomed to using a financial institution.

In its report to the Commission, the Assembly of First Nations outlined a strategy for achieving First Nations self-sufficiency and reducing economic dependency. This included encouraging Aboriginal businesses to provide local goods and services in First Nations communities; promoting external markets in such industries as tourism and forestry; developing the traditional economy with the assistance of elders, hunters and artisans; and Aboriginal participation in emerging industries such as telecommunications and remote sensing.

At the national level, the AFN proposed the creation of a number of First Nations agencies in the areas of economic development, banking, business management, and support for traditional economies. The Assembly recommended that the government resolve jurisdictional issues that inhibit First Nations economic development, including control of natural resources, gaming, and taxation, and that it agree to adequate revenue sharing arrangements. Access to lands and resources is a prerequisite for First Nations to participate fully in the Canadian economy, the AFN said, and First Nations businesses should be given priority in federal procurement policies.

The question of whether Aboriginal people should pay taxes drew different responses from non-Aboriginal and Aboriginal intervenors. Christos Sirros, Quebec Minister of Aboriginal Affairs, suggested that Aboriginal people contribute to the cost of services they receive from their governments or from outside governments, bearing in mind their ability to pay. Other potential sources of revenue should also be examined, he said, including resource revenues, new means of allocating public funds by the federal and Quebec governments, and allowing Aboriginal governments access to capital markets for borrowing.

Grand Chief Phil Fontaine, of the Assembly of Manitoba Chiefs, said that Manitoba First Nations are completely immune from all forms of federal, provincial and municipal taxation based on their inherent Aboriginal rights of self-determination. Any imposition of taxes, he said, is a matter to be decided by individual First Nations communities.

The Assembly of First Nations also asserted the principle of immunity in the area of taxation, but made a number of recommendations for First Nations governments to receive revenues from the taxes paid by their citizens and, ultimately, to levy their own taxes.

The Assembly's report noted some of the problems being experienced with taxation by First Nations citizens, notably the imposition of the GST, and questioned why governments are determined to collect taxes from First Nations and their citizens.

For the peoples of the First Nations, taxation means a sharing of human and material resources for the common good of all. From our point of view, we have shared everything that we have, our land, our resources, our lifestyles, our languages, our cultures. What more do we have left to give? What more can Canadian governments and Canadian society expect us to contribute?

The Assembly noted that First Nations governments will need a reliable and independent source of revenue in order to exercise their inherent right of self-government. Besides receiving tax revenues from their citizens, it recommended that these governments receive an equitable share of revenues derived from natural resources in traditional Aboriginal territories, in line with the commitments made in their original treaties.

The AFN proposed a timetable for implementation, beginning with the establishment of an

agreed framework within which outstanding tax issues can be addressed; proceeding to federal legislation to vacate tax fields being transferred to First Nations; and in the long term, moving to a constitutionally recognized power of First Nations over taxation as part of the inherent right of self-government.

The Native Council of Canada also looked to Aboriginal governments exercising taxation and fiscal powers in the future and in the meantime asked for a ten-year moratorium on tax increases and program decreases to Aboriginal peoples. This would provide a climate of fiscal stability in which to negotiate the transition to urban self-government.

The NCC's recommendations included giving Aboriginal communities free access to their current contributions to the national treasury; long-term and binding fiscal arrangements; access to lands and public assets held by other governments; and a defined relationship between Aboriginal authorities and the Bank of Canada. Ron George, the president, summed up the Native Council's position by saying it wants "control over our own people, over our own resources, and how they're administered in a fair and equitable fashion."

The NCC tabled figures to show that the amount of tax paid by urban Aboriginal people exceeds the value of services they receive from governments. The AFN had made a similar case with respect to tax revenues paid to other governments from First Nations lands, reserves and citizens.

At the Ottawa hearing, Commissioners asked the Native Council whether part of the taxes paid by Aboriginal people are not already spoken for, i.e., to pay for defence and debt servicing. Pat Apikan replied that the transfer of tax powers should be made and that Aboriginal governments would decide how much they were willing to pay for those services.

"One of the themes in our report is that we're paying for services we're not getting," he said. "What have they done in External Affairs to protect our reputation worldwide? We're not willing to pay for something we're not getting."

The Inuit Tapirisat of Canada (ITC) asked the Commission to recognize the critical importance of lands, resources and the environment for the Inuit economy and society and called for control to be exercised by Inuit institutions that are community- and region-based. It identified high costs of transportation and communication as particular problems for Inuit, along with the absence of financial and business services in their communities.

The ITC submission raised a particular issue of restrictions on Inuit trade, travel and immigration, which affect contacts with other Inuit communities in the circumpolar world. These include U.S. legislation forbidding the import or export of artifacts produced from materials that Inuit have used for thousands of years. The ITC recommended that the circumpolar Arctic be established as a zone of free movement for Inuit people and goods.

Ron Swain, appearing for the Métis National Council, said the Métis are natural entrepreneurs but now face a crisis in economic development because of lack of land, denial of funding for community development, and their liability to taxation. He said Métis sectoral institutions are needed to provide greater Métis participation and control of economic activity. There should be greater Métis control over initiatives under the Canadian Aboriginal Economic Development Strategy as they relate to Métis and more adequate funding for Métis Aboriginal capital corporations.

Mr. Swain focused on the Métis role in housing as an example of Métis' entrepreneurial

skills and their natural drive to be a self-sufficient people. He recalled that the Métis Nation were the founders of the federal government's Rural and Native Housing Program and had proven that they can deliver that program cheaper than the government can.

The proposed termination of this program beginning in 1994 is devastating and completely unacceptable, he said, and will have very real negative social consequences, including a return to the severe conditions that prompted the program in the first place, he predicted, with people living in shacks and on road allowances.

Mr. Swain recalled that the Standing Committee on Aboriginal Affairs had proposed in 1992 that Aboriginal people take over control of Aboriginal housing programs. He offered a series of recommendations to transfer control of Métis housing programs to Métis governments with adequate funding.

The Métis program included expanding incentives for home ownership. This proposal was also advanced by Pauktuutit, while the Ontario Federation of Indian Friendship Centres recommended that non-profit housing corporations provide for eventual Aboriginal ownership of housing units.

The Assembly of First Nations report noted that according to federal statistics, more than half the 65,000 homes in First Nations communities fail to meet basic housing standards, and one-third lack water and sewage services. It estimated the current backlog at 11,000 houses, with an additional 11,000 houses requiring renovation.

The Assembly attributed poor living conditions and housing shortages to the lack of a sound economic base in First Nations communities, along with the failure of the federal government to provide adequate financial resources. It also called for First Nations control over housing policy and the delivery of housing programs without federal interference, along with a long-term commitment of federal funds for housing in First Nations communities.

## **Employment**

While employment was a concern for a number of intervenors in Round 4, most of the specific proposals on workplace issues came from labour organizations. Their priorities included promoting awareness of Aboriginal issues in the workplace and making employment equity policies more effective on behalf of Aboriginal workers. They saw a need for balance in labour's approach, however, between support for Aboriginal rights and the duty of unions to work on behalf of existing members.

Labour intervenors acknowledged that racism exists among some of their members and that many Aboriginal people have a negative perception of unions. This was also reflected in a survey carried out by Aboriginal Women in the Canadian Labour Force. In Winnipeg, Celeste McKay reported that only 15 per cent of the women respondents felt that labour organizations were equipped to meet the labour problems of Aboriginal people.

All of the labour intervenors noted the low proportion of Aboriginal workers in unionized workplaces. Dick Martin of the Canadian Labour Congress reported that even in cities with 10 per cent to 15 per cent Aboriginal population, the proportion of Aboriginal workers in organized bargaining units is only 1 per cent to 2 per cent. Citing examples from federal employment equity reports, he said that Canadian Pacific Railways had not hired a single new

Aboriginal employee out of the 625 people it recruited in 1991, and that Air Canada had hired one.

Mr. Martin said the reasons for this poor performance include a lack of commitment to employment equity by employers; bias and racism toward Aboriginal employees; discriminatory hiring procedures; and work arrangements that affect Aboriginal workers negatively.

Several solutions to these workplace problems were outlined at the hearings. In Toronto two Aboriginal trade union leaders, Len Hupet and Ethel LaValley of the Ontario Public Service Employees' Union, described an extensive series of seminars which OPSEU had carried out to raise its members' awareness of Aboriginal issues, with particular emphasis on the possible impact of self-government. They said the union had unanimously supported self-government and the resolution of Aboriginal land rights at its 1991 convention, but faced the challenge of finding a balanced approach as both a bargaining agent and an agent of social change.

Mr. Hupet said that the seminars had been a success and had led to greater links between OPSEU and Aboriginal leaders as well as with its own Aboriginal members. OPSEU still faces problems, however, often because misinformation about Aboriginal issues provokes adverse reactions among its membership.

Leo Gerard, Canadian director of the United Steelworkers of America, presented a report on two northern mines where the union had succeeded in negotiating affirmative action provisions for Aboriginal workers. The Steelworkers' report noted that there are two sets of cultural values in the workplace and in the union, and spoke of the need to dismantle barriers so that Aboriginal members could use the union as a vehicle for change.

Mr. Gerard noted that the union faces problems because it cannot take part in a project until the employer has hired a work force, by which time the work force is often predominantly non-Aboriginal. He also noted that at Dona Lake, in northwestern Ontario, the union's affirmative action program had been opposed by some people in the Aboriginal community who wanted to stick with a federal-provincial agreement that had been negotiated with the employer but had no means of enforcement. He stressed that unions do have a quick and effective means of enforcing employment agreements favouring Aboriginal workers, because of the nature of their collective agreements.

Mr. Martin of the CLC put forward proposals for the labour movement to support Aboriginal rights, to increase the involvement of Aboriginal members in unions, and to seek to minimize the impact of changes in Aboriginal rights on union members and other working people.

He recommended that unions reach out to Aboriginal communities as well as training their own members in cross-cultural awareness. Unions should be treated as major stakeholders in third-party consultations related to Aboriginal issues, as is now the practice in British Columbia, he said, and the labour movement should initiate discussions on how to maintain labour and employment rights in areas that come under the jurisdiction of Aboriginal self-government.

The CLC spoke of the dismal failure of employment equity programs for Aboriginal workers and called for labour to work with employers, business groups, governments and the voluntary sector to ensure that more Aboriginal workers are hired and, once hired, retained.

Other labour intervenors also supported making employment equity programs more effective. In Winnipeg Ms. McKay, of Aboriginal Women in the Canadian Labour Force, criticized the current legislation because it is not enforceable and does not address systemic barriers facing Aboriginal women. Her organization recommended that equity legislation be extended to all workplaces and include strong penalties where there is demonstrated evidence of discrimination.

The North West Company, a major trading and retailing company in northern Canada, was the only private employer to appear at the fourth round of hearings. Earl Boon, a vice-president, said that the company employs 1700 Aboriginal people, making it the largest private-sector employer of Aboriginal workers in Canada.

Mr. Boon outlined a number of company initiatives directed to the problems facing Aboriginal people, including public support for the entrenchment of Aboriginal government as an inherent right; financial support for many national and regional Aboriginal organizations and programs; and preferential use of Aboriginal-owned transportation businesses wherever possible.

He said the company had made a major effort to hire Aboriginal people for its new distribution centre in Winnipeg, where 25 per cent of the work force is now Aboriginal, along with two out of 20 management supervisors. The company has also developed a comprehensive \$1 million training program designed for on-site use in the North and adapted to Aboriginal cultures.

## **Natural Resource Issues**

Intervenors in Round 4 saw natural resources having a key role in Aboriginal economic development, but stressed the differences between non-Aboriginal and Aboriginal approaches to resource management. They argued that Aboriginal communities should have control over resources or an effective share in decision making in areas where jurisdiction is shared. The federal government's performance in living up to its fiduciary duty with respect to Aboriginal resources was strongly criticized, as was its record on the environment.

All of these themes were reflected in the presentation in Ottawa by the National Aboriginal Forestry Association (NAFA). Harry Bombay, the executive director, said Aboriginal participation in the forest sector offers the single greatest opportunity for Aboriginal peoples to achieve increased self-sufficiency and assume a more significant role in Canada's economy. As a measure of the potential, he noted that more than 80 per cent of Canada's Aboriginal communities are located in areas of productive forest land, yet only 3 per cent of the forest sector work force is Aboriginal.

Mr. Bombay called for an Aboriginal forest strategy to address barriers to Aboriginal participation in the industry. Its objectives would include full participation of Aboriginal communities in forest management and planning on Indian lands and traditional territories; improved Aboriginal access to Crown and other forest lands; support for Aboriginal enterprises; and recognition of Aboriginal cultural and spiritual values with respect to forest lands.



In its report to the Commission, NAFA examined a number of alternatives that could overcome the historical lack of Aboriginal access to lands and resources and the problems currently experienced with the *Indian Act*. These ranged from outright ownership or long-term tenure to joint management agreements and membership on advisory bodies. NAFA concluded that the weakest form of access to resources occurs when a province offers 'consultations' with Aboriginal communities adjacent to areas leased to a forestry company.

In the association's view, the best form of co-operation between a province and an Aboriginal community is a form of joint management sanctioned by a formal agreement or by legislation. It singled out the Sipanok Area Management Agreement and the Prince Albert Model Forest in Saskatchewan as particularly significant examples, along with the trilateral agreement involving the federal and Quebec governments and the Algonquins of Barriere Lake.

Mr. Bombay noted that the Auditor General had found the Department of Indian Affairs and Northern Development negligent in its handling of Indian forest lands. He also criticized the Canadian Aboriginal Economic Development Strategy for acting in isolation from other government initiatives and for failing to address the forest sector in a strategic way. A further problem is that forest resource development agreements on Indian lands are being delivered through a federal department with little interest in issues such as self-government or the fiduciary obligations of the federal Crown.

In Vancouver, Armand Loth of the Tribal Chiefs Association of Northeastern Alberta said the federal petroleum agency, Indian Oil and Gas Canada (IOGC), had failed to carry out its fiduciary responsibility to First Nations. He cited problems in training and job creation and the failure of IOGC to consult with First Nations, and said the agency had failed to take effective action to stop off-reserve drillers from draining pools of gas on Indian reserves.

Mr. Loth said that the First Nations had looked at the question of co-development, but feared this would affect the federal government's fiduciary responsibility for the resource. He said IOGC should ensure that First Nations are not affected adversely by the intricacies of the oil and gas industry, and that it should establish a nation-to-nation relationship that conforms to Treaty 6.

At the same hearing Chief Marvin Charlie told of the devastating effects of the Kemano hydro-electric project on the Cheslatta Carrier First Nation in the 1950s, and warned of new disasters if the Kemano II project, proposed by the Aluminum Company of Canada, goes ahead. He warned that Kemano II would take 88 per cent of the Nechako River's flow and bring terrible devastation to the river and its salmon and to the 10 First Nations living on adjoining territory.

Chief Charlie described how his people had been forced to move from Cheslatta Lake; Alcan Aluminum had the hired contractors to burn down their homes when it began constructing the Kemano dam in 1952. The Cheslatta Carrier trap lines and hunting territories had been destroyed by flooding. Several community members subsequently died of tuberculosis, alcoholism and suicide following this disruption of their way of life. By the time he became chief in 1990, 95 per cent of the community was on welfare.

The Chief said that in 1987 the federal government had signed an agreement with Alcan that released the company from having to carry out an environmental review of Kemano II. He asked for the Commission's support for a judicial inquiry into the 1987 agreement, followed by

an environmental review.

Corinne Peters, a Cheslatta Carrier youth representative, spoke about the impact of Kemano II on future generations:

Without the Nechako River, our life will die. Where will the fish and animals turn to? I am one of many that wants Kemano stopped. Kemano I destroyed my people's lives. They hurt, and they still hurt today. I see many Elders cry because of Kemano I. They are miles away from their culture, and that's my culture, too. So I am telling you people today: Save the Nechako River. Stop Kemano II, and leave Mother Earth as it was at the beginning of time.

Chief Charlie stated that governments had failed miserably in their mandate to protect things like the fisheries, the water, the economy, and the citizens. "The statement that I conclude with today is not a threat; it's a factual statement. Kemano II will proceed over our dead bodies."

In Winnipeg, Darcy Linklater, of the Northern Flood Committee, addressed the federal government's fiduciary performance with respect to the Northern Flood Agreement and assessed the benefits to each side. In the 16 years since the NFA was signed, First Nations had received none of the land due under the agreement and had not been issued a single exclusive use permit, he said.

In the meantime, Manitoba Hydro has operated its project since 1977, earning substantial revenues. Manitoba has earned substantial water rental revenues each year, and the residents of Manitoba have enjoyed reliable, and by Canadian standards, reasonably priced rates. In our view, the parties reneged on the deal. Canada, as trustee for our lands, has done nothing to ensure we received our land entitlements nor assisted us in any way to punish Manitoba for breaching the NFA.

We have felt the pain of this environmental and ecological terrorism which is supported by a government who is supposed to protect our people under treaty obligations....

What did we do to deserve this? We never stole potatoes, chickens or pigs from the white man nor interfered with their lives. Yet, they slaughter our animals, destroy our sacred garden and our way of life.

Members of the Flood Committee called for an environmental impact study that would recognize both scientific data and traditional knowledge accumulated by elders. They asked for a moratorium on development until the parties have lived up to their obligations, along with compensation for the bad faith of Manitoba, of Manitoba Hydro and of Canada.

Also at Winnipeg, the Commission was asked to support a system of integrated resource and land claims management, developed by the Southeast Resource Development Council. Norbert Hardisty spoke of the loss of natural resources as an erosion of treaty and constitutional rights, and proposed development of a resource management plan based on the knowledge and principles of the Anishnabe.

Mr. Hardisty contrasted this approach with the non-Aboriginal society's bias toward exploitation in its approach to resource allocation and management. He asked that Canada exercise its authority on behalf of Indian people by beginning negotiations with the government

of Manitoba for the management of all natural resources.

The Aboriginal Rights Coalition echoed the criticisms by Aboriginal intervenors when it appeared in Ottawa. ARC noted in its report to the Commission that non-Aboriginal values are still in conflict with Aboriginal values despite growing environmental awareness. Environmental impact studies are flawed by a scientific bias that devalues the oral and written knowledge of Aboriginal peoples, it said, and that assumes that all problems can be rectified with money.

Citing the Federal Environmental Assessment Review Organization's recent review of low-level military flight training over Innu territory, ARC concluded that this body had failed to protect Aboriginal interests. It also contended that designation of the North as Crown land has made it easier for governments and industry to see Aboriginal lands as open and accessible to all.

The Coalition recommended that the guidelines for federal environmental impact studies be expanded to encompass the social impact of proposed projects, and that assessments be carried out by an independent body with members approved by federal, provincial, territorial and Aboriginal governments.

Alternative economic development and land stewardship models developed by Aboriginal peoples should be explored for their viability, and "all other levels of government [should] agree to vacate jurisdictions in order to promote the development of these alternative models."

The Coalition proposed that a watchdog agency be established to monitor government decision making concerning industrial proposals involving Aboriginal land and resources. To protect land that is subject to land rights negotiations, it called for an equitable sharing of resource revenues; a moratorium on industrial development; and holding land in trust for Aboriginal peoples.

The Assembly of First Nations' proposals included First Nations control over resources as part of their inherent rights and the free exercise of First Nations hunting, fishing and trapping rights on traditional territories. It spoke of the environmental destruction that had taken place on and near the territories of First Nations and urged that environmental policies be integrated with social and economic policies.

The AFN asked that the application of environmental laws on First Nations lands not conflict with the process of self-government, and that the federal government provide financial support for First Nations and tribal councils to strengthen their capacity for environmental and resource management. It recommended that First Nations document traditional knowledge of the environment and reinstitute it in their communities, and proposed the creation of Indigenous Knowledge Centres of Excellence with federal support.

In its report the Inuit Tapirisat asked the Commission to recognize the critical importance of lands, resources and the environment for the Inuit economy, society and culture, and recommended that these concerns be dealt with by Inuit institutions that are community- and regionally-based. The ITC also sought assurance that environmental and social impact assessment procedures will take account of Inuit needs and values.

The ITC expressed particular concern about proposed uranium mining near Baker Lake, in the Keewatin region of the Northwest Territories. It said that the hazards so outweigh any possible benefits that this form of mining development is completely unacceptable. Citing

support for this position from the community of Baker Lake, all Keewatin regional organizations, and the Inuit Circumpolar Conference, the ITC asked that governments accede to Inuit requests to place a moratorium on the mining and refining of uranium in Inuit homelands.

## **Fisheries and Wildlife**

In the area of fisheries and wildlife, the conflict between Aboriginal and non-Aboriginal approaches was also a major theme, as was the need for more Aboriginal control. Some intervenors in Quebec spoke of racism as a factor among non-Aboriginal hunters and fishers, while others complained of Aboriginal misuse of wildlife resources. Similar polarization was noted in Ontario, where Aboriginal intervenors were especially critical of the Ministry of Natural Resources in its dealings with Aboriginal people. A number of intervenors expressed support for co-management of wildlife resources, although there were different interpretations of how this would work.

In Toronto, Robert Debassige, Executive Director/Tribal Chairperson of the United Chiefs and Councils of Manitoulin (UCCM), spoke of the difficulties the UCCM had experienced in trying to develop a partnership agreement with the Ontario government in order to resolve harvesting issues.

"We find that at any moment Dr. Jekyll can turn into Mr. Hyde," he said. "While we are talking about co-operation with one arm of the provincial government, another arm, the Attorney General, is vigorously pursuing the prosecutions [on charges] that have been laid against our people.... It's hard to understand how other governments can challenge our right or ability to govern ourselves when they can't even get their own act together."

Mr. Debassige said that First Nations should have the opportunity to reassert their authority in the area of fish and wildlife management. He called for an approach that recognizes traditional knowledge as well as western science in managing these resources. While justice for Aboriginal people would mean changes in the way lands and resources are managed and allocated, these would be changes for the better, he said.

We are tired of hearing third parties complain about threats to their livelihood and their interests because they still don't accept the fact that all we are asking for is our fair share so that we, too, can make a living. We have done our homework, and we can show how our economies were systematically dismembered so that the others could reap the benefit. If third parties have anything to lose, it is because they took it from us in the first place.

The UCCM tabled a report chronicling the systematic reduction of Aboriginal control over fish and wildlife in Ontario over the past century. The report took issue with the way the costs and benefits of wildlife management are currently calculated. It cited the loss of subsistence, loss of knowledge, loss of health and social cohesion, and the impact of fines and incarceration as costs for Aboriginal communities that are ignored. On the other hand, the UCCM report said, non-Aboriginal people had gained royalties and revenues to the Crown and profits for private corporations and commercial sport operators.

The question of Aboriginal authority over fisheries was discussed at length by the Saugeen

Ojibway Nation Territories at the Toronto hearing. It recommended that the federal government's Aboriginal Fisheries Strategy, now being implemented on the British Columbia coast, be extended to traditional First Nations fishing communities on inland waters.

David McLaren, speaking for the Saugeen Ojibway Nation Territories, described the problems they continue to face even though their jurisdiction and right to a commercial fishery in the Bruce Peninsula area of Ontario have been recognized by the courts. There has been no recognition of this jurisdiction by government, he said. The Saugeen fishermen can now sell their fish commercially, but the Saugeen Nations lack control over what goes in to the resource. He said that the Ontario Ministry of Natural Resources has been planning to convert the entire Bruce fishery to a sport fishery and does not seem concerned about the effect on the ecosystem of introducing exotic species of sport fish.

The Saugeen brief was bitterly critical of what it called the "entrenched bureaucracy" of the Ministry of Natural Resources. "There is no place for Native peoples and their beliefs in their view of the world. Natives are not considered fit to govern themselves in any event. To guarantee their exclusion, a not so subtle bureaucratic racism has developed that shields the government from having to think for very long about rolling back its jurisdiction."

Mr. McLaren noted that conservation officers seem to be going after incidents involving Aboriginal people that will end up as court tests for First Nations rights. He also noted a tendency to criminalize offences by linking Fish and Game Act charges with charges relating to firearms and assault.

Speaking to the same issue, Lester Anoquot described the anti-Aboriginal lobbying of the Ontario Federation of Anglers and Hunters as a form of racism and added that the Ministry's conservation officers are "sleeping in the same bed as the anti-Native lobby group." The Saugeen Nations support the concept of co-management and said that the issues should be settled by negotiations rather than going to court.

In Winnipeg, members of the Northern Fur Conservation Area Trappers Association said that governments have erected barriers to traditional resource uses based on fishing, wild rice and trapping. These resources had allowed people to make a good living without relying on welfare. The association disagrees with government policies that put the rights of sport fishing ahead of commercial fishing. In its submission the association stated that the authorities use the rubric of conservation to conserve game for hunters from the south and the United States, while restricting Aboriginal hunters to small tracts of land.

Members of the association called for subsidies for traditional resource users, in the same way as agriculture and other industries. They noted that Newfoundland fishermen were compensated when their fish ran short, but that there are no comparable programs for inland fishermen.



In Montreal two representatives of the Quebec Federation for Atlantic Salmon - one Aboriginal and one non-Aboriginal - briefed the Commission on the federation's success in involving Aboriginal peoples in managing Quebec's salmon rivers. Bernard Beaudin, the president, said the federation recognizes the need to give priority to conservation and subsistence fishing, followed by sport fishing and the commercial fishery. He estimated that non-Aboriginal people account for 95 per cent of the salmon catch, compared to only 5 per cent for Aboriginal people, and said the problem is to eliminate prejudices concerning the Aboriginal salmon fishery.

The Canadian Wildlife Federation, which appeared in Ottawa, was one of a number of intervenors to support co-operative forms of wildlife and land use management. It expressed support for the special status of Aboriginal persons in Canada and for their exclusive right to harvest and manage wildlife on lands recognized as traditional lands or owned exclusively by Aboriginal peoples.

For lands not owned by Aboriginal peoples, the CWF recommended the formation of co-management committees with equal representation from all sectors - Aboriginal peoples, government, local municipalities and interest groups. It stressed the need for input from environmental groups, and said that the greatest difficulties in settling Aboriginal rights over wildlife had occurred where there had been little or no third-party involvement or contact. As examples, it cited the federal government's Aboriginal Fisheries Strategy and the Ontario negotiations over hunting in Algonquin Park.

Sandy Baumgartner of the CWF presented an agreement on wildlife use negotiated between the Saskatchewan Wildlife Association and the Federation of Saskatchewan Indian Nations and expressed the hope that similar agreements would be signed in other provinces. She said the two groups found that once they removed government from their discussions, they had a great deal more in common than they had thought.

In Montreal, André Pelletier, president of the Quebec Wildlife Federation, said that the last QWF convention had narrowly adopted a motion that there should be just one class of citizen in Quebec with respect to hunting and fishing rights, in a vote that he considered to be a personal defeat.

M. Pelletier said that almost all the members of the Federation are prepared to recognize Aboriginal rights to hunt and fish for subsistence purposes, but that the problem is to define what that means. He also expressed concern about what he called isolated acts of provocation, such as Indians hunting before the opening of the season.

Monique Farar, of the Quebec Federation of Outfitters, spoke of an increase in tension between Aboriginal and non-Aboriginal people. She contended that outfitters had acquired rights in relation to hunting and fishing by agreeing to accept government regulations and because they paid for their leases, and criticized the actions of Aboriginal people whose hunting diminished the wildlife resource and affected outfitters' revenues.

While supporting equitable sharing of wildlife resources, Mrs. Farar said that Aboriginal people living in southern Quebec do not have the same need to hunt and fish as those living in the North, because they work or receive compensation that is sufficient to live on.

Suzanne St. Amour, secretary of the Fédération québécoise des Gestionnaires de Zones d'Exploitation Contrôlée (ZECs), also spoke of a deterioration in the relationship. ZECs are

special zones set aside in Quebec for hunting, fishing and open air activity. She stated that Aboriginal people had destroyed property, disrupted camps and wildlife, and threatened non-Aboriginal people in areas managed by her members.

Mrs. St. Amour spoke of an emerging climate of violence and expressed fears that it would escalate. The federation made a number of recommendations, including support for an advisory process with Aboriginal peoples recently initiated by the Quebec Ministry of Recreation; stricter enforcement; and the creation of exchanges and joint management programs for wildlife.

The question of Métis rights to wildlife was raised by the Northern Fur Conservation Area Trappers Association, in Winnipeg, and by the Métis National Council (MNC). Gary Bohnet, speaking for the MNC, urged that the Métis Aboriginal right to use wildlife resources should be constitutionally entrenched rather than being treated as a privilege. He called for co-management regimes over wildlife to be established with Métis people and said they were ready and willing to participate. The MNC also recommended that action be taken on the 24 recommendations on Aboriginal trapping, contained in a special report of the Standing Committee on Aboriginal Affairs.

In Ottawa, Toby Andersen of the Inuit Tapirisat of Canada spoke of the difficulties of Labrador Inuit fishermen who are cut off unemployment insurance after May 15, the same day as in other parts of Newfoundland and Labrador, but who cannot begin fishing until July because they are ice-bound.

Mr. Andersen also cited the problem of fishing camps run by non-Aboriginal people in northern Labrador, which he said generate \$20 million in revenue but provide no benefit or jobs for Inuit. He said the greatest potential for economic development in northern Labrador lies in tourism, but that governments are creating third-party interests in northern Labrador that are taking away the resources that Inuit are trying to negotiate in their land claim.



# Appendix 1

## Special Consultation with the Historic Mission Churches

On November 8 and 9, 1993, the Commission held a special consultation in Ottawa with leaders of the four historic mission churches - the Anglican, the Roman Catholic, the Presbyterian, and the United churches. These were the principal churches that sent missionaries to Aboriginal communities and operated residential schools.

The consultation was structured around four issues: the past relationship between the churches and Aboriginal peoples; the origins of the residential schools and their impact on Aboriginal peoples and the churches today; the churches' contribution to the healing process; and the role of the churches in supporting the struggle of Aboriginal peoples for political, economic and social justice. At the consultation, each church submitted a brief and spoke to the four main issues. This was followed by questions and discussion with the Commission and, on the second day, by workshops focusing on the healing process and the future role of the churches.

As the consultation ended, the church leaders committed themselves to making a common statement based on their presentations and the discussions at the meeting, with particular concern for the residential schools, before the end of the International Year of Indigenous Peoples. At the time of publication, this statement had not yet been issued.

In opening the consultation Georges Erasmus, Co-Chair of the Commission, noted the large number of Aboriginal people who had spoken at the hearings about the long-term impact of the residential school system. "Some of the effects were to create a sense of alienation from both Aboriginal and non-Aboriginal society, an inability to develop parenting skills or to form familial bonding relationships, a loss of language, culture, spirituality and pride," he said. "These effects have carried over to several generations and may well be the basis for the dysfunction we see in individuals, families and entire Native communities."

Co-Chair René Dussault emphasized the Commission's desire to further a *rapprochement* that would lead to genuine reconciliation between Aboriginal people and the churches, based on an acceptance and appreciation of different cultures and languages and of spiritual differences. He said the churches have a powerful contribution to make in dispelling the notion that Canada has always been just and fair toward Aboriginal people, and in lifting the wraps on the reality of what occurred in the residential schools.

Each of the church leaders spoke of the historical role of their church with respect to the residential schools and of their recent initiatives in support of Aboriginal peoples. The delegations from each church included one or more Aboriginal people from within the denomination; in the case of the United Church of Canada the moderator, Stanley McKay, spoke personally of his "five years of incarceration" as a young Aboriginal student in a residential school.

### **Anglican Church of Canada**

Reverend James Isbister, of the Anglican Council for Native Ministries, reviewed the efforts of the Anglican Church to bring their own culture and faith to Aboriginal peoples, in the conviction, common in the nineteenth century, that Aboriginal cultures were doomed to extinction. He said the Anglican church acknowledged its role in breaking the circle of Aboriginal spirituality and society; it sought now to play a role in mending it.

Archdeacon Jim Boyles, General Secretary of the Anglican General Synod, spoke of the new direction taken by the church, beginning in 1969 with the perception that "the future lay in a new partnership with Aboriginal people based on solidarity, equality and mutual respect. This foundational principle has guided the church through the past two decades. We have grown in the realization that such a partnership is new, demanding, slow, difficult, and very hard to actualize."

Archdeacon Boyles said the Anglican General Synod and National Executive Council had passed some 80 motions over the past 20 years in support of self-determination and Aboriginal rights as well as supporting Project North and the Aboriginal Rights Coalition throughout this period. In the summer of 1993, at a national Native convocation, the Primate of the Anglican Church of Canada had made a formal apology for the church's failure in the residential schools, acknowledging to the Aboriginal people present that "We failed you. We failed ourselves. We failed God."

Reverend Isbister noted that the Primate had pledged continuing support for healing and reconciliation related to the residential school issue. He urged that the federal government also apologize for its role in the residential schools and commit financial resources to support grassroots Aboriginal healing programs for people harmed by the schools.

### **Canadian Conference of Catholic Bishops**

Most Reverend Adam Exner, Catholic Archbishop of Vancouver, said that although some missionaries established relationships of mutual respect and dedicated service with Aboriginal people, the missionary endeavour "was deeply marked by the prevailing attitudes of the superiority of European culture... Although not the sole instigators of social and cultural disruption, missionary and educational activities contributed at times to the cumulative result, the weakening of the spirit of the Aboriginal peoples."

While there had been solidarity and genuine love and friendship in residential schools, he acknowledged that oppression and even abuse of Aboriginal people had taken place within institutions administered by the church. These revelations "have moved us to a profound examination of conscience as a church. We who share in the blessings of the church must also

bear the burden of its past."

Archbishop Exner said that the system was designed to have a total impact on the habits and personality of the children and was fundamentally racist. The difficulties were compounded by lack of funding and the inadequacy of housing, classrooms and even food. He said the schools were only part of an overall government strategy to assimilate or integrate Aboriginal peoples.

The Archbishop noted that several church groups and religious congregations had made public statements arising from their review of the residential school issue. A number of healing conferences and school reunions had also taken place to allow former students of residential schools to express the sense of loss, vulnerability shame and diminishment that had haunted them into adult life.

Bishop Remi de Roo, Bishop of Victoria, said the conference of bishops had expressed itself numerous times on Aboriginal issues and that the Catholic church had also supported Project North and the Aboriginal Rights Coalition. The bishops made a series of commitments and recommendations in their brief dealing with economic and social justice, residential schools, spirituality, Aboriginal land claims, self-determination, and racism.

During discussion Bishop Exner said historical research indicated that between one in six and one in ten Aboriginal children passed through the residential school system. He suggested the influence of the residential schools might be exaggerated, since Aboriginal people had the same problems even in areas where there were no residential schools, and that these problems might be looked at in a broader perspective. "To simply narrow down the problems of the native people as coming from the residential schools seems to be denied by the facts," he said.

## **Presbyterian Church in Canada**

Dr. Raymond Hodgson, Associate Secretary for Justice Ministries with the Presbyterian Church in Canada, said that residential schools had had an impact not only on Aboriginal peoples, but also on the Presbyterian faith community. "We too are broken...we too are hurt...we too are in need of some healing...we too need to recapture the vision of what it is to be together as brothers and sisters in Christ."

Like other church leaders, he called on the federal government to acknowledge its role not only in terms of the residential schools, but also in terms of the policies of assimilation it had pursued and the institutional abuses that occurred as a result.

Dr. Hodgson said that the fundamental question of systemic racism within Canada must be confronted, and that the church needs to listen and respond as Aboriginal peoples name how the issue of healing is to be described and defined. He expressed the Presbyterian Church's commitment to work ecumenically at every level in terms of healing and reconciliation for Aboriginal peoples, as well as its solidarity with Aboriginal peoples and their struggles.

"Can we dare hope again?" he asked. "Can we as Christians work towards healing and reconciliation in our own faith communities, in our nation and amongst and with Aboriginal peoples? Can we break down the barriers that separate us?... For the Presbyterian Church in Canada, the answer is yes."

Stewart Folster, an Aboriginal representative of the Presbyterian church, also spoke of the

government's mandate to assimilate Aboriginal people through the schools. "They said they could civilize the Indians, but they needed the help of the church and the schools to carry out their evil scheme. It was an ugly triangle." He said this policy was part of a process that included the denial of Indian rights to land, outlawing of Aboriginal cultural and spiritual practices, and treating Indians as less than human.

Mr. Folster spoke of his own experiences with alcoholism, violence and divorce and compared today's reality with Aboriginal society before the Europeans came:

There were no prisons, no welfare, no child welfare, no standing armies, no need for healing from sexual and physical abuse. There were no old folks' homes or elder abuse.

There were no alcoholics and there was no oppression. There was no greed, lust, or a system of materialism that says you must step on the next person in order to get ahead.

## **United Church of Canada**

The United Church brought a friendship belt to the consultation to symbolize the continuing dialogue with Aboriginal people and the church's intention to work with friendship on the redevelopment of relationships across the land. Reverend McKay, the first Aboriginal moderator of the church, noted that First Nations people "have a gift for the whole of society, and much of our gift is in the area of spiritual understanding."

Reverend McKay was critical of what he called a second wave of spiritual oppression being carried out by evangelical movements that are attempting to suppress what remnants still exist of traditional spiritual ways and values in Aboriginal communities. He also expressed concern about new forms of oppression, such as the adoption system, and about the churches' withdrawal of personnel from Aboriginal villages that they had formerly served.

Dr. Robert F. Smith, a former moderator, spoke of the movement within the United Church that led to its making a formal apology to the people of the First Nations in 1986. "It became apparent that...whatever the motives, whatever the instances of sacrifice, the church's willing complicity in the government's policy of assimilation reflected a misunderstanding of, if not a blind contempt for the, the native culture and native spirituality and led inevitably to the kind of devastating results that the Royal Commission has been documenting," he said.

Dianne Cooper, of the church's Manitoba and Northwestern Ontario Conference, cited issues that have come up in the church's efforts to live out its apology, such as how far to accept differences; the role and place of non-Aboriginal people in Aboriginal congregations and regional bodies; financing; the role of women; and how to respect and honour Aboriginal spirituality. She said the process has been marked by name calling, hurt feelings, misunderstanding, anger, and finally by new learning and mutual respect.

## Aboriginal and Christian Spirituality

There was considerable discussion at the consultation about the relationship of Aboriginal and Christian spirituality. The churches' historical role in trying to stamp out Aboriginal spiritual practices was acknowledged, but both Aboriginal and non-Aboriginal church leaders spoke of the need for the two concepts of spirituality to co-exist.

Reverend McKay said there is confusion within the United Church about how far to accommodate Aboriginal spirituality and culture. Aboriginal spirituality had been eradicated in many of the communities and ceremonies had gone underground. He believes it is possible to be Christian and Aboriginal, but "a good number of our United Church members who are Aboriginal would say we are Christian and we have given the rest away. That is a tragedy of genocidal process."

Reverend Laverne Jacobs, co-ordinator of Native Ministries for the Anglican Church, spoke personally of the fear Aboriginal people have about compromising their Christian faith, and about the confusion he had faced:

Just ten years ago I firmly believed that those [Aboriginal] traditions were wrong. I was really afraid. I can remember the fear that I had when I experienced my first sweetgrass ceremony. I dreaded the possibility of ever going to a sweat. It was so ingrained in me that these things were wrong and I didn't want to compromise my spirituality which is Christian...I think that is a very common story.

Another Aboriginal participant, Sister Eva Solomon of the Conference of Catholic Bishops, drew a direct link between the churches' condemnation of Aboriginal sacred ceremonies and their criminalization by government and the disintegration and demise of Aboriginal peoples.

These ceremonies, all of them, speak to life. In criminalizing them and condemning them, it was as if that became the basis for the exploitation of those peoples. It was like saying that our way of governing ourselves is not good enough, that our way of speaking is not good enough, that our way of educating our children is not good enough. All those things are part of our spirituality. And that destroys the people. It destroys the spirit.

Sister Solomon said Aboriginal people can to wholeness only when they can integrate both these ways in themselves, or be free to accept only the traditional way or only the Christian way. "They have to have that freedom and that has not been there."

The problem of changing attitudes at the local congregational level was raised by a number of participants. Reverend Smith said the United Church had moved 180 degrees from its former policy of contempt and denigration of Aboriginal spirituality and culture, to the point of saying that church members must sit at the feet of Aboriginal people and learn from them and walk with them. But there is an enormous gap between the policies expressed at the level of the General Council and what is lived out at the local level.

Co-Chair Georges Erasmus concurred that the message of acceptance of Aboriginal

spirituality has not reached the people in the pew. He saw Aboriginal church members as still being colonized, needing to rise up or to be told that they can undo their shackles. Even the apologies that have been made by the churches have not reached Aboriginal communities, he said.

Participants spoke of a number of concrete measures taken by the churches to acknowledge past errors and move to a new relationship. These included formal apologies, statements of support, and the joint activities of the churches in supporting Aboriginal rights first through Project North and, since 1989, through the Aboriginal Rights Coalition. Reverend McKay referred to a United Church initiative in British Columbia, where it had undertaken to raise \$1 million to support First Nations land claims.

Sister Solomon said that in her area, Aboriginal Catholics had been teaching traditional Aboriginal ceremonies for a number of years and offering the choice to people to use them or not. Bishop Exner spoke of his efforts to encourage Aboriginal Christianity by actions and not just by words, including his use of buckskin vestments, a buckskin mitre, a talking stick instead of a crozier, smudging at the beginning of mass, and smoking of a peace pipe as the sign of peace.

## **Healing**

The church leaders acknowledged that the churches should participate in the healing process related to residential schools, but they emphasized the need for an extended period of listening to Aboriginal people without coming too quickly to solutions. Reverend Hodgson, of the Presbyterian Church, said that a real problem within denominations is the high level of denial concerning what took place. There is resistance to uncovering the history and a reluctance to have Aboriginal people tell their stories the way they want to tell them.

Healing was a major theme in the workshops held on the second day of the consultation. One group linked the need for healing of the body, the mind and the spirit to the need of Aboriginal people for a setting of security. They defined this in terms of secure rights over land, the security of Aboriginal rights such as fishing and hunting, and an assurance of the churches' respect for Aboriginal spirituality. The need for healing ceremonies and for healing centres and sharing circles as secure places where healing could take place was also emphasized.

Other groups stressed the need for healing to take place among non-Aboriginal as well as Aboriginal groups and for the churches to become more visible in supporting Aboriginal people and their rights, particularly at the local level. The church leaders saw a need for healing not just of individuals, but for the relationship between Aboriginal peoples and churches, and government, and with the rest of Canadian society.

Shirley Harding reported for her workshop in these words:

We said healing takes place when we are able to deal with the truth, the truth about the past and the reality of the present. We said reconciliation requires repentance and redress. We need over and over again to acknowledge our part in the destruction of Aboriginal culture. We feel it's very important for the churches to be able to move beyond their defensiveness and say something very specific about the residential schools... We recognize that we are in different places in our healing process as denominations, but that we all have the desire and the will for healing to take place. We need to be able to be vulnerable and stand with Aboriginal people through the healing process.

Another group pointed to the need to face the issue of racism and for churches to ask for forgiveness at local as well as national levels. Its members called for a major statement on behalf of all the Christian churches on the authenticity of Aboriginal spirituality and the need for inter-denominational dialogue.

The church leaders spoke of the need for advocacy and education, but they expressed concern about the lack of growth in the community of church people who are in support of Aboriginal peoples. They spoke favourably of seeking "eco-justice" for Aboriginal people and land claims and called for power to be shared with Aboriginal peoples rather than being imposed.

## Appendix 2

# Submission from the Premier of Newfoundland and Labrador

The province of Newfoundland and Labrador was one of two governments to make a submission to the Royal Commission during its fourth round of hearings.

In his province's submission the Premier, Hon. Clyde Wells, focused on the need for the federal government to exercise its full constitutional responsibilities for Aboriginal peoples in Newfoundland and Labrador. The Newfoundland government supports Aboriginal demands for a direct relationship with the federal government, and said that many of the problems facing Aboriginal peoples in the province arise because the federal government had failed to exercise its constitutional and fiduciary responsibility for these peoples.

Newfoundland took issue with the contention that the constitutional rights of Aboriginal peoples in the province differ from those of Aboriginal peoples in the rest of Canada. As there was no specific reference to Aboriginal peoples in the 1949 Terms of Union with Canada, the province contended that, under Term 3 of the agreement, they should receive the same constitutional treatment as in any other province.

"It is increasingly clear," the province stated, "that Aboriginal groups will not achieve self-determination or self-sufficiency until the federal government assumes its full constitutional responsibility."

The Newfoundland submission referred to the situation involving the Innu of Labrador to illustrate its contention that the federal government is blocking the resolution of Aboriginal issues in the province. It cited the recommendations of the McRae Report on the complaints of the Innu, which was released by the Canadian Human Rights Commission in August 1993.

The McRae Report called on the federal government to acknowledge its constitutional responsibility to the Innu, to enter into direct self-government negotiations, and to enter into direct funding arrangements with the Innu communities of Sheshatshit and Davis Inlet in place of the present funding arrangements with Newfoundland. The McRae Report also called for a federal commitment to the expeditious relocation of the Mushau Innu of Davis Inlet to a site chosen by them.

The Newfoundland government noted that it had endorsed the recommendations of the McRae Report and indicated its willingness to enter into negotiations with the federal government to facilitate the smooth transfer of administration. However, while Newfoundland agreed with the relocation of Davis Inlet, it was not prepared to agree to a predetermined site without a comprehensive planning process.

In its submission Newfoundland noted that the federal government's offer of a direct funding relationship with the Innu contained a requirement that they register under the *Indian Act*, a demand that both the Innu and the McRae Report had rejected. The other option available to the



Innu, the negotiation of land claims, was blocked because of the federal insistence that the province commit itself to a fixed percentage of the financial settlement. By withdrawing from the negotiations, Newfoundland said, "the federal government is using its denial of its constitutional responsibility to prevent the start, much less the settlement of Aboriginal land claims."

The province concluded that unless there is a change in federal policy, Aboriginal peoples in Newfoundland and Labrador will be left with the status quo—a position it called untenable. Until the federal government assumes its full responsibilities, self-government negotiations would be limited to discussing the delegation of administrative responsibility for provincial programs of general application now being provided to Aboriginal people.

"The federal government has constitutional responsibilities to all Aboriginal peoples in Newfoundland and Labrador," the provincial submission said. "It should not be a matter of choice whether it exercises those responsibilities. Moreover, once the federal government acknowledges responsibility for the Innu, it should acknowledge and accept an equivalent responsibility for all Aboriginal people who live in Newfoundland and Labrador. To do less is to discriminate."

Newfoundland's submission also included a discussion paper that called for a new approach to accelerate the negotiation of Aboriginal land claims. This paper said that lengthy delays and restrictive requirements in the current federal process for land claims negotiations have brought the process into disrepute.

The paper advocated a 24-month timetable for achieving land claims settlements. Its approach was designed to include Aboriginal groups from the beginning and to be less adversarial and fragmented than the current process. Under the proposed timetable, Aboriginal groups would begin by briefing governments on the elements they expect in a land claims settlement during an initial three-month period. Governments would then have six months to develop a reasonable and just settlement package.

This would be followed by three months of discussion, but not negotiation, between the Aboriginal group and governments, and a further three months to develop a package on which an interim settlement could be based. The result would be that governments and a claimant group would settle many issues within 15 months, leaving a further nine-month period to negotiate issues on which true differences existed.

Newfoundland said the proposed process would give the parties a holistic view of the settlement, making it easier to understand and more workable. The process would also allow Aboriginal groups to deal with specific issues where solutions could be delivered in a short period of time. The paper argued that the negotiation process would be more acceptable if Aboriginal groups had a role in creating it and that its implementation could begin immediately.

In its submission, the province said that its initiative had produced significant progress in the negotiation of the Labrador Inuit land claim. It expressed the hope that the Innu Nation would take a similar approach to accelerate the settlement of their land claim in Labrador.

## **Appendix 3**

# **Schedule of Hearings**

## **Round 4**

Ottawa, Ontario  
*1-5 November 1993*

Montreal, Quebec  
*15-19 November 1993*

Ottawa, Ontario  
*15-18 November 1993*

Vancouver, British Columbia  
*15 November 1993*

Winnipeg, Manitoba  
*17 November 1993*

Toronto, Ontario  
*18-19 November 1993*

Montreal, Quebec  
*29 November - 3 December 1993*



## **Appendix 4**

### **Public Consultations**

### **Rounds 1 to 4**

#### **Number of Intervenors by Province/Territory Rounds 1 to 4**

<b>Province/ Territory</b>	<b>Individuals</b>	<b>Organizations</b>	<b>Total</b>
Yukon	25	24	49
N.W.T.	100	105	205
British Columbia	49	213	262
Alberta	90	163	253
Saskatchewan	58	133	191
Manitoba	54	147	201
Ontario	148	302	450
Quebec	51	177	228
New Brunswick	29	28	57
P.E.I.	9	7	16
Nova Scotia	11	19	30
Newfoundland & Labrador	50	75	125
<b>Total</b>	<b>674</b>	<b>1393</b>	<b>2067</b>

**Communities Visited  
and Number of Hearing Days  
Rounds 1 to 4**

<b>Communities Visited</b>	<b>Hearing Days per Community</b>
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***Yukon***

Old Crow	1
Teslin	1
Watson Lake	1
Whitehorse	1
<b>Communities Visited:</b>	<b>4</b>
<b>Total Hearing Days:</b>	<b>4</b>

***Northwest Territories***

Cambridge Bay	1
Fort McPherson	1
Fort Simpson	1
Hay River	1
Inuvik	2
Iqaluit	2
Pangnirtung	1
Rankin Inlet	1
Yellowknife	4
<b>Communities Visited:</b>	<b>9</b>
<b>Total Hearing Days:</b>	<b>14</b>

***British Columbia***

Cranbrook	1
Esquimalt	1
Fort St. John	2
Kamloops	2
Kelowna	2
Kispiox	1
Merritt	1
Port Alberni	1
Prince George	2
Prince Rupert	1
Stoney Creek	1

Royal Commission on Aboriginal Peoples

Communities Visited	Hearing Days per Community
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*British Columbia (continued)*

Terrace	1
Vancouver	5
Victoria	1
<b>Communities Visited:</b>	<b>14</b>
<b>Total Hearing Days:</b>	<b>22</b>

*Alberta*

Calgary	2
Edmonton	4
Elizabeth Métis Settlement	1
Fort Chipewyan	1
Fort McMurray	1
High Level	1
Hobbema	1
Lac La Biche	1
Lethbridge	2
Slave Lake	1
<b>Communities Visited:</b>	<b>10</b>
<b>Total Hearing Days:</b>	<b>15</b>

*Saskatchewan*

Buffalo Narrows	1
Ile-a-la-Crosse	1
La Loche	1
La Ronge	1
North Battleford	1
Prince Albert	1
Regina	2
Saskatoon	4
Wahpeton	1
<b>Communities Visited:</b>	<b>9</b>
<b>Total Hearing Days:</b>	<b>13</b>

<b>Communities Visited</b>	<b>Hearing Days per Community</b>
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***Manitoba***

Brandon	1
Fort Alexander	2
Roseau River	1
The Pas	2
Thompson	2
Winnipeg	6
<b>Communities Visited:</b>	<b>6</b>
<b>Total Hearing Days:</b>	<b>14</b>

***Ontario***

Akwesasne	2
Big Trout Lake	1
Brantford	2
Kenora	1
London	2
Moose Factory	2
Moosonee	1
North Bay	2
Orillia	3
Ottawa	9
Sault Ste. Marie	1
Sarnia	1
Sioux Lookout	2
Sudbury	2
Thunder Bay	1
Timmins	2
Toronto	9
<b>Communities Visited:</b>	<b>17</b>
<b>Total Hearing Days:</b>	<b>43</b>

***Quebec***

Inukjuak	1
Kahnawake	2
Manouane	1
Maliotenam	1
Maniwaki	1
Montreal	13

Royal Commission on Aboriginal Peoples

<b>Communities Visited</b>	<b>Hearing Days per Community</b>
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*Quebec (continued)*

Restigouche	2
Uashat	1
Val d'Or	2
Waswanipi	1
Wendake	2
<b>Communities Visited:</b>	<b>11</b>
<b>Total Hearing Days:</b>	<b>27</b>

*New Brunswick*

Big Cove	1
Fredericton	1
Kingsclear	1
Moncton	2
Tobique	1
<b>Communities Visited:</b>	<b>5</b>
<b>Total Hearing Days:</b>	<b>6</b>

*Nova Scotia*

Eskasoni	2
Halifax	2
<b>Communities Visited:</b>	<b>2</b>
<b>Total Hearing Days:</b>	<b>4</b>

*Prince Edward Island*

Charlottetown	1
<b>Communities Visited:</b>	<b>1</b>
<b>Total Hearing Days:</b>	<b>1</b>

*Newfoundland and Labrador*

Cartwright	1
Davis Inlet	1
Gander	1
Happy Valley/Goose Bay	1
Makkovik	1



<b>Communities Visited</b>	<b>Hearing Days per Community</b>
<i>Newfoundland and Labrador (continued)</i>	
Nain	1
Sheshatshit	2
St. John's	1
<b>Communities Visited:</b>	<b>8</b>
<b>Total Hearing Days:</b>	<b>9</b>

### *Summary*<sup>1</sup>

Total number of intervenors: 2067

Total number of communities: 96

Total number of hearing days: 172

Number of Aboriginal intervenors: 1623

Number of Aboriginal groups: 1032

Number of Aboriginal individuals: 591

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<sup>1</sup>Figures do not include the round tables and special consultations: Urban Issues (Edmonton, 2 days); Justice (Ottawa, 3 days); Health and Social Issues (Vancouver, 3 days); Education (Ottawa, 3 days); Economic Development and Resources (Ottawa, 3 days); Métis Nation (Saskatoon, 2 days; Ottawa, 2 days); Suicide (Aylmer, Quebec, 2 days; Ottawa, 2 days); Residential Schools (Canim Lake, B.C., 2 days); High Arctic Relocation (Ottawa, 8 days).

## Afterword

Verbatim transcripts of the fourth round of hearings were prepared as they were for the first three rounds. To make them more widely accessible to the public, these transcripts, along with those from the previous rounds, have been published in electronic form. The sets of diskettes come with an English-language software package that is easily installed and that permits access to and searching of the data files. This electronic publication is available for purchase through

Libraxus Inc.  
221 Patterson Avenue  
Ottawa, Ontario  
K1S 1Y4  
Telephone/facsimile (613) 567-2484

To increase public access, the transcripts in electronic form have also been provided to the main branch of the library in each provincial/territorial capita.

Hard copies of the transcripts are also available for purchase from Steno Tran, 1376 Kilborn Avenue, Ottawa, Ontario, K1H 6L8, telephone (613) 521-0703.

Should members of the public wish to comment or provide advice on the issues in the Commission's mandate, they can do so by writing to the Royal Commission on Aboriginal Peoples, Information Management Unit, P.O. Box 1993, Station B, Ottawa, Ontario, K1P 1B2. Such advice will be brought to the attention of Commissioners for consideration during their deliberations.



*For further information:*

Royal Commission on Aboriginal Peoples

P.O. Box 1993, Station B

Ottawa, Ontario

K1P 1B2

Telephone: (613) 943-2075

Facsimile: (613) 943-0304

Toll-free: 1-800-363-8235 (English, French, Chipewyan)  
1-800-387-2148 (Cree, Inuktitut, Ojibwa)



