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Public Policy and Aboriginal Peoples

1965-1992

Volume 3

Summaries of Reports by Provincial and Territorial Bodies and Other Organizations

Royal Commission on Aboriginal Peoples



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1965-1992

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Preface



When the Royal Commission on Aboriginal Peoples was established in the fall of 1991, it was advised by the Honourable Brian Dickson, former Chief Justice of the Supreme Court of Canada, to build on what work had already been done in the field of Aboriginal affairs. One way the Royal Commission followed this advice was to examine the major reports and studies by federal, provincial, territorial and municipal governments, by Aboriginal organizations, and by other non-government organizations on public policy in this field.

The project, conducted for the Commission by the Centre for Policy and Program Assessment of the School of Public Administration, Carleton University, examined reports by royal commissions, inquiries, parliamentary and legislative committees, and task forces, as well as commissioned studies. The focus was on reports that involved public input and that recommended changes in government policy relating to Aboriginal peoples.

Almost 900 such reports were identified for the period since 1965, when the landmark Hawthorn report provided the last benchmark analysis of government policy in this field. These reports are listed in Volume 4 of the overall project, the Bibliography, published in August 1993.

Volume 1 will be published in the summer of 1994 and will provide a thematic overview of major trends in public policy relating to Aboriginal peoples since 1965.

Volumes 2 and 3 provide the following descriptive information on more than 200 of the most significant documents described above:

- Background
- Purpose
- Issues and Findings
- Recommendations

Volume 2 contains summaries of reports by the federal government and by Aboriginal organizations. Volume 3 includes summaries of reports and studies by provincial, territorial and municipal governments, as well as non-governmental organizations. For each government and organization, the summaries are arranged in chronological order according to date of publication. This enables the reader to trace the evolution of public policy thinking in each government and organization over time. Both volumes include subject and author indexes.

The Royal Commission is using this information to inform itself as it develops its thinking regarding public policy recommendations. When completed, the collection of four volumes will provide a comprehensive overview of public policy development in the field of Aboriginal affairs. It will also comprise a significant series of reference documents for those interested in the field and will set a new benchmark in terms of public policy analysis and Aboriginal peoples.

Marlene Brant Castellano and David C. Hawkes
Co-Directors of Research

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The research team would like to thank the staff of the Royal Commission on Aboriginal Peoples and the organizations that submitted documents and/or participated in on-site reviews. It would have been impossible to prepare this volume without their assistance.

Finally, I would like to thank two faculty colleagues who served as co-investigators in the early phases of this project. Leigh Anderson was heavily involved in the original conception of the project and in setting up the data base that is one of its foundations. She continued to offer support for the work

after her formal involvement had ended. Frances Abele was also involved in the early stages of the project and then assumed a somewhat different role as she went to the Royal Commission to become Director of its Northern Research Program. Her work on the project continues as it enters its final stage.

Katherine A. Graham
Principal Investigator

Note

This research project was launched during the Canada round of constitutional negotiations that led to the Charlottetown Accord of August 28, 1992. As such, the lists and summaries of reports prepared by governments and Aboriginal organizations and contained in volumes 2, 3 and 4 of this series are not comprehensive of all documents published during the Canada round. However, Volume 1, the overview of public policy discourse during the period 1965-1992, does take into account additional documents from the Canada round that are not included in the other volumes.

**Summaries
of
Reports by Provincial Bodies**

Alberta

1972

▲ Native Education in the Province of Alberta

AUTHOR: Task Force on Intercultural Education

YEAR: 1972

GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: primary and secondary education, curriculum, professionals/educators, student support

SOURCE: Provincial Commission

BACKGROUND

The Task Force on Intercultural Education was appointed by the Executive Council of the Alberta government in the summer of 1971. This first volume of the Task Force's work deals exclusively with Native people.

PURPOSE

The main assignment of the Task Force was to collect and summarize data to be used by the government as a basis for establishing policies and practices that will serve the educational needs of cultural minorities.

ISSUES AND FINDINGS

The Task Force report is presented in five chapters. The first chapter uses literature from the social sciences in order to gain a theoretical understanding of what happens when cultures meet. It determines that cultural value conflicts arising from social change produce stress in individuals and social disintegration on the societal level. According to the report, this collapse can be prevented by restoring cultural pride and bringing about common and equal membership in society. Such revitalization efforts, however, are often resisted by the dominant culture, despite the fact that it may have been agents of the dominant culture that started the movement.

According to the Task Force report, schools tend to reflect the societies of which they are a part. For minority children, school is the place where

cultures meet. Educators from the dominant culture must recognize and encourage revitalization movements in order to construct a society that embraces many cultures.

Chapter Two combines statistics from a variety of sources in order to define the current status of Native education. The Task Force cited the 1966 Hawthorn report, which indicated that 94% of Canada's Indian students dropped out of school before Grade 12, 80% of Indian children repeated Grade 1, and many Indian children repeated Grade 1 as many as three times. The Task Force found little improvement in Alberta in 1970.

The report presented the following findings from its statistical analyses and reviews:

1. the fate of Treaty and Registered Indians is far worse than that of Métis;
2. Indian people have a lower level of educational attainment than any other ethnic group;
3. Native students do not automatically drop out of school on their sixteenth birthday as previously supposed, but rather 36.2% of dropouts remain in school beyond their seventeenth birthday, and a fairly large number would have continued into higher grades had the courses been offered in their school;
4. 68.2% of those who left school did so primarily because of a dislike for either the school environment or for the subject matter;
5. education costs per students are about 45% higher for Native students, due primarily to the fact that Native people tend to live in isolated and rural areas so teachers must be paid isolation pay and transportation costs are higher; and
6. schools operated by the federal government cost 15% more than schools operated by provincial and county governments.

The third chapter draws upon the works of many authors in an attempt to explain the effects of education on the psychological, sociological and cultural welfare of Native peoples. These studies concluded that Native people find it difficult to cope with the values and lifestyles of the majority society. When Native children enter school, the greater permissiveness and autonomy allowed children by Native culture conflicts with the dominant society's values of punctuality, discipline, competition and the authoritarian role of the classroom teacher.

Language is also an issue affecting Native children in non-Native schools. Words mean different things in the two cultures. The result is that Indian

children feel alienated and lose self-esteem when entering the school system. This is reinforced by a curriculum that does not relate to their culture.

Chapter Four summarizes a number of findings from reports reviewed by the Task Force. This section is divided into eight categories:

1. Aims and Objectives

The general theme of the reports surveyed was that Indian people should be involved in the education of their children and that increased responsibility over education would eventually lead to greater and even complete autonomy. Furthermore, the education system should attempt to make curriculum relevant to Indian culture, should hire teachers who speak the local Indian language, and should conduct research into Indian education. The Indian Association of Alberta should be the main player in the reform of Indian education.

2. Curriculum

The themes emerging from the reports were that Indian groups should be involved in curriculum development, bilingualism should be encouraged at all grade levels with academic credit being given for Native languages, and Indian cultural content should be compulsory in all Alberta schools.

3. Teaching and Learning

The reports reviewed found that the dropout rate of Indian students is related to the lack of economic opportunity and dependence on welfare, cultural conflict and discrimination of various kinds. The reports' recommendations called for the establishment of cottage-type hostels, staffed by Indian personnel, in situations where boarding away from home is necessary. Whenever possible, however, children should not be separated from their parents. The reports also recommended that the non-Indian be made aware of Indian cultural values, and that psychometric tests be made relevant to Indian cultures.

4. Personnel

The reports summarized proposed that the Indian Association of Alberta be consulted in the appointment of senior educational personnel selected to work for Indian Affairs. It was also suggested that the Alberta Department of Education employ specialist personnel trained in the field of intercultural education. Only the best teachers should be hired for Indian schools and they

should live on the reserve. Indian teacher aides should be used and non-Indian teachers should be provided with rudimentary training in Indian language and cultural sensitivity. There should also be more counselling services, particularly for Indian students.

5. Administration

The overarching theme of all the reports was that Indian people should be more involved. They should be encouraged to attend conferences and be consulted on all aspects of education. Legal documents should be available in simplified English and the Indian Affairs Branch should be eliminated as an intermediary, thereby allowing Indian people to contract directly with school boards. Treaty rights to a free education should be granted in perpetuity.

6. Finance

The reports established that the federal government is morally obligated and legally liable to pay 100% of education expenses. Indian bands, however, should assume full financial control of those funds.

7. Facilities and Material Resources

The reports emphasized that obsolete or unsafe school buildings on reserves must be replaced with modern facilities, and these new facilities should be planned in a way which allows them to be used for recreational, social, economic and political purposes.

8. Planning, Research and Development

The reports reviewed recommended that research in Alberta be co-ordinated by the Indian Association of Alberta and that the impetus for educational change and research come mainly from Indian groups.

The fifth and final chapter reviews efforts that are being made to meet the needs of Native people, citing specific programs in place in Canada and the United States. The common element found to be characteristic of all the successful programs was the involvement of Native people in the planning, development and continuation of these programs.

RECOMMENDATIONS

The recommendations of the Task Force are presented as follows:

1. that the Alberta government support the process of revitalization, which would involve Native and non-Native co-operation in the design of educational alternatives for Native people;
2. that the special needs of the Métis be considered since their rights are not protected legally;
3. that the Department of Education offer to host seminars on Native education;
4. that Indian and Métis peoples be represented on school boards and have a closer liaison with the government and non-government agencies that serve them; and
5. that the Department of Education recruit a larger staff of consultants on Native education, establish a working committee of Native and non-Native personnel, make more funding available to Native students, expand university and college programs, and carry out a projected cost analysis of the recommendations contained in this report.

1978

▲ Native People in the Administration of Justice in the Provincial Courts of Alberta

AUTHOR: Provincial Courts Board of Review, Chair, Mr. Justice W.J.C. Kirby

YEAR: 1978

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: law enforcement, legal representation, courts, sentencing and remedies, corrections

SOURCE: Provincial Commission

BACKGROUND

The Board of Review was established by an order in council dated June 5, 1973, to review the operation of the Provincial Courts in Alberta. This report, dealing specifically with Native people and the administration of justice, is the fourth and final report of the Board.

PURPOSE

The purpose of this review was to look at those aspects of the administration of justice in Alberta affecting Native people which need to be resolved.

ISSUES AND FINDINGS

The issues and findings of the report may be divided into four sections: Native people and the police; Native people and the courts; Native people and the use of alcohol; and Native people and the *Wildlife Act*.

In addition to these four topics, some information is presented on the nature and extent of the involvement of Native people in the correctional system of Alberta. This information is based on a comparison of statistics collected in each of the two previous years. Based on this information, the Board found that there had been no fluctuation in the actual number or proportion of sentenced Native inmates in the Alberta correctional system; it had remained steady at approximately one-third of the inmate population. In comparison to non-Native inmates, there was a tendency identified for Native inmates to be older, more poorly educated, occupationally unskilled, from rural areas, and likely to report a problem with alcohol use. These trends remained constant over the three years.

1. Native People and the Police

The Board of Review found that Native people, in general, had a good relationship with the Royal Canadian Mounted Police who patrol their reserves. Those reserves that reported very good relationships with the RCMP reported that members of the detachment were very involved in their community, either because the detachment was located on the reserve and/or because the officers participated in recreational activities with reserve members.

When complaints were made they were directed against rookie officers who tended to be too hasty in laying charges, making arrests and stopping and questioning Indian people without any apparent reason. Some reserves indicated that their rights were violated when arrested by the RCMP; these violations included denial of phone calls, denial of access to medical treatment, denial of access to Native counsel, being forced to plead guilty, and being assaulted while in custody.

With respect to band police (band members trained by the RCMP) there was much dissatisfaction expressed in the way they were expected to operate. Their supervision was seen to be divided between the RCMP and the band council, and they had limited authority, resulting in an ineffectual role.

2. Native People and the Courts

The Board of Review found that judges generally lack the opportunity to attend courses dealing with Indian culture or to visit reserves, and therefore did not always have the expertise to deal with justice issues concerning Native people.

The Native Court Workers Program was seen to be effective in ensuring that Native people receive more equitable treatment; however, the program's services were not always available and Native court workers were often called upon to act as interpreters for the court as well as counsellors for the offender, and therefore were often in conflict of interest situations. Furthermore, the Board found that some workers were not adequately trained or were not otherwise appropriate for the position.

The Board of Review also found considerable dissatisfaction with Legal Aid. Many Native people were not aware of the existence of Legal Aid or of the process for application; offices were too centrally located; counsel appointed by Legal Aid sometimes failed to appear; and in general, Legal Aid committees were poorly informed of the problems of Native people to the point of appearing indifferent about their need for Legal Aid.

The Board further found that Native people were often involved in proceedings that they did not comprehend due to the absence of qualified interpreters. Interpreters were often selected from persons who happened to be in court that day, who were not trained as interpreters, and who often did not even speak the dialect of the accused. The Board also found there to be a problem with the fine system, given that it often did not take into account the limited resources of Native people or the seasonal nature of their employment.

3. Native People and the Problem of Alcohol

The Board cited a detailed study of sentences imposed on Native and non-Native people in provincial court. This study indicated that Native persons, both male and female, were treated more severely for offences under the *Liquor Control Act* than non-Native people. Native people felt that the disproportionate number of their population being placed in detention for offences related to the consumption of alcohol points to the imperative need to recognize alcohol abuse as a medical, social and economic problem, rather than one of criminal justice.

The Board found that positive action had been taken by Indian people in the establishment of detoxification centres. The detox centres were seen to be helpful in breaking the cycle and encouraging Indian people to seek further treatment.

The report also established that there are Indian reserves and Native settlements in remote areas where rehabilitation services are not available. Native people felt strongly that rehabilitation programs work best when they are available on the reserve or home community and when they are conducted by Native people. The Board also cited the value of preventative measures, such as the development of programs involving organized sports and recreation on Indian reserves and in Indian communities.

4. Native People and the Enforcement of the *Wildlife Act* and Related Statutes

According to the Board's report, the Indian people are deeply concerned about the erosion of their hunting, trapping and fishing rights. They found that many Indian people, particularly in more remote areas, were confused by legal interpretations and treated disrespectfully by fish, wildlife and forestry officers who do not communicate with them in an understanding manner.

RECOMMENDATIONS

The report's recommendations follow the same categorization as its findings:

1. Native People and the Police

- (a) that a Native Policing Co-ordinator be established by the RCMP to provide liaison between Native people and the force;
- (b) that band police be appointed as Special Constables under the *Police Act* in order to give them more authority, and that they be given more comprehensive training;
- (c) that reserves with band police have a band police commission comprising minority representation from the band council and majority representation from the reserve at large;

2. Native People and the Courts

- (d) that provincial, family and juvenile court sittings be held on reserves whenever possible;
- (e) that Indian justices of the peace be trained and appointed on a trial basis;
- (f) that a special office be created within the department of the attorney general to provide liaison between Native people and the provincial, family and juvenile court systems;
- (g) that Native counselling services take appropriate steps to deal with the criticisms of its operation, that suitable office facilities be provided, and

that Native people be made more aware of the availability of these services;

- (h) that Native court workers be required to ensure that Native people are informed of the availability of Legal Aid and assist them in their application;
- (i) that Legal Aid counsel be available for consultation, that a more simplified and speedy procedure for Legal Aid be established, and that Native people be made more aware of the existence of the service;
- (j) that qualified, trained Native court interpreters be made available;
- (k) that the band councils and reserve social service agencies operate a Fine Option program for Indian people living on reserves who are unable to pay fines;

3. Native People and Alcohol

- (l) that the government of Alberta continue to assist in funding the various agencies that provide treatment, counselling, and education programs for Native people;
- (m) that a study be undertaken to determine the need for more detoxification centres and other counselling and education programs;
- (n) that a study be undertaken to evaluate the performance of agencies now in operation and to establish a system for compiling data for continued evaluation and assessment;
- (o) that the necessary funding be provided to sustain recreational and sport programs; and

4. Native People and the *Wildlife Act*

- (p) that discussions be initiated between the government of Alberta, the Indian Association of Alberta and the Métis Association of Alberta to discuss problems arising out of the *Wildlife Act* and to bring about a more equitable interpretation of the rights of Indian people implicit in the treaties with respect to hunting, fishing and trapping.

1984

▲ Report of the MacEwan Joint Métis-Government Committee to Review the *Métis Betterment Act* and Regulations Order

AUTHOR: MacEwan Joint Métis-Government Committee

YEAR: 1984

ABORIGINAL GROUP: Métis

TOPICS: Self-Government, Provincial Government/Aboriginal Relations, Land Use, Development and Management, Resources

SUB-TOPICS: structures/institutions, jurisdiction, legislation, management, hunting, wildlife, trapping, gathering, fishing, forestry, minerals

SOURCE: Bipartite Commission (Provincial/Aboriginal)

BACKGROUND

Following the Great Depression in the 1930s, many Métis in Alberta were left homeless and destitute. There were increasing pressures on the provincial government from Métis leaders who wanted to see the miserable conditions in which the Métis lived rectified. In 1938, the Ewing Commission was set up to address the desperate situation of the Métis. As a result of this Commission *An Act Respecting the Métis Population of the Province* was passed, establishing a land base for the Métis by virtue of eight Métis Settlement areas. It was expected that this would alleviate some of the worst hardships faced by the Métis and preserve Métis culture and values.

In more contemporary times, the *Métis Betterment Act*, the predecessor of the original *Métis Settlement Act*, was called into question. Provincially legislated control of the settlements was seen as no longer tenable given movement by the Métis toward increased local self-government. The old legislation was viewed as paternalistic and once again pressure mounted to address the issues surrounding local self-government for the Métis settlements.

In 1990 the province of Alberta passed four pieces of legislation relating to the Métis settlements. This legislation secured the Métis land base, set out a long-term structured financial package, provided for co-management of sub-surface resources with the province, and established local government structures.

PURPOSE

The Joint Métis-Government Committee was set up to review the *Métis Betterment Act*. Order in Council No. 422/82 established the Committee on March 31, 1982 in an advisory capacity and to make recommendations to the minister of municipal affairs concerning economic development, political, social and cultural issues in relation to the settlements. The Committee was also

obliged to examine future alternatives for Métis settlements, land holding, social organization and economic opportunities for Métis on settlement lands, and to develop local government models.

ISSUES AND FINDINGS

The report itself contains proposed legislation which would replace the *Métis Betterment Act* and address questions relating to local government structures and authorities, membership, financial and resource management matters. The major issues, therefore which this Committee addressed were twofold: Métis concerns about land security and land management, and local self-government issues.

With respect to the Métis settlement lands, the new Act called for the establishment of the eight existing settlements as legal entities. Settlement boundaries would be prescribed by a schedule to the Act. The names of the existing settlements could be changed, with more appropriate names to be determined by the Métis themselves. In the event that settlement boundaries were to be changed, they could only be changed if the following conditions were met: 90% of adult members of the settlement voted in favour of the change, the settlement council requested the change, and a majority of other settlements agreed with the change. These criteria would also apply in the case of any new settlements which might in the future be established.

The security of settlement land had been a significant issue for the Métis. Existing legislation had been interpreted by previous governments as providing the authority to remove lands set aside for the Métis by Order in Council. It was felt that the settlement areas should be brought within the operation of the provincial land titles system.

Necessarily, settlements require governing bodies to oversee local matters on settlement lands. The legislation proposed settlement councils as the governing bodies of the Métis settlements. These councils would be made up of five adult members and would function much like a municipal government council. Either by resolution or by-law, the council could deal with regulatory matters, taxation and major community projects. The council would also be able to prescribe penalties for violations of by-laws or resolutions.

Each settlement would also have a senate of elders, with jurisdiction over membership and land allocation issues. The senate would act in an advisory capacity to the council on other matters, and would function primarily as an appeal body. It would not, however, have overriding authority over council decisions. The Committee was of the view that the senate would be able to

accommodate the majority of issues brought before it without resort to the “cumbersome procedures” of the outside courts. The unique institution of the senate reflects Métis self-governing traditions. It was therefore suggested that the Senate bodies of the various settlements should be able to adopt their own rules of procedures to conduct Métis affairs.

The Committee’s treatment of membership issues, and proposed changes to the existing legislation reflected the Métis desire for more control over affairs unique to the settlement. Under the existing legislation, only adults were formally considered members. The Métis wanted to see their children recognized as members because they too were seen as participants in the development of the settlements. The minimum age at which a young member would be able to apply to become an adult member was dropped from 21 to 18. Also, in the past there had been situations whereby families that had left the settlements were not legally entitled to return to these settlements. New provisions would give Métis leaving the settlement a certain amount of latitude in deciding to return at a later time, unencumbered by restrictive legislation.

The termination of membership would be decided by the council, in situations where, for example, the individual posed a threat to others on the settlement. Under the existing Act, this authority had been vested in the minister of municipal affairs. Under the proposed changes, such authority would be transferred to the settlement council.

Financial and resource management issues were to be the responsibility of the settlement council in concert with their own board of trustees under the proposed legislation. At that time, the minister of municipal affairs was the trustee for the trust funds of the settlements. The Métis wanted to see these funds amalgamated into one common trust fund over which they exercised some control. This new fund would replace the current Métis Population Betterment Trust Fund with the Métis Settlements Resources Trust Fund. Many of the functions of the council in respect of financial management – borrowing funds for capital works and preparing estimates of expenditure – tended to parallel municipal legislation. Additionally, the Committee was of the view that councillors should enjoy the same type of legal protection as other municipalities.

The provincial government supported the Métis’ view that they should regulate their own fishing industry. The councils already had extensive jurisdiction in trapping, gathering and hunting but regulatory power over fishing remained outside their authority and under federal jurisdiction. Another grey area related to subsurface rights. This issue had been taken up

with the provincial government and the courts had yet to render a decision regarding jurisdiction. The Committee felt that subsurface rights should be brought under the authority of the settlement councils so that they could regulate, control and develop their economic own development.

In conclusion, it should be noted that there were still issues which could not be fully addressed by the Committee in its report because of outstanding legal discrepancies, and the requirement for further discussions. Clearly, however, the focus of this report was to recommend a transfer of various legislative powers from the provincial government to the Métis settlement councils. This was seen as consistent with the Métis desire for a greater degree of self-government.

RECOMMENDATIONS

The majority of the Committee's recommendations were reflected in the proposed legislation. The Committee felt, however, that other recommendations were also appropriate. These were in relation to education, culture, social services and community health and energy and natural resources.

In terms of education, the Committee recommended that the Alberta education system recognize the unique history of the Métis and include this in the academic curriculum. The Committee also recommended that a Métis representative be appointed or elected to the local school authority with which the settlement was affiliated.

The Committee was of the view that the preservation of Métis culture would be enhanced not only through Métis observance, but also by a broadly based understanding of Métis history, to be encouraged by the provincial government. The Committee therefore recommended that the government take an active role in supporting Métis culture by financing viable organizations which, in particular, promoted Métis history, language, music, dance and art.

The Committee recommended social service and community health professionals and para-professionals receive training to increase their understanding of Métis culture.

The report also contains a recommendation for the development of Métis land and forestry sectors with provincial support. As well, it recommended the departments of Economic Development, Agriculture, Tourism and Small Business review potential economic opportunities at the Métis settlements.

▲ Final Report: Working Group on Native Education, Training and Employment

AUTHOR: Working Group on Native Education, Training and Employment

YEAR: 1987

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Employment Development, Education

SUB-TOPICS: training/skills development, vocational training, curriculum, student support

SOURCE: Provincial Commission

BACKGROUND

A ministerial order in June 1985 established Alberta's Working Group on Native Education, Training and Employment. The Working Group was to provide advice and recommendations to the appropriate ministers on ways of addressing the barriers to education, training and employment faced by Native people. This was the second of three such bodies appointed by ministers to address issues arising out of the 10 Métis Regional Seminars held in 1984.

The working group met regularly between August 1985 and December 1986. Discussions were held with government officials and representatives of private industry. A full review of the proposed Native Education Policy was completed and a detailed report with recommendations was provided to the Minister in February 1986.

PURPOSE

The mandate of the Working Group was to

1. review and recommend measures to increase access by Native people to educational and training opportunities and to job creation programs;
2. investigate and recommend initiatives which would establish sustained employment opportunities in Native communities;
3. review the issues and concerns of education, employment and training identified at the ten Métis Regional Seminars held in 1984;

4. identify and document the current and predicted employment situation of Native people in Alberta; and
5. advise ministers, on request, on matters related to Native education, training and employment.

ISSUES AND FINDINGS

The working group identified three major themes: co-ordination and responsiveness; total community focus; and community responsibility.

1. Co-ordination and Responsiveness

The Working Group identified such issues as jurisdictional disputes, lack of program co-ordination and flexibility, inadequate understanding of cultural differences, and unrealistic hiring practices, as catalysts for situations which tend to frustrate the development of meaningful employment opportunities for Native people.

2. Total Community Focus

The Working Group viewed the issues of Native training, education and employment as interrelated and multi-dimensional.

3. Community Responsibility

The Working Group agreed with Native people consulted that Native communities themselves must assume responsibility for planning their long-term development and growth. The Group found that the uniqueness of each community has in the past undermined programs which fail to be sensitive to the differing needs of each community.

RECOMMENDATIONS

The Working Group made recommendations on education, training, employment and community planning. These recommendations are summarized as follows:

1. Education

- (a) that the proposed policy statement on Native education in Alberta be implemented immediately;
- (b) that the Alberta Ministry of Education establish a Native Education Fund to successfully implement the Native Education Policy;

- (c) that a community consultation process be used which will include input from various Native groups and governments;
- (d) that the Alberta Ministry of Education co-ordinate Native awareness instruction;
- (e) that counselling services be expanded; and
- (f) that the Career and Life Skills Management Program be developed.

2. Training

- (a) that the Department of Advanced Education formulate and implement a provincial policy on Native-run post-secondary institutions;
- (b) that flexible entrance requirements to Alberta post-secondary schools be developed;
- (c) that the flexible Apprenticeship and Trades Certification Program be continued;
- (d) that federal and provincial jurisdictional issues be resolved;
- (e) that a review of the support system for Native students enrolled in post-secondary institutions be undertaken;
- (f) that post-secondary institutions educate Native students using a holistic approach;
- (g) that post-secondary institutions employ Native resource people; and
- (h) that post-secondary institutions expand and increase the sensitivity of counselling services available to Native students.

3. Employment

- (a) that all governments improve the marketing of their programs;
- (b) that a variety of media and appropriate languages be used in government communications;
- (c) that a mechanism that would foster increased community involvement in program design be developed to assess program needs and effectiveness;
- (d) that community employment situation reviews be undertaken by individual communities and relevant jobs creation and training programs be established accordingly;
- (e) that provincial, federal and Native government programs be co-ordinated;
- (f) that governments identify, in more detail, the barriers to employment, with specific reference to education, training and the economic climate; and

- (g) that priority be given to an increased emphasis on the development of Native youth.

4. Community Planning

- (a) that the province provide mechanisms to sensitize its employees to better ways of marketing programs and delivering services to Native people;
- (b) that governments employ a community liaison worker in situations where departments have extensive direct involvement with Native communities;
- (c) that all government programs for Native communities involve long-term incremental steps for growth and development rather than ad hoc isolated mandates; and
- (d) that the government undertake major initiatives, as directed by Native people, to break the dependence on social programs.

▲ In the Interest of Native Child Welfare Services

AUTHOR: Working Committee on Native Child Welfare Services

YEAR: 1987

ABORIGINAL GROUP: First Nations

TOPICS: Health, Justice/Corrections, Child Welfare

SOURCE: Provincial Commission

BACKGROUND

The Working Committee on Native Child Welfare Services was formed to act in an advisory capacity to the Alberta minister of social services and community health and the minister responsible for Native Affairs. Its mandate was to recommend strategies aimed at developing and implementing policy and program alternatives for Indian and Métis child welfare services in Alberta.

PURPOSE

The purpose of the report is to recommend to the minister of social services, the minister of community and occupational health, the minister of municipal affairs, the attorney general, the solicitor general, the minister

of advanced education, the minister of culture, the minister of labour, the minister of career development and employment, and their cabinet colleagues, long-range strategies for changes in philosophy, legislation, policy, program and service delivery respecting child welfare services for Native children in Alberta.

ISSUES AND FINDINGS

The main finding from Native people across the province of Alberta was that too many Native children are removed from their families and their communities by non-Native child care workers. Once removed, they are placed with non-Native families and remain with these families longer than non-Native children in the child welfare system. As a result, they become estranged from their people, culture and identity. The *Child Welfare Act* makes child care workers responsible for interpreting a child's need for protection. This interpretation involves value judgements that are determined principally by their own upbringing in non-Native society.

Native people advocate greater participation in planning, development, delivery and management of services for Native families and their children, and Native control of these services by bands and other Native communities. This would ensure that the services accommodate the social and cultural needs of children as well as their physical and educational needs.

The Committee envisions the progressive development of community services for Native families which would vary in speed depending on the community. The goal is community control.

RECOMMENDATIONS

The Committee's recommendations reflect the following themes: the transfer of ownership of services to Indian and Métis people; recruitment and training of Native personnel; and the enhanced representation of Native peoples on committees.

1. Transfer of Ownership of Services

The Committee recommends that Alberta Social Services lend its resources to Native communities and agencies as they commence the process of developing their own policies and procedures. The Committee also recommends appropriate funding on a long-term basis in order to ensure a successful transfer of authority.

2. Recruitment and Training of Native Personnel

With respect to training and manpower, the Committee recommends that targets be set for recruiting Native people into child welfare positions and that seminars be held with Alberta Social Services to explain policies regarding the delivery of Native child welfare services. The Committee also recommends that appropriate curriculum be developed and that university credit be given where applicable.

3. Enhanced Representation of Native People on Committees

The Committee sees the necessity of a Native advisory committee assisting the Minister of Social Services in implementing the recommendations contained within this report.

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▲ Native Education in Alberta: Alberta Native Peoples' Views on Native Education

AUTHOR: Alberta Ministry of Education

YEAR: 1987

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: primary and secondary, curriculum, professionals
educators, student support

SOURCE: Provincial Department

BACKGROUND

The Native Education Project was established to meet with Native people in all parts of Alberta to review the issues identified in numerous Alberta education studies and to identify other needs of Native students in Alberta schools.

PURPOSE

This report presents the perspectives held by the Native people of Alberta on ways to ensure that Native students have the same educational opportunities as those enjoyed by all Alberta students.

ISSUES AND FINDINGS

The report's findings may be divided into the following four categories:

Purpose of Education and the Role of the School in Meeting the Needs of Native Students

According to the views expressed by Native people, schools are to:

1. help Native students develop skills, knowledge and attitudes so that they can function both in the Native and non-Native community;
2. encourage Native students to progress in the provincial education system while retaining their identity as Native people;
3. provide opportunities for Native students that will enable them to meet their future career aspirations; and
4. develop positive attitudes among non-Native students and educators.

Program of Studies for Native Students

The majority of Native people felt that programs of studies currently offered by the provincial school boards should enable non-Native and Native students to achieve a richer understanding of each other. According to the report, the curriculum should contain Native content and should teach Native languages, there should be alternate programs for those who leave school early, and integrated occupational programs should be made available to schools with high Native enrolment.

Delivery of Education to Native Students

When evaluating the delivery of education to Native students the following areas of concern were expressed: the lack of Native awareness on the part of teachers; the need for support services and preventative programs; the absence of complete secondary programs in isolated communities; and the scarcity of Native teachers.

Roles, Rights and Responsibilities in Native Education

In looking at Native partnerships, the Task Force found a major concern to be the lack of parental involvement in the education of children. Also identified as problems were the lack of band responsibility for the education of Treaty Indian students, and the need for Native representation on school boards.

RECOMMENDATIONS

The recommendations were divided into the same four categories as the findings:

Purpose of Education and the Role of the School

- (a) that educational services provided to Native people be closely related to Native students' needs and aspirations while maintaining excellence in education;
- (b) that Alberta Education maintain and vitalize Native culture within the schools and work with the Native community;

Programs of Studies for Native Students

- (c) that Alberta Education support the development of learning resources dealing with Native cultures, provide opportunities for students to acquire or maintain Native languages, and work with local Native people to ensure that program development for Native education is continued;

Delivery of Native Education

- (d) that Alberta Education provide for in-service training for teachers to contribute to their awareness of Native culture;
- (e) that Alberta Education encourage school districts that have a significant number of Native students to employ teachers who have pre-service education and/or experience in a Native setting;
- (f) that Alberta Education support the development of culture-free psychological, diagnostic and achievement tests;
- (g) that Alberta Education extend programs to isolated communities;
- (h) that Alberta Education support the right of local school boards to determine local issues;
- (i) that Alberta Education provide the necessary means to encourage more Native teachers and para-professionals;

Roles, Rights and Responsibilities

- (j) that Alberta Education encourage and support opportunities for parents to become involved at the system and school level;
- (k) that school jurisdictions be encouraged to realize that Treaty Indians finance the education of Treaty Indian students in school jurisdictions through tuition and capital agreements;

- (l) that opportunities be provided for Native people to participate fully in all levels of decision making, including school board representation; and
- (m) that Alberta Education support the establishment of a provincial education council.

▲ Native Education in Alberta's Schools

AUTHOR: Alberta Ministry of Education

YEAR: 1987

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: primary and secondary, curriculum,
professionals/educators

SOURCE: Provincial Department

BACKGROUND

In November 1984, the Honourable David King, former Minister of Education, established the Native Education Project Team to develop a Native Education Policy as a foundation for improving the delivery of quality education to Native students and their communities. The Project Team, headed by Dr. Ralph Sabey, was also to co-ordinate the development of educational materials and resources suitable for use by both Native and non-Native students.

The Native Education Project Team met with Native people throughout the province to listen to people's concerns and views on the education on their children. These views were presented in the 1985 report, "Native Education in Alberta: Alberta Native Peoples' Views on Native Education".

This policy statement on Native education presents a provincial government response to the concerns outlined in "Native Education in Alberta: Alberta Native Peoples' Views on Native Education", which is included as an attachment to the policy statement.

PURPOSE

Based on Native peoples' views on education in the province of Alberta, this policy document was to form the basis for discussion with Native people,

the results of which were to assist in the development and delivery of Native education in Alberta. The Minister announced the Native Education policy on March 25, 1987.

ISSUES AND FINDINGS

The policy statement is based on findings from the report on Native peoples' views. These findings are divided into four sections:

1. Purpose of Education and the Role of the School in Meeting the Needs of Native Students

According to the views expressed by Native people, schools are to

- (a) help Native students develop skills, knowledge and attitudes so that they can function both in the Native and non-Native community;
- (b) encourage Native students to progress in the provincial education system while retaining their identity as Native people;
- (c) provide opportunities for Native students that will enable them to meet their future career aspirations; and
- (d) develop positive attitudes among non-Native students and educators.

2. Program of Studies for Native Students

The majority of Native people felt that programs of studies currently offered by the provincial school boards should enable non-Native and Native students to achieve a richer understanding of each other. According to the report, the curriculum should contain Native content and should teach Native languages, there should be alternate programs for those who leave school early, and integrated occupational programs should be made available to schools with high Native enrolment.

3. Delivery of Education to Native Students

When evaluating the delivery of education to Native students the following areas of concern were expressed: the lack of Native awareness on the part of teachers; the need for support services and preventative programs; the absence of complete secondary programs in isolated communities; and the scarcity of Native teachers.

4. Roles, Rights and Responsibilities in Native Education

In looking at Native partnerships, the Task Force found a major concern to be the lack of parental involvement in the education of their children. Also

identified as problems were the lack of band responsibility for the education of Treaty Indian students, and the need for Native representation on school boards.

RECOMMENDATIONS

These findings formed the basis for a policy statement by the Minister of Education. The policy statement is divided into four parts:

1. Purpose of Native Education

According to the Minister, the purpose of Native education is

- (a) to provide opportunities for Native students to acquire the same quality of education available to other students, and to study and experience their own and other Native cultures/lifestyles;
- (b) to provide Native people with the opportunities to guide and shape the education of their children; and
- (c) to provide opportunities for all Alberta students to recognize and appreciate Native cultures.

2. What Will be Taught in Schools

The policy statement commits the Ministry of Education to working with Native people and school boards to develop classroom material that will include and highlight aspects of Native culture, heritage and lifestyles. The Minister also supports the development and delivery of extended Native studies programs, and programs for the teaching of Native languages. The school boards will also be encouraged to develop programs for students who need additional instruction in English as a Second Language, or enrichment programs for exceptional students. Furthermore, according to the statement, the school boards will be assisted in developing programs and services to address the needs of students in isolated communities.

3. How Native Education Can Best be Delivered

To assist in the delivery of service to Native students, the policy statement commits the Ministry of Education to helping in the pre-service and in-service training of Alberta's teachers and administrators in order to strengthen their awareness of Native cultures and lifestyles. Native people viewed by their community as fluent in a Native language will be recognized as qualified to offer oral instruction under the supervision of a certified teacher. School boards will be encouraged to employ and involve Native administrators, teachers,

teacher's aides and other Native people in the education of Native students, and assistance will be provided to assess and interpret standardized tests written by Native students. School boards will also be encouraged to meet the unique needs of each school community and provide services for evaluating schools, educational programs and teachers for permanent certification to band-operated schools upon request.

4. Building Partnerships

According to the policy statement, partnerships will be built by encouraging Native people to participate in decision-making that will affect the education of Native students, and consultation will be carried out to ensure that Native peoples' views are considered at all levels of decision-making. The development of local school advisory councils will be promoted as will the negotiation of tuition agreements between school boards and Indian band councils.

1989

▲ Alberta Métis Settlements Accord

AUTHOR: Government of Alberta

YEAR: 1989

ABORIGINAL GROUP: Métis

TOPICS: Self-Government, Constitution, Provincial Government/Aboriginal Relations, Financial Arrangements, Resources

SUB-TOPICS: negotiation structures and processes, implementation, structures/institutions, documents, legislation, Crown lands, resources, financial arrangements/mechanisms, development, minerals/oil and gas

SOURCE: Provincial Government

BACKGROUND

The Legislative Assembly of Alberta endorsed Resolution 18, A Resolution to Amend the Alberta Act, on June 3, 1985. This Resolution articulates the philosophical foundation and provides the legal and constitutional basis for the subsequent discussions, legislation and agreements on Métis settlements issues represented by and contained in the Alberta-Métis Settlements Accord. Officials representing the government of Alberta (Premier Don Getty) and

the Métis Settlement Associations (President Randy Hardy et al.) signed the Accord on July 1, 1989.

The Alberta-Métis Settlements Accord was intended to achieve the traditional aspirations of the Métis people of Alberta for a land base, local autonomy in their own affairs, and economic self-sufficiency. The Accord comprises the following:

1. The Resolution to Amend the *Alberta Act*;
2. The *Métis Settlements Land Act* (Bill 65);
3. The *Métis Settlements Act* (Bill 64);
4. The Alberta-Métis Settlements Finance Agreement;
5. The Alberta-Métis Settlements Transition Commission Agreement; and
6. The Alberta-Métis Subsurface Resource Management Agreement.

PURPOSE

The legislation and agreements contained in the Accord provide for the constitutional protection of settlement lands, the development of local government structures and systems, provincial financial commitments to the Métis Settlements, and the co-management of subsurface resources. Additionally, these documents serve to resolve the litigation between the province and the Métis Settlements.

ISSUES AND FINDINGS

There are six primary components of the Accord:

1. A Resolution to Amend the *Alberta Act*, 1985

This Resolution provided legal and constitutional force and protection to the Alberta Legislature's then pending grant of land rights to the Métis people of Alberta. The Resolution primarily defines the protections afforded the Métis Settlements General Council (to which the grant was made) regarding Crown rights of acquisition (expropriation) and use of designated Métis land. Additional protections are listed, prohibiting the Crown from revoking or altering letters patent issued under the new Métis Settlement Acts, repealing or amending the new Acts, or dissolving or affecting the membership of the Métis Settlements General Council.

2. The *Métis Settlements Land Act*, 1988

This Act grants to the Métis Settlements General Council, subject to several exceptions, reservations, terms, and conditions of a specified estate in fee simple.

The Act specifies that within the boundaries of the granted lands, rights to mines and minerals, water, fisheries, any Crown improvement or fixture, any paleontological or archaeological resource, or any fee simple estates held by individuals other than the Crown, are not granted to the Métis people or their General Council. The Act places conditions on the sale (alienation) of granted land. It also raises potential points of disagreement between the Crown and the Métis Settlements General Council regarding future Crown use of any part of the granted lands, setting out the Court of Queen's Bench of Alberta as the deciding authority in such cases.

3. The *Métis Settlements Act*, 1988

This Act legally establishes Métis Settlements, Settlement Corporations, Administrators, and Councils; it also establishes the Métis Settlements General Council referred to previously. These entities serve as the organization, administration and governing bodies of the estates granted under the Métis Settlements Land Act. This Act describes terms, conditions and procedures for the political and financial operation of the established entities. These entities may enact by-laws governing matters such as community health and safety, fire service, public order and welfare, and public administration. The Act provides the government of Alberta with the authority to impose regulations respecting matters such as appeals tribunals, by-laws, memberships to settlement corporations, or financial matters of the corporations if requested by the General Council or if required to protect the public interest. This Act repeals the *Métis Betterment Act*.

4. The Alberta-Métis Settlements Finance Agreement

This agreement provides the duration and terms of any financial arrangements between the government of Alberta and the Métis Settlements. The Agreement calls for a seven-year transition period beginning in 1990, followed by a ten-year post transition period. The Agreement encompasses funding from the following sources: direct government grants from the Crown to the Settlements' administration (including Municipal Assistance Grants) for capital development projects, operations and maintenance, and special educational and future economic assistance programs; Settlement revenues, including interest from the Métis Trust Fund in addition to other fees and surface revenue sources; government assistance for economic and community development, including grants, loans/loan guarantees or other assistance from government agriculture, business, or facilities enhancement programs; and existing social programs such as those related to education, health care, social assistance, and career development.

The Agreement specifies that development of subsurface mineral resources must be done by agreement between the Alberta government and the Settlements and must be compatible with the land use objectives and other activities of the Settlements' residents. Financial matters will be administered jointly by a Commission during the initial transition period.

5. The Alberta-Métis Settlements Transition Commission Agreement

This document contains a number of principles governing the transition process, and outlines the terms of reference and structure of the Transition Commission and its Commissioner. The principles indicate that the transition process should be a co-operative one that results in a developed capacity for self-sufficiency, local government autonomy, maximization of benefits and services to the Settlements, and a redefined set of roles and responsibilities for the province and the Métis Settlements.

The Transition Commission, through its Commissioner, administers the Alberta-Métis Settlements Accord, which involves the orderly transfer of the newly legislated responsibilities from the province of Alberta to the General Council and respective Métis Settlement Councils. The Commissioner receives guidance from the General Council and from a two-person (one appointed by the government's Executive Council and the other by the Métis Settlements General Council) Transition Commission Authority. This document describes the Commissioner's authority, reporting links, policy accountability, and financial accountability. The Commission will be phased out over the course of the 7-year transition period, unless both parties agree it should continue.

6. The Alberta-Métis Subsurface Resource Management Agreement, 1989

This co-management agreement specifies the principles, instruments, and conditions governing the exploitation of subsurface mineral resources under the lands of the Métis Settlements. This document covers Settlement control over and right to negotiate for compensatory agreements for the exploration (particularly seismic work), surface rights access, and extraction of subsurface mineral resources. It also indicates the relationships between Métis Settlements and various government resource agencies, clarifying the rights and responsibilities of both.

RECOMMENDATIONS

The legislation and agreements contained in the Alberta-Métis Settlements Accord do not include recommendations.

1990

▲ **Recommendations of the Ombudsman on the Native Foster Care Program**

AUTHOR: Office of the Ombudsman of Alberta, Ombudsman, Harley Johnson

YEAR: 1990

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Child Welfare

SUB-TOPIC: adoption/foster homes

SOURCE: Provincial Department

BACKGROUND

In response to concerns surrounding the process for placing Native foster children in long-term foster care and adoptive homes, a 16-month investigation was initiated on October 17, 1988, by then Alberta Ombudsman, Aleck Trawick. Over 40 groups, agencies and individuals were interviewed for their views on legislative mandates, administrative responsibilities, the devolution of delivery of social services to Native communities, and the perceived lack of credibility of the Office of the Children's Guardian, since replaced by the Children's Advocate Program. The report was presented by the Alberta Ombudsman, Harley Johnson, to the Deputy Minister of Family and Social Services, Stanley Remple. Reviewed below is the Ombudsman's Press Release dated March 26, 1990.

PURPOSE

The investigation of the Alberta Ombudsman was to identify weaknesses in the child welfare system and recommended improvements to make the Children's Advocate Program more effective.

ISSUES AND FINDINGS

The investigation examined the case planning process surrounding the issues of repatriation of Native children and the cross-cultural adoption of these children. The press release explained that since the initiation of the investigation, there had been a movement away from polarized views of what was meant by repatriation to a more clearly understood philosophy where cultural variables were considered a significant factor in deciding what

constitutes a child's best interest. The Ombudsman maintained, however, that cultural variables cannot be the only factor, and each case must be assessed based on its individual merits.

RECOMMENDATIONS

The recommendations of the Ombudsman are as follows:

1. that the Department of Family and Social Services increase the number of Native child welfare workers;
2. that in appeals involving Native children, every effort be made to increase the percentage of Native representation on the provincial Child Welfare Appeal Panel to at least 50%;
3. that the Department consult with the Native community on policies and decisions, and that it adjust its methods of gathering input to recognize different cultural styles of interaction;
4. that the Department's course on child welfare work with Native people be mandatory for all child welfare workers who deal with Native children;
5. that the Department monitor policy interpretation and service delivery at the regional level to ensure that the intent of policy is not lost as it becomes adapted to regional needs;
6. that the provincial government try to resolve the confusion over jurisdictional relationships between the federal, provincial and band governments, and that it meet its financial responsibilities for providing culturally sensitive child care to Native children;
7. that long-term foster care be seen as a viable placement alternative with each placement situation being assessed on its own merit;
8. that standards and expectations be developed to allow for a greater sense of partnership between the child welfare authorities and foster parents within the system;
9. that the Department encourage foster parents to enhance their skills, and that Native awareness be one of the skills of foster parents dealing with Native children;
10. that the Children's Advocate Program adopt an active approach to making itself better known to its potential clients; i.e., children in care, and to the public in general; and
11. that the Children's Advocate Program be allocated the resources necessary to effectively advocate on behalf of children in care and to facilitate the children's access to those resources.

1991

▲ **Justice on Trial: Report of the Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta**

AUTHOR: Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta

YEAR: 1991

ABORIGINAL GROUP: First Nations, Métis

TOPIC: Administration of Justice

SUB-TOPICS: law enforcement, courts, sentencing and remedies, corrections

SOURCE: Provincial Commission

BACKGROUND

The Task Force was established in response to concerns about the impact of the criminal justice system on Aboriginal peoples, and more specifically, concerns in relation to the disproportionate number of Aboriginal peoples in correctional institutions, and the delivery of criminal justice services to Aboriginal people by non-Aboriginal people.

PURPOSE

The Task Force was to undertake a complete review of the criminal justice system in Alberta as it relates to Indian and Métis peoples. It was to identify major problems, and recommend solutions that would ensure Indian and Métis people receive fair, just and equitable treatment at all stages of the criminal justice process in Alberta.

ISSUES AND FINDINGS

Several major areas of policy are examined in the study, including policing, legal aid, the courts, legal professionals, and corrections.

Policing

The Task Force examined the existing relationship between members of Indian and Métis communities and the RCMP and made the following observations:

1. Policing was generally perceived in negative terms by Aboriginal peoples. The RCMP were seen as providing reactive as opposed preventive, peace keeping services.
2. Fundamental problems are rooted in cultural and linguistic differences, and lack of participation in policing policy development and decision making.
3. There are poor lines of communication between police forces and Aboriginal peoples, although in an effort to be more responsive to Aboriginal concerns, several police services have established liaison programs.
4. Municipal forces have a higher level of contact with Aboriginal people than do the RCMP.
5. In rural and remote Alberta, police responses are often delayed and are primarily reactive.
6. On reserve, there is a high level of frustration over the inability of bands to enforce and/or prosecute under band by-laws. Band constables are often seen in political terms by members of the community.
7. Although the Special Constables program had been successful, it was abolished because it was seen by the RCMP as a temporary measure.
8. Aboriginal-specific as opposed to multi-cultural training is needed.
9. Aboriginal people continue to be under-represented in police forces, although both police forces and Aboriginal communities are in favour of special recruitment policies.
10. The diversion of Métis and Indian youth to "Alternative Measures Programs" has not occurred.
11. Statements obtained by police from accused Aboriginal people should be viewed with some caution as there is often a lack of understanding on the part of the accused of his/her rights.
12. Self-government and community control are being asserted as primary aspirations in Aboriginal communities.

Legal Aid

With respect to Legal Aid, the Task Force examined levels of Aboriginal awareness and the ability of the legal aid system to meet Aboriginal needs. The Task Force made the following observations:

1. There is an awareness of legal aid programs among those Aboriginal people who come into contact with the criminal justice system, although it is less well known in isolated communities where obtaining legal aid services can be difficult.

2. Legal Aid does not adequately represent the views of Aboriginal clients.
3. Service providers often do not spend enough time with Aboriginal clients and generally have no ability to communicate in an Aboriginal language.
4. Summary convictions are not covered by Legal Aid, although these often lead to the non-payment of fines and subsequent imprisonment.
5. Alternatives to Legal Aid might include the establishment of an advocacy office which would refer clients to Aboriginal lawyers, implement community legal education programs, and liaise with Indigenous articling students.

Courts

The Task Force recognized Aboriginal apprehension of courts and court processes, and made the following general observations:

1. Within the court system, there is a general inability of Aboriginal peoples to translate legal terminology and concepts, and there has been no systematic attempt to address translation and interpretation problems.
2. Accessibility to court system in remote areas is a significant problem.
3. Aboriginal people often display a fatal acceptance in court processes and often plead guilty.
4. Statistics show that sentencing of Aboriginal peoples in Alberta is frequent and Aboriginal people are more likely to be held in custody and less likely to be granted interim release. Also, there are more adjournments and fewer appeals in cases involving Aboriginal peoples than in those involving non-Aboriginal people.
5. While alcohol and substance abuse treatment is an alternative to incarceration, present facilities are limited.

Legal Professionals

The Task Force concluded that the lack of knowledge and understanding of Aboriginal peoples and cultures by the legal profession has contributed to the application of a system of justice that is completely foreign to Aboriginal peoples.

Corrections

The Task Force concluded that in the long term, correctional programs and policies should be delivered to Aboriginal peoples by Aboriginal communities. The Task Force made the following specific observations in relation to corrections:

1. There are significant differences in the treatment of Aboriginal and non-Aboriginal offenders in corrections. Aboriginal offenders are often classified as security risks although it has been shown they generally are passive in custody.
2. Aboriginal offenders are less likely to be granted early parole.
3. Psychiatric evaluations are based on non-Aboriginal values and are therefore discriminatory.
4. While a number of special programs are offered at correctional facilities there is poor co-ordination between them. There is also a deficiency of life skills programs, and effective substance abuse counselling.
5. The Task Force concluded that elders should be available to Aboriginal offenders at correctional facilities (similar to chaplains for non-Aboriginal inmates).
6. There is a need for community initiative in helping those in the criminal justice system, and for greater representation of Aboriginal peoples in administrative and other positions in corrections.

Other areas examined by the Task Force included socio-economic factors which contribute to the disproportionate representation of Aboriginal peoples in criminal justice system, jurisdictional issues, cross-cultural training, and the specific problems of women and youth.

RECOMMENDATIONS

The many recommendations of the Task Force can be summarized as follows:

Policing

It was recommended that the RCMP work toward improving relations with Aboriginal peoples and communities. This could be facilitated through the development of improved communication and liaison programs. Aboriginal-specific cultural training was recommended for police officers, as were affirmative action programs to improve Aboriginal representation within existing police forces. It was also recommended that efforts be made to improve policing services in remote areas, and that these services emphasize preventive policing and peacekeeping functions.

Legal Aid

The Task Force recommended more information on legal aid services be made available to Aboriginal communities. Legal aid should be extended to include

summary convictions. Legal aid lawyers should receive Aboriginal specific cultural training.

Courts

It was recommended that all court personnel receive special training to develop their understanding and knowledge of Aboriginal peoples and cultures. The courts should be more accessible to rural and remote communities (circuit court). There should be more Aboriginal Justices of the Peace and Aboriginal peoples should be appointed to staff an Aboriginal Provincial Court. Translation and interpretation services should be improved with the objective of facilitating the court's understanding of those who appear before it. It is also suggested that alternatives to bail and incarceration be made available to Aboriginal offenders.

Corrections

The Task Force recommended measures be taken to bring the classification and sentencing of Aboriginal offenders in line with that for non-Aboriginal people. Alternatives to incarceration should be available and community involvement in the rehabilitation of offenders should be encouraged. Treatment programs for substance abuse, and spirituality programs involving Aboriginal elders should be more accessible to Aboriginal peoples in correctional facilities.

▲ Policing in Relation to the Blood Tribe: Report of a Public Inquiry: Commissioner's Report

AUTHOR: Commission of Inquiry on Policing in Relation to the Blood Tribe, Commissioner, Assistant Chief Judge C.H. Rolf

YEAR: 1991

ABORIGINAL GROUP: First Nations

TOPIC: Administration of Justice

SUB-TOPICS: justice system, law enforcement

SOURCE: Provincial Commission

BACKGROUND

In a letter to the Premier of Alberta on April 20, 1988, Chief Roy Fox of the Blood Tribe requested a public inquiry into the increasing incidents of deaths

and murders of tribe members under peculiar circumstances. The Alberta Department of the Solicitor General formally advised the Royal Canadian Mounted Police (RCMP) on April 28, 1988, that further investigation should be conducted into the allegations contained in the Chief Fox's letter. The Superintendent of the RCMP completed his review and as a result of this re-evaluation, the Department of the Solicitor General concluded that the deaths had been thoroughly investigated and that there was no need for a public inquiry. Shortly thereafter, further developments and heightened tensions between the tribe and the RCMP reinforced calls for a public inquiry. On June 16, 1988, the Premier and the Alberta Solicitor General met with Chief Roy Fox and other Blood Tribe members and agreed upon the establishment of a Public Inquiry.

PURPOSE

The purpose of the Public Inquiry was to hear evidence in three areas:

1. Phase I was to examine a number of sudden deaths identified by the Blood Tribe where circumstances were considered suspicious or where the investigation was perceived by the Blood Tribe to be incomplete or unacceptable.
2. Phase II was to examine a confrontation between the Blood Tribe, the government of Canada (regarding outstanding land claims), the RCMP, and the citizens of Cardston, generally referred to as the Cardston Blockade. The event publicly highlighted the Blood Tribe's perception of policing.
3. Phase III was to review the Native culture and how it is affected by federal and provincial policing policies and procedures. This examination was to look at the kind of policing Blood Tribe members themselves would like to see on the reserve and the role of the RCMP as the traditional police force delivering police service to Indian communities.

ISSUES AND FINDINGS

Phase I

The Inquiry into the sudden deaths of Blood Tribe members highlighted the serious problem of alcohol abuse on the reserve. It also noted that knowledge of this abuse by police investigators, medical examiners and pathologists, masked other medical and legal issues; the assumption that alcohol abuse was the related cause of death, for instance, hindered full and objective reviews.

The Inquiry also found that Blood Tribe members were reluctant to express their fears and concerns to the RCMP, due to a perception that the RCMP were

enforcers of white man's laws rather than protectors of the Indian community. At times the police investigators showed cultural insensitivity and paternalism toward the tribe members but the Commissioner believed that this was not a conscious bias but rather a lack of knowledge on the part of the officers.

There was also found to be confusion in certain cases over who had jurisdiction in the police investigation and this was at times compounded by a lack of communication between investigating officers. The result was unnecessary delays and frustrations which often resulted in leads not being followed up in a timely fashion.

Phase II

The Inquiry into the Cardston Blockade revealed that both sides believed that what they were doing was right, and therefore negotiation of a peaceful solution was probably impossible. The Native people believed that the lands on which they set up the blockade were originally part of the Blood Reserve, and therefore there was nothing illegal about their occupation. However, they might not have fully comprehended the complexity of their situation in trying to force the federal government to the bargaining table to resolve their land claims. The Blood Tribe also mistakenly believed that the RCMP would help them and that the Cardston merchants would be sympathetic.

The RCMP believed that it was their duty to use minimum force to uphold the law, restore order and keep the peace. This included dismantling the barricade by force and arresting participants. The Blood Tribe members believe that the RCMP used excessive force in what was essentially a peaceful protest. The Cardston merchants believed that the police did not do act quickly enough to open the road and minimize their business losses.

Phase III

Phase III reviewed Native culture and how it is affected by federal and provincial policing policies and procedures. The Commissioner's general observation was that the causes of the problems facing federal, provincial and Indian governments in their negotiations must be addressed if new policing initiatives are to be effective, and Indian peoples must be seen as equal partners if these negotiations are to have any hope of success.

The Blood Tribe expressed a strong desire to have a "community policing" system that is sensitive to its cultural traditions and to the needs of the community. At present the RCMP practices complaint-style policing. Two previous attempts at self-policing have failed. It was noted that it may be more difficult to institute another attempt given negative feelings toward the

RCMP who would initially be responsible for training and supervising this force. The report also found that there was no source of stable, long-term funding.

RECOMMENDATIONS

Phase I

The report made the following recommendations with regard to the sudden deaths:

1. that an ongoing cross-cultural training package for non-Native and Native police officers be implemented;
2. that seminars and workshops be established to provide information and insight for Blood Tribe members into the criminal justice system;
3. that the Blood Tribe and the police forces involved work together to break down the barrier of reticence evidenced by Tribe members in their dealings with the police forces;
4. that the police promptly review all concerns regarding missing persons and promptly initiate investigations;
5. that the issue of jurisdiction be resolved at the police level rather than requiring the complainant to go from service to service;
6. that when the police submit their final analysis in a case of sudden death, they not develop a scenario to close the file but resolve the evidence to enable the families to draw only reasonable conclusions;
7. that when the Fatality Review Board reviews these cases, it be cautious of relying solely on the final scenario assembled by police officers;
8. that proper notification of next of kin be sensitive to the extended kinship structure in the community, and that the Blood Tribe Police be involved in these procedures;
9. that the policy of the police force be adhered to when the police encounter an unconscious person;
10. that the Chief Medical Examiner re-emphasize diligence on the part of medical examiners when medical conditions may have been masked by alcohol; and
11. that the pathologist exercise great caution in coming to their conclusions when the cause of death cannot be determined, particularly if alcohol consumption tends to mask other symptoms.

Phases II and III

The Commissioner's report made the following recommendations concerning the Cardston Blockade and the interaction between Native culture and policing policies and procedures:

1. that the Blood Tribe be consulted as to what model of policing service is expected by the community;
2. that long term funding be guaranteed for the Blood Tribe Police Force and that these funds be placed under the sole control of the Blood Tribe Police Commission;
3. that the Blood Tribe Police Commission identify and explain to Blood Tribe Members the respective types of offences that the RCMP and Blood Tribe Police will handle;
4. that the Provincial Director of Law Enforcement provide frequent and regular supervision of Blood Tribe Police with the power to call upon the RCMP for specific guidance and training of members of the Blood Tribe Police;
5. that the on-site representative of the Director of Law Enforcement remain as a consultant to the Blood Tribe Police Force;
6. that the recruitment of Blood Tribe Police officers be conducted in an objective and impartial manner and they receive ongoing training and opportunities to upgrade themselves academically and professionally;
7. that the Blood Tribe Police Commission initiate a review of staffing to ensure that personnel are appropriate;
8. that a liaison officer remain until the transition to a stand-alone accredited police force is completed;
9. that the Lethbridge Community College consider setting a quota for Native students in its courses for police candidates and that it educate the population in the specific aspects of the Blood culture;
10. that the Blood Tribe consider the development of a formal citizens' advisory group which would reflect the community's perceptions of how it is being policed;
11. that consideration be given to the establishment of a Provincial Native Police Commission under an independent chairperson to assist in the resolution of policing issues; and
12. that the RCMP further review the relative strengths of the Ontario approach to provincial police/Native police relationships regarding self-policing models.

British Columbia

1975

▲ Native Families and the Law: Tenth Report of the Royal Commission on Family and Children's Law

AUTHOR: Royal Commission on Family and Children's Law, Chair,
Hon. Mr. Justice Thomas R. Berger

YEAR: 1975

ABORIGINAL GROUP: All Aboriginal Peoples, Urban Aboriginal
people

TOPICS: Community Services and Infrastructure, Child Welfare,
Health, Education, Social Development, Programs and Services

SUB-TOPICS: adoption/foster homes, child care, legal representation,
health care professionals, post-secondary education, vocational
training, student support

SOURCE: Provincial Royal Commission

BACKGROUND

The Royal Commission on Family and Children's Law was created by the government of British Columbia in December 1973. This report on Native families and the law was based on the results of eight formal Native conferences held by the Commission as well as many informal meetings and studies.

PURPOSE

The Royal Commission was mandated to study the law as it relates to families and children. This report is one of several submitted by the Commission. The Royal Commission felt it necessary to hold separate consultations with Native groups in the province in order to better understand their opinions, experiences, and special circumstances.

ISSUES AND FINDINGS

The findings of this report go beyond the strict terms of reference of the Commission. Native groups made recommendations to the Commission regarding issues such as education, health, alcoholism and housing. While

these issues do not directly relate to issues of law, they do directly affect children and families in many ways.

The issues identified by the Commission were as follows:

1. Services to Native Peoples

The report discusses the development of present services to Native peoples and the management of service delivery by band councils. The Commission advocated consultation by bands with their members as the best way to determine the services required by the community.

Service delivery was seen to be in a transitional stage between a system in which services were delivered by the government and a new system in which they will be delivered increasingly within the band community. This transitional stage was found to have caused many problems, including a lack of trained Native people to deliver services and ineffective communications between bands and provincial institutions. The Commission recommended that a Community Resource Board be developed which would encourage Native people to define and develop the services they need in a consultative manner which would ensure their accountability to the local community. In addition, community development workers should be provided to assist bands in the establishment of the Community Resource Boards.

2. Urban Native People

The Commission recognized that Native people who choose to live in urban centres faced different challenges than those who remain on reserves. In particular, services must be available to these Native people to help them to adjust to new circumstances and to allow them to continue to participate in Native organizations which encourage cultural identity, language and skills, and which provide them with the opportunity to associate with familiar people and customs. The Commission identified several such services already in existence and called for increased funding to ensure that all Native people have access to such services. According to the report, educational services must also be available for non-Native people, especially professionals such as teachers, social workers and police officers, to further their understanding of Native culture and to encourage attitudes of acceptance.

3. Child Welfare

The lack of sensitivity to cultural variations in lifestyle shown by provincial child welfare services is discussed in great detail by the Commission. The

removal of Native children from their families and their subsequent relocation, often to non-Native families, was identified as a major problem. The economic situation of Native people and the lack of adequate housing were acknowledged as factors that prevent Native people from adopting Native children.

According to the Commission report, cross-cultural adoptive placements often require additional support for children in order for them to develop their cultural heritage and identity. The Commission acknowledged that same race placements are preferred, but emphasized that children should not remain in wards indefinitely waiting for an appropriate Native home; instead, they should be adopted by non-Native people if the adopting parents vow to familiarize the child with his Indian heritage and protect his status rights.

The report also discusses adoption by family members, which often occurs on an informal basis in Native communities and which the Commission believes should be recognized as legal adoption. In situations where children are not taken from their homes and families, increased funding should be provided to relieve frustrations in Native homes which are often inadequate and overcrowded. Such relief, the report contends, might also prevent certain instances of family abuse.

When the removal of a child is necessary, the Commission found that the band should be consulted on an alternative placement for the child, preferably one on the reserve where parental visitations can occur. Native families often regard children as the responsibility of the community as well as the parents and extended family. This view must be taken into consideration by child welfare workers when looking for alternative non-ward placements. The Commission also found that group homes on reserves are needed, and when children must be placed in foster homes, Native foster homes should be used wherever possible.

The Commission also addressed the legal aspects of child custody. When legal action is necessary regarding child custody issues, the report suggests that cases be heard by a judge and a lay panel consisting of two members of the band in order to increase local and cultural sensitivity. The same membership formula should be used for a board to review child care cases and complaints involving Indian children.

4. Education and Job Training

The challenge of educating Native people was identified by the Commission as an issue of immediate concern, given the present dropout rate for Native students. The fact that many Native people must leave their reserves and live

in boarding homes in order to attend secondary schools was found to create additional stress which is not experienced by non-Native students. The Commission found that funding, support groups, cultural education, and opportunities for post-secondary advancement are needed to ensure that these students are given equal opportunities to complete secondary school. The Commission felt that better educated Native people would facilitate the transition to Native administration of services.

The Commission felt strongly that Native workers should be providing services to Native people. To adapt training and job placement programs to the Native situation, para-professionals might be used, qualifications for civil service positions might be altered to acknowledge Native experience, and there might be incentives offered for Native people to enter programs that would enable them to deliver services to their own people.

5. Health Care

Infant mortality rates, life expectancy rates and deaths by accidents and violence all speak of an alarming situation in Native health care. The Commission found that this situation, when combined with factors which indirectly affect Native health, such as alcoholism, garbage disposal and fire prevention, required an extensive examination of the system of health care delivery to Native people.

RECOMMENDATIONS

The Commission presented several recommendations, including the following:

1. that orientation to Native culture be incorporated into professional training;
2. that bands be involved in deciding the placement of an apprehended child;
3. that group homes be made available on reserves;
4. that Native children be placed in Native homes whenever possible, and when not possible, that adopting families familiarize the children with their heritage and make their status known to them;
5. that support and counselling services be provided to Native people completing education away from their homes;
6. that the qualifications of some service positions be changed to recognize "Indian expertise" as a valid qualification; and
7. that training programs be available to Native people to enable them to provide services to Native communities.

1981

▲ **Report of the Tripartite Local Government Committee Respecting Indian Local Government in British Columbia**

AUTHOR: Tripartite Local Government Committee

YEAR: 1981

ABORIGINAL GROUP: First Nations

TOPICS: Community Services and Infrastructure, Self-Government,
Taxation and Customs

SUB-TOPICS: revenue generation, taxation, jurisdiction

SOURCE: Tripartite Commission (Federal/Provincial/Aboriginal)

BACKGROUND

The Tripartite Local Government Committee Respecting Indian Local Government in British Columbia was established in 1980 with representation from the government of B.C. (Finance, Municipal Affairs, and Attorney General), the federal department of Indian Affairs and the Indian Local Government Committee (Indian representatives), to address particular problems relating to the delivery of local community services on Indian reserves in British Columbia.

At the time, there was extensive property taxation of non-Indian residents on reserve land by municipal/provincial authorities, and a range of non-uniform, special service delivery agreements for the delivery of community services both to non-Indian and Indian residents on-reserve in place between bands and neighbouring local government authorities.

The Committee's work was an attempt to address the municipal service needs of Indian reserve communities within the context of the municipal government/finance system in British Columbia.

PURPOSE

Terms of reference for the Committee gave it a mandate to

1. determine the needs of bands for local government services and alternative funding and delivery mechanisms;
2. consider various options in relation to alternative revenue arrangements;

3. review federal and provincial legislation and identify jurisdictional limitations imposed by various options; and
4. develop recommendations for optional approaches and solutions, as well as statutory change.

ISSUES AND FINDINGS

The Committee focused on four primary issues:

1. jurisdiction;
2. comparability of existing community service structures between Indian/non Indian communities;
3. allocation of service costs between Indian and non-Indian people on-reserve; and
4. existing service costs versus actual tax levies on non-Indian residents.

On the question of jurisdiction the Committee recognized the complexity and controversy surrounding issues of taxation authority and assessment, and the extensive linkages between on-reserve service delivery and existing provincial municipal structures, systems and authorities. The Committee chose to work around jurisdictional questions and focus instead on finding “workable solutions”.

In terms of existing services and structures, it was found that while there was some comparability, there were also significant disparities, especially within certain service areas, most notably capital infrastructure. Most bands had a number of complex agreements involving outside local authorities, including municipalities, regional improvement districts and the province, though these agreements allowed neither full nor partial cost recovery through access to the non-Indian reserve tax base.

The Committee recognized the need for both a uniform tax base assessment mechanism and a standardized method for allocating service costs between Indian and non-Indian segments of the community. The Committee favoured the “total tax base concept” which would incorporate Indian portions of the tax base through hypothetical assessment of Indian property values.

The Committee found significant disparities between existing service costs and taxes actually levied against non-Indian people living on reserves in support of those services. The Committee also noted a high level of band dependence on the non-Indian taxation base in determining the level of services which would be provided by non-Indian, contracted local authorities.

RECOMMENDATIONS

The Committee recommended the development of legislation to enable alternative delivery mechanisms for community services on-reserve in B.C. bands that met certain criteria (to be developed) would be able to choose under which arrangement they would operate, and would have the capacity to opt in and opt out of such arrangements. The Committee recognized this might require the development of a new provincial Indian Local Government Act.

The four optional approaches for alternative delivery mechanisms included:

1. extension of existing services by non-Indian local government authorities to both Indian and non-Indian areas of reserves;
2. tax revenue sharing (a modified status quo);
3. community improvement areas (preservation of existing authorities and responsibilities); and
4. full local government status.

Full local government status would involve an enhancement of band government authority in the delivery of community services to both Indian and non-Indian people on-reserve, and vacation of taxation fields by municipal/provincial authorities. To support full local government status, band government authorities and legal capacities would be enhanced by way of amendments to the *Indian Act*, including new municipal type taxation powers (extended by-law making powers under the *Indian Act*), and entitlement to receive provincial financial support. New provincial legislation would permit provincial recognition of band governments as "municipal" governments.

The Committee recommended the government of British Columbia accommodate bands in their choice of alternative delivery mechanisms for community service delivery, and provide for financial impacts on non-Indian local governments.

1986

▲ Inquiry into Social Housing for British Columbia: Common Ground in Meeting Core Need

AUTHOR: Inquiry into Social Housing for British Columbia, Chair,
James C. Cosh

YEAR: 1986

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Community Services and Infrastructure, Social Development

SUB-TOPIC: housing

SOURCE: Provincial Commission

BACKGROUND

It is unclear from the Commission of Inquiry's report what specific events led to the formation of this effort. Externally, the federal government through the Nielsen task force reports and through new global agreements with Canada Mortgage and Housing Corporation was putting some pressure on provincial housing delivery. Internally, Expo 86 in Vancouver was accompanied by the displacement of many lower income people from transient hotels. This was a major public issue at the time. However, neither of these events is explicitly mentioned in the report.

PURPOSE

The Commission was formed "to inquire into the effectiveness of the delivery of social housing in British Columbia in serving those most in need of assistance in obtaining affordable housing."

The three-person commission was empowered to hold meetings, to conduct investigations, and could compel the attendance of witnesses and the production of documents.

The Commission held one three-day meeting in Vancouver to hear views of interested groups, conducted six workshops focused on social housing issues with interest groups, and conducted a three-day meeting to discuss their preliminary report. (There were no specific invitations to Aboriginal groups, and there is no indication that any Aboriginal group or person presented on their own initiative.)

ISSUES AND FINDINGS

The central issue of the inquiry was the effectiveness of social housing program delivery by the provincial government. Concerns centred around traditional social housing policy issues of targeting, defining core need, and identifying areas in need of improvement. The interests of the elderly, single mothers, the disabled, the homeless and battered women were key concerns. The inquiry also viewed the importance of co-operatives in the province.

The inquiry did not address the particular interests or needs of Aboriginal peoples. It explicitly excluded any review of on-reserve housing as a strictly federal responsibility. Its only reference to Aboriginal people is in information items regarding CMHC programs delivered in the province: the Urban Native Housing Program, a non-profit, rental housing under the sponsorship of Native organizations, and the Rural and Native Housing Program, a home ownership and rental program. Additionally, the report recognizes that CMHC identifies Aboriginal people as a social policy priority/special group.

RECOMMENDATIONS

The inquiry offered 10 recommendations for the improved delivery of social housing in British Columbia. No recommendations specifically addressed Aboriginal people.

1988

▲ A Legacy for Learners: Summary of Findings

AUTHOR: Royal Commission on Education, Commissioner, Barry M. Sullivan, Q.C.

YEAR: 1988

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Education

SUB-TOPICS: primary and secondary education, post secondary, curriculum, fiscal relations/responsibilities, professionals/educators, student support

SOURCE: Provincial Royal Commission

BACKGROUND

The Royal Commission on Education in British Columbia was established on March 14, 1987, by the Lieutenant Governor in Council. The Commission's Terms of Reference instructed it to inquire into and report on education in the province from kindergarten through grade twelve. This document is a summary of the main elements within "The Report of the Royal Commission on Education: A Legacy for Learners", as well as the seven volumes that make up the technical reports to the Commission.

The Commission was established in response to important changes that had taken place in British Columbia since the last education study had been

conducted in 1960. Changes in the traditional definitions of family, an aging population, low birth rates and new diverse immigration patterns had changed the environment in which the education system operates. In addition to these changes, British Columbians had openly disagreed with various aspects of the governments educational policies. Through its analysis and recommendations, the Commission hoped to foster a new educational accord in British Columbia.

PURPOSE

The Royal Commission was asked to address educational issues aimed at enhancing the quality of the system, its mechanisms for accountability, its teaching methods and curricula, its structures for governance and administration, and the involvement of parents, teachers, and the general public.

In light of these instructions, the Royal Commission sought to

1. report on the state of British Columbia schools today in both public and non-public sectors;
2. identify areas of difficulty or concern as part of an assessment of the present and future needs of the system;
3. identify the kinds of preparation programs that school graduates will require to meet the challenges of the next two decades;
4. determine what school programs and administrative processes should be implemented to deal with current and emerging problems; and
5. recommend responsible action based upon its understanding of the system's characteristics, its priorities, and the social and economic factors that affect school operations.

To this end, the Commission held public hearings, received submissions, met with community leaders and organizations, and initiated a series of research studies.

ISSUES AND FINDINGS

Over the course of the inquiry, British Columbians described the importance of education and of schools, and they offered a consensus on what constitutes a good school and a good school system. A summary of some of the more prominent opinions and issues expressed by participants follows:

1. the need for public involvement in order for schools to reflect the society they serve;
2. disdain for the confrontational character of provincial schooling;

3. the need for school programs and operations to recognize the diversity that exists in British Columbia;
4. problems of access, particularly the problems of rural and isolated schools, difficulties posed by transportation, and challenges faced by some special education and handicapped children;
5. the need for greater choice and less standardization within the school system in order to recognize individual difference and to accommodate special needs, interests, beliefs and talents;
6. the lack of provincial control over some non-public schools, and the need to increase the inspection of such schools as well as to protect the educational welfare of children in home schooling; and
7. the demand for recognition that the public has a right to hold its institutions accountable for the quality of services they deliver and the decisions they make.

The opinions expressed by parents, the public, and educational professionals greatly shaped the perspectives and values of the Commission.

The Commission surveyed some of the major factors that have influenced and continue to influence the character of schooling in British Columbia:

1. geography and topography, which have forced governments to tackle problems of size, distance and rugged landscape;
2. diverse cultural heritage, as affected by immigration and by the *Canadian Charter of Rights and Freedoms*;
3. economics, to the extent that provincial economic development has shaped learning;
4. the family and the status of women, changes in which have forced certain aspects of child nurture once the prerogative of the family to be transferred to the schools;
5. leisure, the value placed upon which has meant that the work ethic is no longer as dominant as it once was; and
6. technology, the result of which has been that specific knowledge and skills have given way in importance to the ability to process and assess information quickly and effectively, and to apply it in solving problems and making decisions.

The Commission staff interviewed a selected group of 63 students from Grades 3 to 12, in both public and non-public, rural and urban schools, representing various ethnic groups and different levels of advantage. Based on these interviews, the Commission found that learners generally looked

to schools for the benefits they could gain from them, rather than a desire to pursue learning for its own sake. They also found that many youngsters expressed no goals for themselves, and those that did, were unsure about how they could achieve their goals.

The Commission also recognized the school system's assumption of ever greater responsibilities for meeting the diverse developmental needs of youngsters. Teachers, officials and administrators called for greater clarity in defining educational activities and purposes. To address confusion about the purpose of schooling, the report outlines three major social functions of schools:

1. to provide custodial service; i.e., to provide a place where children can spend time in relative safety and under the care of adults while the adults in their own families work;
2. to socialize children and adolescents to the norms and values of their society; and
3. to educate children by equipping them with a set of basic skills which will enable them to continue to learn throughout their lives.

According to the report, a narrow social role for the schools necessitates broader responsibilities for other agencies. The family, however, remains the most instrumental social institution in providing for the needs of children.

In examining issues of curriculum, the Commission found that curriculum development and implementation is highly centralized through the Ministry of Education programs. They also noted that review and revision cycles for provincial curriculum are often disrupted by political decisions about new program initiatives. The Commission argued that in order for curriculum and instruction to be more effective, children must be assessed and directed to programs best suited to their levels of development, and school districts should make available a range of different setting designed to accommodate children at varying stages of development. Furthermore, flexibility and responsiveness must be increased in the primary years.

The Commission noted that the teaching profession is better qualified than ever before, with 80% of teachers holding at least one university degree. Also noted was the aging of the teacher population, with few young teachers in the system. The Commission emphasized the need to attract the best and brightest to the teaching profession and to restore the value of teaching in the eyes of the public.

According to the Commission, the last decade of growth, recession, and recovery, has seen shifts in the British Columbia economy, with have brought

about an increased public scrutiny of schools, a shift in public priorities from education to health services, and a decline in school enrolments, all of which have made it difficult for education to retain a competitive position in securing public funds. The Commission identified three basic principles governing the provision of financial resources: equity of tax burden; equality of educational opportunity; and cost effectiveness.

In examining sources of revenue, the Commission closely examined both residential and non-residential property taxation, as well as the homeowner grant. Also reviewed were the tax-sharing ratios between the provincial government and the school districts.

The Commission emphasized the importance of developing a sense of purpose to chart the way ahead and to inspire people while doing so. According to the Commission, this can only be achieved through co-operation and consultation with all stakeholders in the school system. The report also agreed with many of the submissions received which stressed the importance of local control in schooling, so that decisions are made by people who are close to the action.

In addressing issues of accessibility, the Commission identified seven compelling circumstances in British Columbia that affect the development of an accessible educational system:

1. educational inequality in rural and isolated areas;
2. provision of non-public schooling;
3. accessibility to home schooling;
4. the education of First Nations children;
5. accessibility for learners to non-instructional support services;
6. accessible programs for special needs children; and
7. providing appropriate opportunities for female learners and graduates.

In addressing the education of First Nations children, the report noted the appalling record left by residential schools, socio-economic problems, and high dropout rates. Nonetheless, the Commission was encouraged by the resolve of Native council and band members to overcome such difficulties.

Finally, the Commission responded to requests from parents, community leaders, and schools professionals for a school mandate or some statement of defining educational purpose and direction, and the nature of the school's relationship with other social agencies. The report examines both the 'loose' and 'tight' properties of the system; i.e., those characteristics which are associated with greater choice, diversity and freedom on the one hand, and

those associated with strengthened systems of co-operation, monitoring, accountability, and definitions of roles and responsibilities on the other hand. The school's mandate for the future must balance these systems in a way which minimizes conflict and uncertainty but ensures that certain standards and protections are maintained.

RECOMMENDATIONS

The document outlines a 37 recommendations in the areas of curriculum, the teaching profession, the financing of provincial schools and support systems for learning. A summary of these recommendations is as follows:

1. that curriculum be restructured to reflect the differing development levels of children;
2. that curriculum flexibility and responsiveness be achieved by removing the rigid structural constraints of the grade system;
3. that a Common Curriculum from Grades 1-10 be developed;
4. that the provincial government provide the three public universities with the means to develop a co-ordinated provincial capacity to provide the numbers and kinds of teachers required throughout the next decade;
5. that the use of property taxation for school purposes be continued;
6. that the provincial government use a block-funding formula for calculating recognized costs;
7. that the Ministry of Education, school districts and schools take steps to improve their accountability;
8. that the Ministry of Education establish an Education Advisory Council and a Provincial Curriculum Committee;
9. that the present system of elected school boards be retained;
10. that the federal and provincial governments provide Native bands with the appropriate authority and resources to enable them to engage in the effective self-determination of, or shared responsibility for, the education of their children;
11. that financial resources commensurate with meeting the actual costs of education Native learners be available to bands and councils;
12. that the rights of special needs learners and their parents be enunciated in the *School Act*;
13. that school districts provide appropriate counselling to female learners to encourage them to select from the wide range of courses in their school programs including particularly, mathematics and science; and

14. that the provincial government undertake, with the recommendations of the Commission in mind, a full revision of the *School Act*.

1989

▲ Native Advisory Committee on Heritage, Language and Culture: Committee Report

AUTHOR: Native Advisory Committee on Heritage, Language and Culture, Chair, Cliff Serwa

YEAR: 1989

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Language, Cultural Affairs, Economic Development

SUB-TOPICS: protection and preservation, promotion, arts and crafts, history, sites, religion/spirituality, regional Aboriginal

SOURCE: Provincial Commission

BACKGROUND

The 1987 British Columbia throne speech announced the government's intention to establish Native Heritage Centres in co-operation with Native people and the business community. The Heritage Centres would be designed to preserve the culture and language of the First Peoples. In 1988, an Advisory Committee was established to investigate the most effective method to initiate the Heritage Centres project. The Native Advisory Committee on Heritage, Language and Culture was composed of 12 members: five Native elders, four Native professionals, two private sector representatives, and a chairperson.

PURPOSE

The purpose of the Committee was to advise the provincial government on the most effective means of implementing the Native Heritage Centres initiative.

ISSUES AND FINDINGS

According to the report, the Committee's desired goals for the Native Heritage Centres are as follows:

1. to preserve and enhance Native language, culture and values;

2. to increase the understanding of Native culture, language, and values among non-Native people; and
3. to increase the appreciation and acceptance of the cultural diversity of First Peoples among all British Columbians.

Although the Committee realized heritage, culture, and language are inseparable, it felt that language provides the most tangible means of addressing the whole. Of the 11 major Aboriginal language families in Canada, 7 are unique to British Columbia: Haida, Kutenai, Salishan, Tlingit, Wakashan, Athabaskan, and Tsimshian.

The Committee adopted four guiding principles to guide the Heritage Centres initiative:

1. Native culture, heritage and language must be viewed as broadly as possible to meet the goals of perpetuating, revitalizing and protecting all aspects of Native culture in the province;
2. any and all Centres recognized under this initiative must be owned and operated by Aboriginal people;
3. ongoing core funding for operating costs, commensurate with high quality programs, must be available; and
4. any and all Centres must serve three target groups, in the following order of priority: local Native people; local non-Native people; and the general public.

The Committee also discussed the benefits associated with this initiative. The cultural benefits, which would accrue to both Native and non-Native British Columbians, would include greater cross-cultural understanding and improved relations. There might also be a number of economic spin-offs associated with tourism. Tour packages for these Centres, co-ordinated through the central administrative body recommended by the Committee, could capitalize on the broader Canadian and international travel market, where there is a proven interest in Native culture.

RECOMMENDATIONS

The Committee presented the following recommendations:

1. that funds be provided to ensure the survival of British Columbia's Aboriginal languages;
2. that the Heritage Centres initiative have its own enabling legislation, developed through broad-based consultation with the Native community;

3. that there be a minimum of 27 Native Heritage Centres established throughout the province;
4. that a permanent Native Heritage Centres Board be established to oversee the implementation of these Centres;
5. that a central administrative body be established to co-ordinate the activities of these 27 Native Heritage Centres;
6. that the mandate of the Centres be to address culture, language and heritage to the fullest extent possible, and that the Centres' services include research, the development of Native language materials, promotion of arts and crafts, and preservation and promotion of Native history;
7. that significant capital and ongoing operating funds, comparable to existing provincial cultural institutions, be provided by the province to enable the Centres to achieve a high level of excellence; and
8. that the Ministry of Native Affairs be charged with integrating this initiative with key provincial ministries, committees and agencies, local and regional governments, and educational institutions.

▲ The Prevention of Fetal Syndromes in British Columbia: Final Report

AUTHOR: British Columbia Ministry of Health

YEAR: 1989

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Health

SUB-TOPICS: substance abuse, preventive health/education

SOURCE: Provincial Department

BACKGROUND

According to the report, Fetal Alcohol Syndrome (FAS) is estimated to be the number one cause of retardation in the western world. FAS damage is permanent and children suffer lifelong health problems and rarely become self-sufficient, either financially or socially. They are at high risk for neglect, physical abuse, sexual abuse, violence, maternal death and abandonment, and are more likely to be in foster care, require special education, drop out of school, abuse alcohol and drugs, and end up in the criminal justice system. Conservative

estimates of lifetime care costs in 1991 in British Columbia were close to half a billion dollars. It was estimated that there were 136 children born in B.C. with FAS in 1991, and 680 children with fetal alcohol effects (FAE). Native children are much more likely to be born with FAS or FAE than their non-Native counterparts.

One response to concerns expressed over Native health issues was the establishment of the Native Health Working Group in 1989 within the Medical Services Commission. The mandate of this group was to identify problems and to work in co-operation with the Native community to ensure that health care services were delivered effectively, efficiently and with culturally appropriate sensitivity.

PURPOSE

The purpose of this report is to provide an overview of the problem of Fetal Alcohol Syndrome and other fetal syndromes in British Columbia with particular focus on the Native community. The report also assesses and reviews existing FAS education programs and resources, particularly those developed for Native populations, and presents a series of recommendations for the development of a comprehensive FAS prevention program which would target the province's Native population.

ISSUES AND FINDINGS

A review of existing programs aimed at preventing FAS or FAE in Canada and the United States revealed several key elements associated with successful programs:

1. the incorporation of primary, secondary and tertiary prevention;
2. a focus on families and the community in addition to the individual;
3. an emphasis on targeting women at risk and on intervention early in the pregnancy to help women quit drinking;
4. the availability of referral networks and counselling services;
5. the training of professionals and para-professionals in early intervention techniques such as risk assessment, counselling and referral; and
6. in Native communities, the establishment of cultural values and traditions as the foundations for the programs.

There is a debate in Native communities concerning whether there should be fetal syndromes prevention programs specifically for Native peoples. On the one hand, targeting Native population might label the problem as

“Native”, thereby reinforcing negative stereotypes about Native people and detracting from the pressing need to deal with more fundamental issues like Aboriginal rights and titles, land claims, structural and systematic oppression, discrimination and poverty.

On the other hand, many Native FAS babies continue to be born, FAS has been identified as a problem by the Native community, and the community has taken ownership of the problem and wishes to address the issue. Native health issues and needs differ from those of the mainstream population and many members of the Native community believe that resources, programs and materials that are culturally appropriate and targeted specifically to local needs must be developed. If a more general, inclusive approach is used, there is a danger that the needs of the Native community will not be met.

According to the report, most Native health care providers surveyed are not involved in anything more than cursory FAS prevention efforts and their responses reflect a limited understanding of FAS. Almost all participants felt available education resources were insufficient, given the importance of school-based prevention programs.

There were nine major challenges identified in developing an FAS program:

1. identifying women early enough in their pregnancy to effectively intervene;
2. training health professionals in risk assessment;
3. making resources available for treatment and referral, particularly for Native women, when identification of problem drinking and drug use does occur;
4. addressing the under-reporting and inadequate identification of children with FAS;
5. overcoming federal/provincial jurisdictional disputes over Native health;
6. making prevention funding a greater priority in the face of competing needs for treatment;
7. resolving the problem of intra- and inter-ministerial jurisdiction, given that the issue of fetal syndromes falls into the jurisdiction and mandate of many branches within the Ministry of Health and several other ministries;
8. settling disagreement among Native groups as to the best way to deal with the issue; and
9. recognizing that many of the major determinants of Native health lie outside the domain and control of the health care system.

RECOMMENDATIONS

The report presents a series of recommendations which lay the foundation for the development of a comprehensive provincial strategy for the prevention of fetal syndromes. Such a strategy would include the following elements:

1. inter-ministerial co-operation as well as co-operation between levels of government;
2. a Native Advisory Group, comprising six to eight members of the Native community who would represent a broad cross-section of interests;
3. funding for prevention projects at the community level as well as educational materials for use by front line care providers;
4. a clearinghouse to distribute information on alcohol and substance abuse prevention in general and FAS in particular;
5. a hot-line for dealing with concerns;
6. a province-wide public awareness campaign;
7. warning labels on all alcohol products and warning signs in bars, restaurants and lounges;
8. the incorporation of FAS prevention at the secondary school level as well as at advanced levels in professional schools;
9. the allocation of a specified number of spaces in alcohol and drug abuse treatment centres for pregnant women along with a protocol for early identification and management of at-risk pregnant women; and
10. provincial standards for prenatal education at various stages of pregnancy as well as a process to evaluate the effectiveness of programs.

▲ The Vancouver Urban Indian Needs Assessment Study

AUTHOR: B.C. Ministry of Labour and Consumer Services

YEAR: 1989

ABORIGINAL GROUP: All Aboriginal Peoples, Urban, Youth

TOPICS: Programs and Services, Institutions, Health

SUB-TOPICS: substance abuse, health care professionals, mental health

SOURCE: Provincial Department

BACKGROUND

There are an estimated 25,000 to 35,000 Native people living in the Vancouver Lower Mainland. A large proportion of this figure is believed to be transitory, migrating back and forth to the reserves every few years.

This study was undertaken under contract to the Ministry of Labour and Consumer Services Alcohol and Drug Program to determine the needs of urban Indian people in Vancouver as they pertain to alcohol and drug issues, and to use this information as a basis for designing a comprehensive alcohol and drug program.

The study approach was as follows:

1. to review existing information regarding the needs of Aboriginal people living in Vancouver with regard to alcohol and drug issues;
2. to survey all Native and non-Native organizations providing services to Native people in Vancouver who are familiar with the needs of people affected by the problem of alcohol and drug abuse; and
3. to survey Native people living or working in the Vancouver area who are representative of a cross-section of different "profile" groups of Native people.

A total of 63 agency interviews were conducted with representatives of Native and non-Native agencies, and 218 personal interviews were held with various Indian people of Vancouver representing many different profile groups.

PURPOSE

The following objectives of the needs assessment study were identified:

1. to develop a profile of the characteristics and needs of Aboriginal people living or working in the Vancouver area in terms of substance abuse and its related issues;
2. to determine what systems and services currently exist to meet these needs and identify their strengths or weaknesses;
3. to identify barriers or issues affecting the delivery of adequate services to people experiencing difficulties related to alcohol and drug abuse; and
4. to identify possible models of intervention appropriate to the needs and circumstances of Aboriginal people living in the Vancouver Lower Mainland.

ISSUES AND FINDINGS

The few existing studies of the Vancouver urban Native population tend to focus on Native people living in poverty, in prison, or in hospital or other health treatment systems. These reports describe the urban Native in the Vancouver area as suffering from numerous deleterious social conditions and health problems interrelated with serious alcohol and drug abuse. The current study, however, showed that the overall picture of the health and social conditions for Native people living in Vancouver may be quite different from that portrayed in the previous studies.

The study identified 10 profile groups: street people, chronic welfare people, minimum wage earners, white collar workers, students, youth, craftsmen/artists, fishermen/loggers, incarcerated persons and elders. People were interviewed from each group in an effort to achieve a "reasonable" representation of many of the common opinions, values and behaviours of the people who comprise these groups.

Of the 218 respondents to the Quality of Life Survey, there was no significant difference in the drinking patterns shown for males and females. For both, the pattern was one-third abstainers, one-fifth light-to-moderate drinkers and one-quarter to a third being infrequent heavy volume drinkers. Men were slightly more likely than women to drink high volumes on a regular basis.

Most of the respondents reported making only limited use of the various social and health services available in Vancouver. Many seemed unaware of the existence of these support services.

Overall, the majority of Native urban people in Vancouver reported general good health. Underneath this, however, there were seen to be real social and health difficulties being experienced by many people. Alcohol was identified by most respondents as being a key problem for themselves, family members or friends.

The Survey of Agency Representatives provided a somewhat bleaker picture of the social and health conditions of Vancouver Native peoples. Many of these agencies tend to become involved with the sub-population of Native people whose problems are so serious that they are no longer coping.

Most agencies described their typical Native client as unemployed and living at the poverty level but usually possessing a high school level of education. The client typically has a strong sense of Indian identity and practices some form of traditional Native customs. Most have some sort of family support system. A number of the clients were thought to have been in conflict with

the law for various minor and major offences. The agencies usually described most of their clients as heavy or problem drinkers. Thus agencies describe their clientele as having more serious alcohol and drug abuse problems than the respondents to the Quality of Life Survey.

The main concern of agency respondents was the lack of services available for youth living in alcoholic homes, for youth abusing substances themselves, and for single parents attempting to cope with stressful living conditions.

RECOMMENDATIONS

These recommendations arose from the study:

1. that government and the non-Native health system adopt an attitude of empowering Native people and leaders in Vancouver to respond to the needs of their people by providing funding and technical support, but not interfering with the process and methods used by the Native people to solve their own problems;
2. that government and the non-Native health system respect and support the strengths and tremendous progress achieved by Native people as they seek to educate themselves and establish a productive urban existence;
3. that extensive training programs be developed to train more Native health professionals, particularly those with specific skills to deal with substance abuse and all other related problems;
4. that community development, awareness and education be promoted at all levels of Indian society and among all types of Indian people to increase community co-operation, networking among different Native organizations, and joint planning and sharing of Native and non-Native resources;
5. that a comprehensive education, prevention and treatment program be developed to focus on reaching families and youth, and to assist the "alcoholic family" to become more functional;
6. that an outreach network of professionals be created, made up of professionals who work in other systems of care (justice, education, employment), but who are trained in identifying and diagnosing the problem of alcohol and drug abuse, and who are equipped to assess and refer individuals (or families) to the appropriate treatment resources; and
7. that a Vancouver Urban Alcohol and Drug System of Care be developed, made up of education, prevention, counselling and rehabilitative services, to deliver service that ensures diagnosis, referral and a "continuum of care" for Native families and individuals.

1990**▲ Premier's Council on Native Affairs: Final Report**

AUTHOR: Premier's Council on Native Affairs, Chair, Hon. William Vander Zalm

YEAR: 1990

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Self-Government, Constitution, Treaty Land Entitlement, Claims, Land Use, Development and Management, Economic Development, Employment Development, Health, Education, Family/Family Relations

SUB-TOPICS: negotiation structures and processes, rights, development, claims, commissions/structures/negotiation processes, on-reserve business development/entrepreneurship, types of employment, training/skills development, post-secondary education

SOURCE: Provincial Commission

BACKGROUND

In July 1989, the Premier of British Columbia, recognizing that Aboriginal peoples were experiencing many difficulties within the province, created the Premier's Council on Native Affairs.

PURPOSE

The purpose of the Council was to meet with tribal councils and Aboriginal organizations across the province to hear their concerns, and to review and make recommendations on provincial policies affecting Aboriginal peoples.

The Premier's Council met with 11 tribal councils representing 10 language groups, 76 bands, and more than 17,000 tribal members. The Council also met with groups representing tens of thousands of off-reserve Aboriginal people and with provincial associations representing a variety of distinct Aboriginal concerns.

ISSUES AND FINDINGS

The Council's findings may be categorized under the following headings:

1. The Land Question

The primary concern of the tribal councils and Aboriginal organizations was the immediate need to address the outstanding issue of land claims. This is an obvious concern in British Columbia since 19 of the 24 outstanding comprehensive land claims that have been accepted by the federal government are located in this province.

The Aboriginal groups stressed to the Council that the need to settle these claims was a priority in that these lands were needed to establish an independent land and financial base that would provide economic opportunities in the local communities. As well, the Aboriginal organizations stressed that the current federal policy of settling claims one at a time was unworkable and unacceptable.

2. Economic Development

The Council found that the current regulatory environment in which Aboriginal peoples find themselves has not allowed for full participation in the economy. The Aboriginal organizations stressed that economic development could create businesses, employment and income that would in turn finance community initiatives.

A number of structural barriers were highlighted. The federal *Indian Act* makes it impossible for a lender to attach property located on an Indian reserve; as a result, the Aboriginal business people are unable to offer security for a business loan. The federal programs to financially assist such ventures were found to be insufficient and to be slow in responding when opportunities arise.

The Council also found leadership and training in many rural communities to be inadequate. New initiatives are needed to respond to the desires of these communities to become economically viable. Those living in communities with high unemployment and little or no business opportunities were found to have little incentive to train themselves for business. The problem was viewed as particularly serious among young Aboriginal people.

3. Social Issues

The Aboriginal communities expressed to the Council the many social problems that exist within their communities. The Aboriginal leaders were critical of programs such as residential schools that disrupted Aboriginal families by placing children hundreds of miles away from their communities. Criticisms were also directed toward federal policies that removed from band councils the authority to make decisions about their communities.

The Aboriginal people stressed that they want control of social programs in order to address these problems in their own way.

Within the framework of social issues, the concept of self-government was discussed. The Aboriginal organizations stressed that many of the various government programs would be more effective if they were transferred into the hands of the Aboriginal communities.

RECOMMENDATIONS

1. The Land Question

The Council urges the federal government to re-work its claims policies to reflect new legal and geographic realities and to develop a comprehensive framework for settling British Columbia's land issues. It also recommends that the government of British Columbia find new ways to address this complex issue and to help achieve a just settlement of Native land claims as the federal government alone cannot access the resources and instruments necessary to effectively settle these issues. Since title and management of the land and resources which, in part, might be the basis for a settlement of some claims, were found to be under the authority of the provincial Crown, it was considered vital that the government of British Columbia be an active participant at the negotiating table.

The Council suggests that the government of British Columbia move quickly to establish a specific process by which Aboriginal land claims could be received, prioritized and placed on the negotiating table. At the same time, the Council believes Indian leaders and the provincial officials should work together to press the federal government to accept its primary responsibility for resolving B.C. land claims.

2. Economic Development

The Council found that businesses owned by Aboriginal people need to have the same ability to attract capital as other businesses. Government measures to address this issue might include tax incentives for those who finance Native-owned businesses, special assistance to Aboriginal lending institutions, and an expanded program of loans or loan guarantees through programs such as the province's First Citizens' Fund. The Council noted that the provincial government is currently studying ways to increase the participation rate of Aboriginal people in post-secondary education and the Council endorsed the efforts of the Provincial Advisory Committee on Post Secondary Education for Native Learners.

3. Social Programs

The Council recommends that the provincial and federal government support the concept of social programs being controlled by Aboriginal communities. Health and social issues can emerge on- and off-reserve and the provincial and federal governments should work together to find ways to co-operate and ensure that programs are effective and efficient.

Increased support for self-government would give Aboriginal communities greater opportunities to use talents and strengths that are often frustrated by the federal *Indian Act* and to develop skills that may be used in business enterprises. The Council recommends that the provincial government actively look for opportunities to accelerate the process of legislated and incremental self-government and to encourage discussion of constitutional entrenchment of self-government during any future review of the Canadian Constitution.

The B.C. cabinet endorsed all the recommendations of the Premier's Council.

▲ Report of the Provincial Advisory Committee on Post-Secondary Education for Native Learners

AUTHOR: Provincial Advisory Committee on Post-Secondary Education for Native Learners, Co-Chairs, Gordon Antoine and Peter Jones

YEAR: 1990

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPIC: post-secondary education

SOURCE: Provincial Commission

BACKGROUND

First Nations are under-represented in British Columbia's post-secondary institutions. In response to this concern and in response to a recommendation of the Provincial Access Committee, the minister of advanced education, training and technology created the Provincial Advisory Committee on Post-Secondary Education for Native Learners. Its task was to recommend strategies to improve the participation and completion rates of First Nations students in the post-secondary system.

PURPOSE

This document is the consultation paper of the Provincial Advisory Committee on Post-Secondary Education for Native Learners. It is based on public responses to summaries and compiled recommendations identified by First Nations in previous provincial consultations, commissions and studies. Meetings held at 14 community centres provides a forum for public input. The recommendations for change contained in this report represent consensus decisions of the committee.

ISSUES AND FINDINGS

The Committee found that only 3% of the Native population pursue post-secondary training compared to 15% of the general population. According to the report, these statistics can be attributed to the following problems:

1. the lack of Native input in the decision-making processes of the provincial post-secondary education system;
2. overlapping federal and provincial jurisdictions;
3. cultural variations;
4. lack of relevant programming;
5. financial limitations; and
6. the geographic distance of Native communities from post-secondary educational centres.

These factors combine to isolate individuals and entire communities from the attainment of post-secondary education.

RECOMMENDATIONS

The Committee report examined challenges presented by the post-secondary system in six key areas: governance; jurisdiction; culture; programs; finance; and geography. Based on their examination of these challenges, the Committee presented 21 recommendations, of which the following were highlighted as priority recommendations:

1. that Native institutions be eligible for direct provincial funding;
2. that support services be provided for Native students at post-secondary institutions;
3. that bridging programs be delivered to prepare First Nations for program entry;
4. that community-based literacy programs be delivered to First Nations;

5. that Native languages receive academic credit;
6. that Native teacher language training be initiated;
7. that cross-jurisdictional issues be examined and remedied by First Nations, provincial and federal governments; and
8. that systems for accountability be established to monitor student completion rates and fiscal allocations.

The Committee also developed a goal statement that urged that the province and First Nations to recognize the urgent need to increase the participation and completion rates of Native post-secondary learners to at least the national average. This goal was to be achieved by 1995, with the priority recommendations outlined above to be implemented in the fiscal year 1990-91.

1991

▲ **Final Report: Premier's Council on Native Affairs**

AUTHOR: Premier's Council on Native Affairs, Chair, Hon. Bill Vander Zalm

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Self-Government, Constitution, Provincial Government/Aboriginal Relations, Claims

SUB-TOPICS: rights, Crown lands, resources, program and service delivery, comprehensive claims

SOURCE: Provincial Commission

BACKGROUND

The Premier's Council was formed in July 1989. The Council consisted of then Premier William Vander Zalm, provincial Members of the Legislative Assembly (MLAs) and tribal chiefs and representatives. Over 18 months, the Council met with 11 tribal councils and 9 Aboriginal organizations.

In July 1990, the Council submitted a progress report and interim recommendations to cabinet dealing primarily with the land and resource question and with the larger public issues which were raised by Aboriginal peoples. Cabinet fully endorsed the Council's recommendations.

The main message the Council heard from Aboriginal people across the province was the need to settle the land question. Other themes which emerged during the meetings were as follows:

1. the need for more effective economic policies and provision of resources to allow greater economic opportunity for Aboriginal people;
2. the need for more effective social and health services;
3. the need for improved access and control over education; and
4. the need to safeguard the environment.

This Final Report of the Premier's Council on Native Affairs includes both the interim recommendations made to cabinet in July, the provincial government's response to those recommendations, a summary of actions taken since the interim report was tabled, and a concluding chapter with comments on recent events and the dissolution of the Council.

PURPOSE

The purpose of the Council was to meet with tribal councils and Aboriginal organizations across the province to hear their concerns and to review and make recommendations on provincial policies affecting Aboriginal peoples.

ISSUES AND FINDINGS

The main theme of the report was the need to settle outstanding land claims in British Columbia. Other key issues included improvements in economic development on reserves, access to higher education, the establishment of Aboriginally controlled social services, and the recognition of Aboriginal self-government.

The Council found that the Aboriginal peoples of British Columbia were frustrated with the lack of progress in settling Native land claims, and that there was a need for a new negotiation framework to be established. The federal policy of dealing with one land claim at a time was too slow and inefficient in settling outstanding claims. The Council also found that the government of British Columbia should become an active participant in land claim negotiations in order to accelerate and promote the interests of Aboriginal peoples.

With respect to economic development, the Council established that Aboriginal peoples were constantly unable to raise the necessary capital to finance their own business initiatives. The main obstacle was their inability to use reserve land as collateral for bank loans under the *Indian Act*.

Furthermore, federal and provincial loan programs were too rigid and did not allow Aboriginal people to quickly access funds in order to take advantage of business opportunities when they occurred.

Due to the poorly designed Aboriginal education systems of the past and the present, the report argues that Aboriginal people have experienced great difficulties in gaining access to post-secondary education. To correct this problem, the Council suggested that the government promote programs that encourage the increased participation of Aboriginal peoples in post-secondary institutions.

The Council also identified social services as a critical problem facing Aboriginal peoples. To improve the effectiveness of social services to Aboriginal peoples, the report contends that social services for Aboriginal peoples should be directed and administered by Aboriginal peoples themselves.

Finally, the Council urged the government of British Columbia to increase its efforts to promote the establishment of the inherent right to self-government during constitutional negotiations, and to recognize the inherent right at the provincial level as well.

The report also contained the provincial government's response to the interim report and recommendations of the Premier's Council on Native Affairs. On August 8, 1990, the government of British Columbia accepted all of the recommendations of the Council:

1. the government supported the Council's recommendations that Canada re-work its claims policies to make them more workable in the British Columbia context;
2. the government accepted the Council's view that the province must help the federal government in settling land claims, but stressed that the ultimate financial responsibilities rest with the federal government;
3. the government agreed that the province must be at the negotiating table to ensure that the interests of all British Columbians are met, but emphasized that it did not accept as the basis for negotiation that the province must recognize the legal concept of Aboriginal title by which Indian groups claim absolute ownership of all land and resources within the province;
4. the province agreed that its participation in negotiations would in no way relieve the federal government of its legal and financial obligations to Native people of the province;
5. in response to Council's recommendations for the establishment of a land claims process by the province, the government of British Columbia

- was to announce specific measures regarding the principles and processes that would form the basis of the province's land claims policy framework;
6. the province endorsed the Council's recommendation that Indian leaders and the province work together to press the federal government to accept its primary responsibility for resolving the province's land claims;
 7. the provincial cabinet agreed with the Council's recommendation that a public awareness initiative be undertaken to ensure a better understanding of the history of Aboriginal issues in the province;
 8. the province agreed with the Council's recommendation that measures be taken to ensure that businesses owned by Aboriginal people have the same ability to attract capital as other businesses;
 9. cabinet agreed with the recommendation that the efforts of the Provincial Advisory Committee on Post-Secondary Education for Native Learners be endorsed in order to increase the participation rate of Aboriginal people in post-secondary education;
 10. the province endorsed the Council's recommendation that the federal and provincial governments support the concept of social programs being controlled by Aboriginal communities;
 11. the cabinet agreed with the recommendation that there be increased co-ordination and co-operation between Indian communities, the federal government, and the province in ensuring that health and social programs are effective and efficient; and
 12. the government of British Columbia endorses the Council's recommendations that the provincial government actively look for opportunities to accelerate the process of legislated and incremental self-government, and that it encourage discussion of constitutional entrenchment of self-government.

RECOMMENDATIONS

In conclusion, the report outlines the ways in which the government of British Columbia has met its commitment to facilitate the settlement of outstanding land claims in British Columbia:

1. the province joined the government of Canada and the Nisga'a Tribal Council at the bargaining table and a new framework agreement for ongoing negotiations was signed; and
2. the province appointed two representatives to the joint provincial/federal/Aboriginal task force on British Columbia land claims,

which was to make recommendations on the scope and processes for land claims negotiation, and on a joint public education process for land claims negotiations.

The Premier's Council, whose duties were officially to end on April 2, 1991, also presented a number of final recommendations:

1. that government incorporate the concerns of third party interests in any public awareness initiatives;
2. that Canada complete its revision of the federal claims policy to reflect new legal and geographic realities and to allow for settlement of British Columbia's land claims in a reasonable period of time and in a fair manner;
3. that the government of British Columbia continue to participate actively in a just settlement of claims but that the clarification of the division of jurisdictional responsibility not be allowed to impede negotiations;
4. that the need for constitutionally protected Aboriginal rights be recognized and supported;
5. that federal and provincial governments assist Aboriginal communities by providing culturally appropriate programs, and solutions to social problems that allow Aboriginal control;
6. that the provincial government work with the federal government to ensure the promotion and support of Aboriginal businesses, corporations and economic development ventures; and
7. that the province monitor and continue to encourage progress on the unresolved issues.

▲ Native Forestry in British Columbia: A New Approach

AUTHOR: Task Force on Native Forestry, Chair, Harold Derickson

YEAR: 1991

ABORIGINAL GROUP: First Nations

TOPICS: Resources, Land Use and Development, Economic Development, Employment Development

SUB-TOPICS: forestry/forests, land tenure systems, business development, training/skills development

SOURCE: Provincial Commission

BACKGROUND

The Task Force on Native Forestry was established by the government of British Columbia in September 1990. The Task Force was asked to examine the extent of Native participation and interest in the forestry industry.

PURPOSE

The mandate of the Task Force was to recommend ways to increase Native participation in the forestry sector and address Native participation from an economic and community development perspective. Although not within their mandate, the Task Force acknowledged land claims disputes.

ISSUES AND FINDINGS

The Task Force examined four areas of Native forestry:

1. forest resources and forest tenure,
2. silviculture and protection,
3. social and cultural values, and
4. forestry education and training.

Native peoples in British Columbia represent 4.5% of the provincial population and control 0.3% of the total provincial productive forest base. Many Native economic activities involve the use of the forest as a resource. Economic activities such as, parks/tourism, ranching, watershed management and trapping, in addition to forest harvesting make up a large portion of their economic base. Native involvement in the forest harvesting industry is limited. The two basic reasons for Native underemployment and participation in forestry are

1. systemic barriers to employment; and
2. systemic barriers to resource control and ownership.

There is only one Native tree farm in B.C.; there are only 3 tree forest licences, 2 replaceable timber sales licences, and 22 wood lot licences that have been awarded to Native people. Native participation in forestry represents less than 1% of the current provincial allowable cut. Restrictive tenure policies, limited manufacturing facilities, non-Native timber harvesting operations and fragmentation of Native forest land have contributed to limited Native participation in the manufacturing side of the industry. Limited access to financial capital also restricts the ability of Native people and businesses to compete against non-Native firms for contracts.

Forestry contributes more to the B.C. gross domestic product than any other industrial sector; however, employment opportunities in the industry have been declining since the 1980s. The decline is a result of the shift in production processes away from labour intensive processes and toward automation. This further reduces opportunities for Native employment, because Native peoples often lack the necessary skills base that is required in automated processing. In addition, the high degree of unionization of the industry also restricts employment entry for Native people.

Approximately 1,200 Aboriginal people were employed (full- and part-time) in the forest industry in 1990. A large segment of Native employment in the forestry industry is found in the silviculture and protection area. Most silviculture work is contracted to private forest companies. Employment in silviculture limits the economic development of Native communities as jobs tend to be single-task oriented, low skill and seasonal.

The lack of an appropriate skills base has contributed to poor Native participation in forestry management. Only 2 out of 2,100 (.09%) of professional foresters are Native and only 20 out of 1,000 forest technologists in B.C. are Native.

Native underemployment is also found in the forestry public sector. Native employment statistics for the British Columbia Ministry of Forestry indicate that only 1.2% (full-time) and 9.7% (auxiliary) staff are of Native descent.

In addition to providing employment for Native people, forests are also an important and integral part of the social/ cultural fabric of Native communities. Previous policies aimed at increasing economic development for Native people have failed to consider the intangible value of the forest to the community.

RECOMMENDATIONS

The three general recommendations/conclusions of the Task Force were as follows:

1. resolution of land claims dispute is essential to resolving the economic development problems faced by the Native communities;
2. communication and policy development co-ordination regarding forestry in B.C. must be improved as between government, Native people and corporations; and
3. education and training programs designed for Native employment in forestry and forestry related sectors must be improved.

▲ The Report of the British Columbia Claims Task Force

AUTHOR: British Columbia Claims Task Force

YEAR: 1991

ABORIGINAL GROUP: First Nations

TOPIC: Claims

SUB-TOPICS: comprehensive claims, commissions

SOURCE: Tripartite Commission (Federal/Provincial/Aboriginal)

BACKGROUND

In the summer of 1990, a number of First Nations communities chose direct forms of political action (typically in the form of road or rail blockades) to both support the activities of the Mohawk in Quebec and to draw attention to their own cause. These events led the Premier's Council on Native Affairs to recommend that the government of British Columbia "move quickly to establish a specific process by which Aboriginal claims may be received and placed on the negotiating table."

PURPOSE

The report of the B.C. Claims Task Force summarizes the findings of a tripartite task force comprised of representatives of the governments of Canada and British Columbia, and B.C. First Nations. The terms of reference for the task force call upon it to make recommendations on the scope of negotiations, interim measures, and public education.

ISSUES AND FINDINGS

The task force found that all parties – First Nations, public, courts, and governments – prefer negotiations in resolving matters in contention. It also recognized that First Nations have a long history of concluding treaties with Canada, yet many Aboriginal and treaty rights have not been honoured by the Crown. Further, the negotiation of such treaties was recognized as time consuming, but critically important since resources and energy are currently being wasted in maintaining an unsatisfactory status quo.

The report also noted the importance of giving full consideration to all items of importance in the negotiations. Some important issues are identified:

self-government; land, sea, and resources; finances; government services; certainty; amendments; and implementation.

The task force noted that claims processes are critical to the success of negotiations. Some important elements in the process are identified as commitment, 'made in British Columbia' solutions, fairness, impartiality, effectiveness, and understandability. The report also points to the importance of interim measures agreements (changes in existing policies and legislation) to balance conflicting interests until negotiations are concluded. Also, public education and information were identified as useful tools for creating an environment conducive to successful negotiations.

RECOMMENDATIONS

The task force made several recommendations. It recommended that a British Columbia Treaty Commission be established by agreement among the First Nations, Canada, and British Columbia to facilitate the process of negotiations. Such process would include six stages:

1. submission of statement of intent to negotiate a treaty;
2. preparations for negotiations;
3. negotiation of framework agreement;
4. negotiation of agreement in principle;
5. negotiation to finalize a treaty; and
6. implementation of the treaty.

It was recommended that the negotiation process be open to all First Nations who will decide for themselves how they will be organised, as well as how issues related to overlapping traditional territories would be resolved. It was suggested the federal and provincial governments represent non-Aboriginal interests and negotiations as soon as First Nations are ready.

The Commission would also be responsible for allocating funds to First Nations and would provide advice and assistance in dispute resolution as agreed to by the parties.

The parties would develop ratification procedures, to be confirmed in the Framework Agreement and in the Agreement in Principle. Negotiators would be selected and trained by the parties, and interim measures agreements negotiated before the commencement of treaty negotiations. Also, the Commission recommended the parties jointly undertake public education and information programs and request various educational organizations to prepare resource materials for use in schools and by the public.

1992

▲ **Is Anyone Listening? A Report of the British Columbia Task Force on Family Violence**

AUTHOR: British Columbia Task Force on Family Violence

YEAR: 1992

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Family/Family Relations

SUB-TOPIC: family violence

SOURCE: Provincial Commission

BACKGROUND

The Task Force on Family Violence was established by Carol Gran, then Minister of Women's Programs and Government Services and Minister Responsible for Families, on March 8, 1991. It was established in response to province-wide consultations with women that culminated in the report of the Advisory Council on Community-Based Services. This report identified family and sexual violence as major concerns of the women of British Columbia. The members of the Task Force represent a broad range of agencies and organizations that deal with issues of family and sexual violence.

PURPOSE

The Task Force was established to identify ways to reduce violence against women, children and the elderly and to improve government policies, programs and services for victims of family and sexual violence.

ISSUES AND FINDINGS

The report deals with wife assault, sexual assault, child abuse, adult survivors of childhood sexual abuse, and abuse of elderly persons. Due to the particular problems faced by specific groups, the report examines these issues as they are faced by Aboriginal communities, immigrants and refugees, people of colour, and people with disabilities.

In each area, the report defines the problem in terms of the abuser's need for control over the victim. It looks at the cultural and historical factors that have established and that perpetuate these relationships, and it considers the gaps

all aspects of child welfare needs and develop plans and proposals for review by the General Agreement working group...”.

The delivery of child welfare services at that time was being influenced by two primary issues:

1. jurisdictional disputes, and conflicting policies of both levels of government and the Manitoba Indian Brotherhood; and
2. the movement toward the delivery of child welfare services to Indian people by Indian people, as evidenced by the operation of limited child welfare programs by five Manitoba bands/organizations.

The challenge presented by these issues was to develop ways to ensure that Indian people, working through their bands, their councils, their communities, the Manitoba Indian Brotherhood, and the senior levels of government must, together, deliver child welfare services to Registered Indians. To this end, plans and proposals were submitted by the Indian Child Welfare Subcommittee.

The Indian Child Welfare Subcommittee was composed of representatives from the Manitoba Indian Brotherhood, the government of Manitoba and the government of Canada.

PURPOSE

The Subcommittee was to submit its developmental model for delivery of child, family and juvenile probation services for the consideration of the Tripartite Committee, in the hope that it would lead to the signing of an Agreement by the three parties concerned at the earliest possible date. Task groups were identified to develop each of the following categories:

1. Preamble;
2. Definition of Child and Family Services;
3. Involvement of Indian People and Models for Delivery of Services;
4. Agent of Delivery and Implementation;
5. Evaluation and Research and Financial; and
6. Consultation Strategy.

ISSUES AND FINDINGS

As instructed by the Tripartite Committee, the Subcommittee did not investigate specific legislation pertaining to Indian child welfare, but rather

developed a working model to meet the diverse needs of Indian children on reserves. This model was based on the following six components:

Basic Principles

The Subcommittee set out six basic principles underlying its plans and proposals for child, family and juvenile probations services:

1. Registered Indians have a unique status as laid out through treaties, the *Indian Act* and the *British North America Act*;
2. the family is the first resource for the nurture and protection of children, but may need support and/or substitute care in certain circumstances;
3. all children need care, nurture, and protection;
4. as a result of culture, geography, and experiential past, Indian people have special needs;
5. preservation of Indian cultural identity is of paramount importance, in terms of both language and customs, within the framework of tribes, bands, communities, extended families and individuals; and
6. any service spectrum must involve Indian people, recognize their priority needs and acknowledge the current variety of service modes.

Child, Family and Juvenile Probation Services

The Subcommittee divided this broad spectrum of services into two types. The first, family and community services, are those which focus on development and prevention in a way which lessens the need for high cost placements in care facilities outside of their home communities. Specific services, on the other hand, are defined in law and focus on intervention rather than prevention; the Subcommittee found that these services requires a high degree of co-ordination.

Models for Delivery of Services

The Subcommittee suggested a model for services based on the involvement of Indian people. The model emphasizes prevention, co-ordination, the use of local resources and local Indigenous staff, and ongoing consultation with Indian communities. Under this suggested model, service would be divided into three categories (primary preventive, secondary preventive, and statutory) and delivered by any of three categories of operational modes (community based, integration/co-ordination, and contract for service by existing agencies). Based on these categories of service and operational modes, the Subcommittee

outlined a number of different models, which combined different services with different operational terms.

Agent(s) of Delivery and Implementation

According to the Subcommittee, basic principles of service delivery should include the following:

1. a common legal base;
2. the provision for at least one Indigenous member who lives in the community;
3. clear management and administrative authority;
4. a legal board or committee of residents;
5. the recognition of the role of chief and council;
6. the funding of a comprehensive range of services;
7. built-in flexibility of management and service delivery; and
8. the priorities of local or regional development.

The Subcommittee also suggested that a province-wide central authority, as well as regional and local authorities be established, the former for central planning and service structure development, and the latter for local service delivery co-ordination. According to the report, the involvement of local communities in influencing the management of services directed toward their well-being cannot be over-emphasized.

Service Need Formula

The report sets out a number of principles for a proposed service need formula as the first step in arriving at a funding formula for the delivery of child, family and juvenile probation services:

1. there should be at least one Indigenous staff member on each reserve;
2. geographic disparities and peculiarities should be considered in any funding formula;
3. start-up costs and provisions should be considered;
4. the presence or absence of complementary staff resources should be considered;
5. honorariums and out-of-pocket expenses for local committee members should be considered when warranted;
6. special need areas should be considered;

7. middle management, upper management, and supervisory functions should be built in; and
8. development costs, especially as they relate to the development of local programs and services, and resource development, should be built in.

Consultation Strategy

The Subcommittee recommended that a consultation strategy be considered which would include Indian organizations, bands and tribal council, and all private and public child care agencies, to evaluate and/or modify the plans and processes outlined in the report.

RECOMMENDATIONS

In a concluding statement, the Subcommittee reiterated the need for Indian people and the two levels of government to work together to meet the need for Indian child welfare services in Manitoba. The plans and proposals developed in the report are submitted to assist in the early achievement of this objective.

1983

▲ The Treaty Land Entitlement Commission

AUTHOR: Treaty Land Entitlement Commission, Commissioner,
Leon Mitchell

YEAR: 1983

ABORIGINAL GROUP: First Nations

TOPICS: Treaty Land Entitlement, Resources

SUB-TOPICS: claims, structures, negotiation process, minerals

SOURCE: Provincial Commission

BACKGROUND

The Treaty Land Entitlement Commission was established by the government of Manitoba on September 15, 1982. At the time there was a perceived need to inquire into the state of affairs of contemporary treaty land settlement in Manitoba, and to address the land entitlement claims of 26 Indian bands which had entered into Treaties 1, 2, 3, 4, 5, 6 and 10 with the federal government.

PURPOSE

The purpose of the Commission, as authorised by Order in Council No.1135 and the *Manitoba Evidence Act*, was to review, assess, make recommendations and report on issues surrounding treaty land entitlement claims in Manitoba as they affect various interested parties.

The Commission invited all interested parties to submit written presentations and attend public hearings to discuss alternative methods for meeting treaty land entitlement obligations. The Commission was also obliged to review present and past policies of other provincial/federal jurisdictions relating to their settlement of outstanding land entitlement claims.

ISSUES AND FINDINGS

Three main issues are addressed in the report:

1. the validation of land claims;
2. the per capita acreage awarded in the event of a validated land claim; and
3. the selection of reserve lands under land entitlement settlements.

Differences of opinion between bands, the federal government, the province of Manitoba and private interests had historically arisen largely as a result of misinterpretations of the relevant treaties and the *Manitoba Natural Resources Transfer Act* (MNRTA) of 1930.

TLE claim validation: In relation to the validation of land claims, the term “validated” refers to the fact that the land entitlement claim is a legitimate one as determined by the government of Canada. At the time of this Commission, 20 out of 26 claims had been validated.

The method by which TLE claims were validated had earlier been called into question by the premier of the province of Saskatchewan. As the Commission had been mandated to study the experience of other jurisdictions, the question of validation processes in Saskatchewan became an issue.

It was noted that treaties were signed by federal representatives of the Crown under the auspices of the *Royal Proclamation Act* of 1763, and that the province of Manitoba was not party to any of the treaties. This suggested to the Commission that only the federal government had the authority to validate a claim and to determine the extent of its obligation thereunder. In essence, the matter was seen to be between the federal government and the affected band.

Per capita acreage: The ambiguity of treaty provisions had led to current disputes concerning the appropriate amount of acreage to be discharged on a per capita basis to Indian people under treaty terms. The treaties are silent as to the date at which the base population is to be enumerated for the purposes of determining reserve land quantum to be set aside. The treaties indicated simply that those bands party to Treaties 1, 2, 5 and 4, 6, 10 would receive 32 acres per capita and 128 acres per capita respectively. Canada has interpreted the ambiguity in such a way as to base the quantum of land on total membership at the time of selection, or survey following selection.

This issue was raised by Manitoba in 1929 during the course of the negotiations over the MNRTA and again in 1982 during the Commission hearings. Consistently, Manitoba took the position that a limitation should be placed on the allowable acreage due a band. Canada's position in 1929 was clearly to reject any limitation on acreage because it was the federal understanding that "at the time of survey" appropriate acreage would be determined based on the present or current band population. The fact Manitoba did sign the MNRTA in the absence of any limitation on acreage to be allotted seemed to bring the province's 1982 attempt to limit total acreage under treaty land entitlement into question.

Manitoba seemed to ignore the fact that while some reserve land had been allotted during the original treaty negotiations, land was still due the bands and bands' membership had increased. In keeping with the practicality of indexing the allowable land allotment to the increased population, and based on the federal precedent (1966) that "acreage be calculated on the basis of band population at the time the reserves are selected" the Commission felt that the position of the Manitoba government was untenable.

Land selection: The last issue and perhaps the most crucial was that of land selection. In 1930 with the passage of the *Natural Resources Transfer Act*, the province of Manitoba became a partner in future land selection negotiations. In effect, the Act provided (under section 11), that land selected by bands via the federal government required the concurrence of the province. Did this confer on the province a veto power in TLE claims settlements? The Commission held that no such right existed, except that the province had the right to review proposed settlements to satisfy itself that the obligations were consistent with a reasonable interpretation of the relevant treaties.

Subsurface rights also apply to any land transferred through the reserve land selection process. Since the Commission determined that the province did not derive a right from the MNRTA to "frustrate Canada from being able to meet its treaty obligations" the selected land would "be administered by

Canada in the same way in all respects as if they had never passed to the province under the provisions thereof" (s.10, MNRTA). The transfer of subsurface rights had been discussed during the negotiation of Treaty 3 and it had been decided then that Indian people would have a claim to those rights.

Land selected by bands is subject to two qualifications: it must be within territory originally ceded under the treaties, and it is restricted to land that was unoccupied at the time of signing the MNRTA. This raised the curious point that it was possible for an insufficient amount of land to be available to legally entitled bands, based on contemporary census reports. There was also a good chance that a significant amount of land unoccupied in 1930 would be occupied in 1982. The Commission recognized that a mechanism would need to be established to deal with issues arising from these situations.

With respect to expropriation, the province does not enjoy the same authority in relation to Indian people as it does in relation to non-Indian landowners. The Commission determined that neither do Indian people have a right to impede the province in carrying out a *bona fide* public service. The Commission felt that the principle outlined in Treaty 10, which states that Canada may appropriate Indian lands for the public good, but that due compensation shall be given to affected bands, would resolve this seeming impasse.

RECOMMENDATIONS

The Commission recommended the establishment of a tripartite negotiating structure comprised of authorized representatives from Canada, Manitoba and the Land Entitlement Chiefs Committee. This structure would provide a forum in which mutually acceptable arrangements in relation to all treaty land entitlement claims in Manitoba would be worked out. A Board of Implementation would also be established, in conjunction with a quasi-judicial tribunal which would resolve any disputes concerning the meaning, intent or application of any of the terms of the agreement.

In terms of per capita acreage due land entitlement bands, the Commission recommended adopting the precedent set out in the so-called "Saskatchewan formula" as a compromise between those who advocated "then current" and those who advocated "current" population counts as a basis for determining total acreage. The Commission thus recommended December 31, 1976 census figures as the base population figure to be used in determining per capita allocations.

The Commission recommended that land selection be within ceded treaty area and be from Crown land (not including public parks or wildlife

management areas) which was unoccupied as at July 15, 1930. With respect to existing third party interests (i.e., municipality or private landowner) a time limit would be set in which negotiations would have to be completed. Municipalities would not suffer a net loss in tax revenue as a result of transfer of land within their jurisdiction, and private property would not be subject to expropriation in order to settle land entitlement claims. Further, if an agreement was not reached because of bargaining in bad faith on the part of a third party, land would be transferred to reserve status in a manner which would honour the existing rights of the third party whose interests were affected. It was also suggested bands be provided with adequate funds to enable them to make sound land selection choices based on outside expert advice.

In the event that the province of Manitoba requires reserve land for a *bona fide* public purpose, it would indicate its intent to Canada and to each affected band in writing. The Commission recommended a process for dealing with expropriation questions, which involved the reference of unresolved issues to a tribunal for a final and binding decision.

Finally, the Commission recommended that the province of Manitoba appoint a special adviser to the premier to act on all matters relating to land entitlement.

1985

▲ No Quiet Place: Final Report to the Honourable Muriel Smith, Minister of Community Services

AUTHOR: Review Committee on Indian and Métis Adoptions and Placements, Chair, Associate Chief Judge Edwin Kimelman

YEAR: 1985

ABORIGINAL GROUP: First Nations, Métis

TOPIC: Child Welfare

SUB-TOPIC: adoption/foster homes

SOURCE: Provincial Commission

BACKGROUND

In early 1982, the province's Native leadership successfully lobbied the province of Manitoba to examine the substantial numbers of Native children

being removed from their families and adopted by non-Native people from outside of the province. The response of the Manitoba government was to establish the Review Committee on Indian and Métis Adoptions and Placements, members of which were appointed by the minister of community services.

PURPOSE

The Review Committee was established to review the situation of Indian and Métis adoptions and to formulate recommendations related to placement procedures. The Committee's mandate includes the following terms:

1. to determine problems inherent in current placement procedures for Indian children, with special emphasis on adoption and foster home placement;
2. to develop guidelines for adoption and foster home placement procedures involving Indian children which can be instituted throughout the child welfare system, and which will recognize the special cultural needs of the Indian community; and
3. to prepare a proposal for the minister's consideration to promote awareness of the need for Indian adoptive and foster parents, and to encourage Indian families to offer their homes as placement resources.

ISSUES AND FINDINGS

The Committee examined issues pertaining to the establishment of a Child Protector's Office, the need for an internal review system, the structure of the child welfare system, the need to build cultural sensitivity, the means by which children enter, remain within, and leave the system, and the future of the child welfare system.

1. Child Care Protector

The Committee found that a Child Care Protector was needed to ensure that the following rights, privileges and procedures are considered when deciding upon "the best interests of the child":

- (a) the right to an environment for healthy growth, the right to a family, the right to expeditious procedures, and the right to express an opinion, the interpretation of which must not have a cultural bias which ignores factors of importance to Native people;
- (b) the right to expect that a child's ethnic and cultural background will be given full consideration in the plans made for care;

- (c) the right for a child to remain with his/her own sibling group;
- (d) access to "custom adoption", where the child has continued contact with the birth parents;
- (e) the ability of an Indian community to claim any child born to its members in that the child represents the future of the Indian people as a distinct cultural group, which has been federally recognized through the provision of funds to tribal organizations for child welfare services; and
- (f) protection for children to ensure that they are not removed from their families without substantial cause.

To police these needs, the Child Care Protector must be established to ensure that the system is functioning responsibly, to resolve problems as they arise, and to deal with child abuse. The Child Care Protector would have the authority to examine procedures of the child welfare system, the court system, the health delivery system, or any system which affects the health, safety, or basic rights of children, including legislation. They would report primarily to Child Welfare and the Attorney General's Department.

2. Internal Review System

The Committee also addressed the need for an internal review system. It found that the child welfare system lacked accountability at every level of operation, that workers assigned to the most difficult cases were those with the least professional experience, and that staff, supervisors, and directors did not fulfil their roles adequately. In response to these problems, the Committee concluded that program reviews of child care agencies should be conducted regularly and not less frequently than once every year.

3. Structure of the Child Welfare System

According to the Committee report, Manitoba's child welfare system has a mix of public and private service delivery. It noted in particular, the federally funded, tribal-managed Indian child and family services agencies which had been developing since the late 1960s. Indian child and family services agencies provide services on-reserve through the five tribal organizations, which are federally-funded and function under provincial legislation. A proposal has been drafted by Indian agencies for the establishment of urban-based programs staffed by employees of various

Indian Child and Family Services agencies to provide service to off-reserve tribal members and to liaise with the traditional child care agencies.

4. Building Cultural Sensitivity

The Committee found that it is essential for persons in the social services and in the justice system to fully appreciate the values of Native peoples. The Committee felt that cultural bias and a lack of understanding of cultural factors accounts for the large number of Native children who have been removed from their own families and placed in the care of others. They found that Indian children who entered the child care system were not likely to be returned to their own families, and those placed in non-Native homes were likely to experience identity problems, resulting in conflict with peers, the educational system and the law. The Committee emphasized the need for cultural awareness courses to be introduced into professional educational programs in order to address these problems.

5. Entering the Child Care System

According to the report, there is little chance for Native people of regaining or retaining custody of a child once an agency becomes involved. The Committee also found that Indian children and the families caring for them are not receiving financial support equal to that determined by the province as necessary for the support of children in foster homes administered by the private agencies and regional offices.

6. Within the Child Care System

The report found that there had been a significant increase in the number of Native children coming into child care agencies in the 1960s and early 1970s. Native organizations claimed that inflexible standards were the major barrier to the placement of Native children in Native homes, and that these standards should therefore be relaxed. The Committee found that the focus of the child care system had been on the needs of individual children with insufficient attention being devoted to trying to keep sibling groups together. It was further noted that some placement agencies had little or no training available for foster parents, and group homes gave insufficient attention to enhancing the cultural identity of Native and other children. According to the report, however, Indian agencies have reported success in using homemakers to provide care in the home when parents are experiencing times of stress.

7. Leaving the Child Care System

The Committee identified a serious lack of statistical data relevant to this area; feedback on program effectiveness has never been an integral part of the child welfare system.

8. The Future of the Child Care System

The Committee acknowledged that changes had occurred since the Committee began its study: the provincial government had decided to close the Children's Aid Society of Winnipeg and reorganize the delivery of child care services into six community-based agencies with the intention of making service more culturally sensitive and having full community participation; a *Child and Family Services Act* had been introduced into the legislature to replace the existing *Child Welfare Act*; a computer data system was being developed to provide the necessary data; and policies needed to make the services flexible, responsive, and culturally relevant were being examined.

RECOMMENDATIONS

The Committee made 109 recommendations in its report, including the following:

1. that accountability be built into the system;
2. that a Child Protector's Office be established;
3. that the "best interests of the child" be redefined to include cultural heritage and sibling relationships;
4. that the Director of child welfare establish an automated data collection system;
5. that program reviews of the Indian child and family services focus on a developmental approach and that special assistance be provided to these agencies in the areas of training and program development;
6. that the province assist the Indian Child and Family Services Agencies to secure federal funding for the provision of mandated services off-reserve for Treaty Indians;
7. when it is necessary to place a Native child in a non-Native home, that the assessment include considerations of attitudes toward Native people, capacity to involve themselves in Native culture, ability to form relationships with Native people, and understanding the need to assist in developing knowledge of and pride in cultural heritage;
8. that staff resources continue to be available to co-ordinate and expedite the repatriation of Native children who were placed out of province in the past;
9. that group homes and child care institutions direct attention to assisting children in developing pride in their cultural heritage; and
10. that homemakers and daycare programs be used as a form of respite for parents in times of stress.

▲ Policing Services on Reserves in Manitoba: A Review

AUTHOR: Manitoba Attorney General

YEAR: 1985

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: justice system, law enforcement

SOURCE: Provincial Department

BACKGROUND

Native people make up a sizeable proportion of the Canadian prison population and this situation may be partly due to discriminatory policing. One frequently suggested solution has been to increase the participation rate of Native law enforcement officers, or officers familiar with Native culture, in on-reserve policing.

In 1973, a federal Task Force was created to identify problems and make recommendations regarding the policing of Indian communities. It recommended that reserves be policed by members of their own community and within the local police structure, that bands decide as to the type of police service to be used, and that the current complaint-oriented system shift its focus to preventive policing.

Three options for the provision of reserve policing were explored by the Task Force:

1. the establishment of autonomous Indian police forces;
2. the development of Indian Special Constable branches within existing police forces; and
3. municipal policing; i.e., purchasing police services from existing forces.

The Task Force favoured the second option, the development of Indian Special Constable branches within existing police forces. The Task Force had a tremendous influence on the nature of on-reserve policing services and, as a result of their recommendations, the Indian Special Constable Program became operative in the 1970s. More recent studies, however, have shown that many Indian communities have serious reservations about the program and prefer models which establish autonomous Indian police forces, thereby offering bands greater control over policing.

PURPOSE

The main objective of the report was to examine existing models of on-reserve Indian policing services and to gain input from Indian Chiefs on current problems, issues, and aspirations. Based on this information, the report was to develop recommendations for future on-reserve policing services.

In order to accomplish these objectives, it was necessary to conduct an extensive research study regarding on-reserve policing in Manitoba.

ISSUES AND FINDINGS

The report's findings indicate that current on-reserve policing services are inadequate and that Native people are becoming impatient with this situation. Common complaints expressed by Manitoba band councils regarding on-reserve policing services include poor response time to complaints, lack of patrols and police presence, lack of alternative measures to arrest, and inadequate equipment and resources.

This report examines the three types of Indian policing programs in Manitoba: the Band Constable Program, the Dakota Ojibway Tribal Council Police Program, and the Royal Canadian Mounted Police (RCMP) Indian Special Constable Program. Interviews with nine Indian Chiefs identified the strengths and weaknesses of these programs. The Band Constable Program in particular was perceived to be very inefficient.

The findings also suggest that Native people wish to have control over their own policing on reserves as part of the movement toward Native self-government. According to the report, law enforcement agencies should encourage increased Native participation in law enforcement activities in preparation for Native-controlled on-reserve policing, although developments will need to be incremental in nature.

RECOMMENDATIONS

The recommendations offered in this report have two primary objectives:

1. to address band councils' immediate concerns with regard to justice administration on reserves; and
2. to determine the best type of policing services for reserves and develop a plan outlining the most effective and efficient means of structuring and implementing such a program.

To these ends, the report proposes that the following actions be taken:

1. that a Steering Committee comprised of representatives of the justice system and the on-reserve Indian population be created to address the immediate concerns of band councils.

The mandate of this Committee should go beyond law enforcement to include all major areas of on-reserve justice administration. The report suggests that the Committee be chaired by a representative of the band councils in order to reflect the strong possibility of a move toward Native-controlled policing programs and in order to acknowledge that the Committee is being formulated to deal with on-reserve policing problems.

2. that an in-depth research study be undertaken to provide the data necessary to plan for the future needs of Indian reserves.

The report found that there is currently a lack of information about the success and failure of existing on-reserve policing programs. Consequently, a plan should be developed to enable Manitoba band councils to acquire the experience and knowledge necessary to undertake the development and administration of a police force.

1989

▲ Developing an Indian and Métis Strategy for Manitoba

AUTHOR: Manitoba Department of Northern and Native Affairs

YEAR: 1989

ABORIGINAL GROUP: Métis, Non-Status, Urban

TOPIC: Programs and Services

SOURCE: Provincial Department

BACKGROUND

A high percentage of Indian and Métis peoples who migrate to urban areas encounter many difficulties including the inability to find adequate employment. Often many Indian and Métis migrants are forced to rely on welfare as a last resort. Although many individual programs exist to assist the urban migrant, no comprehensive plan exists.

The 1988 Manitoba Legislative Assembly's Speech from the Throne recognized the need for a comprehensive approach to providing services and

programs to urban Indian and Métis peoples. As a result, a workshop, involving Indian and Métis groups, governments, and the private sector, was held in 1989 to investigate the possible options. This report is a summary of the workshop findings and recommendations.

PURPOSE

The report summarizes the workshop findings and recommendations on a strategy for improving Indian and Métis urban life. The purpose of the workshop was to ascertain whether a strategy should be developed and the possible ways and means of proceeding.

ISSUES AND FINDINGS

The workshop reconfirmed the need to address Indian and Métis urban life and the need for a strategy to be developed and implemented in the 1990-91 fiscal year.

RECOMMENDATIONS

The workshop participants made the following recommendations:

1. that an Indian and Métis Urban Strategy Development Board be established to develop and administer an urban strategy;
2. that members of this board consist of representatives from the Assembly of Manitoba Chiefs, the Manitoba Métis Federation, the Indigenous Women's Collective, the government of Canada, urban municipal governments, the government of Manitoba, and the Aboriginal business community;
3. that the board establish six working groups in the areas of
 - (a) culture and leadership,
 - (b) family services,
 - (c) education and training,
 - (d) economic development and employment,
 - (e) housing, sports and recreation, and
 - (f) health,

each of which is to assemble an inventory of services, identify objectives, develop appropriate programming to meet those objectives, and work co-operatively with other working groups to avoid duplication and ensure a holistic approach;

4. that the minister of northern and Native affairs establish a Technical Support Group to assist with the Indian and Métis Urban Strategy; and
5. that the strategy document be completed by July 31, 1990.

▲ The Report of the Manitoba Child Care Task Force

AUTHOR: Manitoba Child Care Task Force, Chair, Linda MacNair

YEAR: 1989

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Child Welfare, Social Development

SUB-TOPICS: child care

SOURCE: Provincial Commission

BACKGROUND

The Manitoba Child Care Task Force began its work in October 1988, travelling, receiving submissions, and conducting meetings and deliberations. The members of the Task Force came from different perspectives and different roles in the child care field, and as a result, this consensus report is intended to be representative of the child care community.

PURPOSE

The purpose of this report and its recommendations was to develop the foundations for a practical and creative strategy for improvement in child care services in Manitoba.

ISSUES AND FINDINGS

The evolving child care system in Manitoba is, according to the Task Force, best seen as a partnership, involving parents, care providers, communities, and provincial and federal governments. The Task Force identified what it believed to be the appropriate roles for those involved in the daycare partnership: care providers should not replace parents, but rather augment their efforts; the provincial government should ensure that parents have access to safe and appropriate child care arrangements; the federal government should ensure appropriate financial support and the development of national standards; and the community should assist in providing facilities and links with other services.

The Task Force identified six key issue areas in the field of child care services in Manitoba:

1. quality in child care for Manitobans;
2. financial management and controls;
3. family daycare services;
4. rural child care;
5. a new partnership for Aboriginal child care; and
6. the funding of child care in Manitoba.

The issue of quality child care raises a number of related issues. The Task Force defined quality child care as care that meets the physical, emotional, intellectual and social needs of each individual child, and includes respect for the child's culture. The care giver is the primary determinant in the quality of care. Threats to quality care identified by the Task Force include the lack of licensed child care spaces, inadequate compensation and recognition of care providers, and poorly trained staff. According to the report, standards can be better maintained through expanded educational opportunities, with special emphasis on Aboriginal, French and rural needs. Four key elements of quality care were identified by the Task Force: adaptability; diversity; flexibility; and options for when children are ill.

An examination of financial management and controls found that there are weaknesses in the timeliness with which financial information is provided within the current child care system. The timing of budget preparation and submission, delays in follow-up, and the lack of consistent, written correspondence, dramatically reduce the usefulness of budgets as a financial management tool.

The Task Force found that family daycare services were primarily provided by women in their own homes. Funded family daycare providers can receive a small start-up grant and maintenance grants to enhance program quality, and they can accept subsidized children. The fees that these service providers can charge, is however, controlled. Although these services hold great potential for the child care system in Manitoba, the Task Force found that insufficient priority has been placed on their development.

Rural child care services were found to experience special difficulties. These problems were financial, geographical, and informational in nature, and also included difficulties in the delivery of training.

Aboriginal people are a significant proportion of Manitoba's population, and as such, their needs were addressed separately by the Task Force.

Aboriginal Manitobans expressed support for the development of child care services which would reflect Aboriginal culture and aspirations; such developments could be a powerful tool in their efforts to strengthen the culture, dignity, and their ability to prosper. Child care services must, however, be adapted to meet the specific needs of Aboriginal people while maintaining the same quality of services as elsewhere in Manitoba. These adaptations would include a greater role for the extended family and for elders, the ability of care givers to communicate in Aboriginal languages and be knowledgeable about Aboriginal history and culture, and the administration of Aboriginal community responsibilities for daycare by band councils, community councils, and by established Aboriginal social agencies.

The Task Force also found that there is a great degree of scepticism in the Aboriginal community as to the province's commitment to Aboriginal services in general, and in the ability of the Manitoba government to provide the kind of child care that can strengthen Aboriginal culture and the longer term well-being of Aboriginal children. There are, however, institutions, organizations and individuals throughout the province which can facilitate the realization of such goals. The overall goal for the Aboriginal child care system was seen to be the development of a province-wide system of Aboriginal child care services, phased in according to a method agreed upon by the government and the representative organizations of the Aboriginal community.

The Task Force also addressed the issue of funding child care in Manitoba. The report recognized that the improvements they recommend to the child care system would result in increased costs, due primarily to system expansion, the establishment of an Aboriginal child care system, infrastructure development, increased support to rural areas, and greater salaries for care givers. To address these issues, the report identified four basic principles to guide the distribution of costs: parents should continue to contribute toward the cost, according to their ability to pay; government should contribute in order to make fees affordable to most families; governments should provide subsidies to ensure access; and government should address the anomalies that have evolved in the financial support system for Manitoba child care.

RECOMMENDATIONS

The Task Force made 204 recommendations throughout its report. In general, the report recommended that the following actions be taken:

1. that the government support the development and evolution of child care training, including cross-cultural training, at a post-secondary educational

- level, and that child care centres strive for a multicultural element in child care staffing;
2. that child care programs to address the special needs of school age children, abused children, rural and northern children be a priority;
 3. that the establishment of worksite child care spaces be encouraged;
 4. that the fees charged to parents not reflect the full cost of services so that they can be offered at affordable levels;
 5. that orientation packages be developed for family and group daycare homes, including available grant and subsidy levels;
 6. that the province develop a plan to implement funding for salary adjustments; and
 7. that the government undertake an interdepartmental review of all programs and policies bearing on children and families to ensure that they are providing the greatest possible level of support for families and family life in Manitoba.

The Task Force made 14 recommendation specific to Aboriginal child care. These recommendations may be summarized as follows:

1. that the government announce a clear policy favouring the development of a system of Aboriginal child care that is community-based, Aboriginal-controlled and -staffed, and committed to strengthening Aboriginal culture;
2. that an Aboriginal Child Care Unit be established within the Child Daycare Office;
3. that tripartite negotiations with the Assembly of Manitoba Chiefs, the First Nations Confederacy, the Manitoba Keewatinowí Okimakanak Inc., and the Manitoba Métis Federation be undertaken with regard to Aboriginal child care systems;
4. that the Child Daycare Office work with urban Aboriginal social agencies to develop Aboriginal child care centres in urban areas; and
5. that negotiations be undertaken to obtain federal commitment to fund these child care services.

▲ The Women's Initiative: A Consultation with the Women of Manitoba: Final Report and Recommendations

AUTHOR: Women's Initiative Consulting Committee

YEAR: 1989

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Health, Education, Justice, Economic Development,
Employment Development

SOURCE: Provincial Commission

BACKGROUND

The Women's Initiative was a five-month consultation process that examined programs and services related to violence against women and their children and women's economic development.

PURPOSE

The purpose of the Women's Initiative was to examine government programs and services provided to women.

ISSUES AND FINDINGS

The Initiative found that there were gaps in the programs and services provided to women in a variety of areas. Most were the result of a lack of co-ordination among government departments and government-funded agencies, and a lack of knowledge, both on the part of those providing the service and on the part of users.

Based on its findings, the Women's Initiative identified five fundamental principles to guide future programs and services:

1. when programs or services are established, they must be adequately funded;
2. there must be greater co-operation between the federal and provincial governments in the funding of services to women;
3. there must be adequate supports built into the design of programs to make them available to women;
4. programs must be flexible; and
5. programs must be accessible.

The report of the Women's Initiative provided insight on a number of issues:

1. Economic Supports

The report identified the following as primary concerns of women related to economic supports: discrepancies between provincial and municipal

provision of social assistance; the need for a flexible work environment; the added responsibility of women as volunteers within the community; the need for flexible, accessible, and culturally sensitive daycare; the need for supports for women who choose to stay home with their children; and the pensions needs of women who do not hold permanent, full-time jobs.

2. Economic Development

With regard to economic development, the report identified the following as key issues: the lack of assistance to entrepreneurial women; difficulties experienced by women in accessing credit; the lack of co-ordination between training and education opportunities; and the question of pay equity.

3. Abuse Against Women and their Children

According to the report, there are three components to a long-term commitment to eliminate abuse: protection; prevention; and programs for emergency shelter. To this end, the need for immediate access to shelters, for the elimination of satellite services (which do not have 24-hour staffing), and for more staff and volunteer training, must be addressed.

4. Information Systems

With regard to information systems, the report found that there was a lack of appropriate information which posed a problem for those delivering the programs as well as for those trying to access them. The need to decentralize services was also identified.

5. Women and Health

The report found that health care needs of women differed from those of men. Problems identified included the need to recognize the role of women in the "sandwich generation" (i.e., those women who act as primary caregivers to both their children and their parents), the need for increased accessibility to mental health workers in rural areas, the need for encouragement and adequate resources for self-help groups and alcohol/chemical dependency services, and the need for available, and affordable rental housing.

6. Legal Services

The legal issues identified in the report emphasized the treatment of Native women throughout the legal system. The report argued that there was a need for increased co-ordination between Legal Aid and the social allowance system to ensure maximum access to services.

7. Women's Resource Centres

The consultations identified women's resource centres as a means of providing information, referral and support services for women. There was an emphasis on the need for resource centres for Native women to be established in a way which ensures the active involvement of Native women.

8. Protection for the Most Vulnerable

The report identifies the elderly, Native women, immigrant women, prostitutes, farm women, adolescent mothers, disabled women, and francophone women as particularly vulnerable in society. With regard to Native women, the report specifically mentions the need for economic development and economic support systems.

RECOMMENDATIONS

The report makes a total of 94 recommendations. A summary of those recommendations which pertain to all women in the province is outlined below, followed by a summary of those pertaining specifically to Native women. The report's non-Native-specific recommendations are as follows:

1. that the provincial government reinforce its commitment to women through the endorsement of a clear policy that supports equality and justice for all Manitoba women;
2. that the effectiveness of services and programs be monitored;
3. that steps be taken to ease the transition from training to employment;
4. that volunteer work be considered in job interviews, for tax credits, and as academic course credits;
5. that a study regarding pensions for part-time workers be undertaken;
6. that the provincial and federal governments and the Department of Industry, Trade and Tourism establish a women's economic development agreement, and that women entrepreneurs be encouraged through such measures as loans;
7. that women be encouraged to enter into non-traditional occupations, and that special bursaries and scholarships be made available for such pursuits;
8. that domestic assault be treated as a crime and that a domestic assault tracking project be implemented;
9. that professionals undergo a training program on violence against women, children and the elderly, and on cross-cultural relations;

10. that a province-wide data base be established to provide information on all programs relevant to women;
11. that a health care strategy ensuring equitable access to health care resources for women be encouraged;
12. that the mental health network be extended to specifically address women's mental health concern;
13. that rental and/or government housing be promoted, with priority given to those in abuse shelters;
14. that local women's centres receive stable funding; and
15. that special measures be taken to protect those women in particularly vulnerable situations (i.e., elderly women, disabled women, single mothers, and francophone women).

Other recommendations were specific to Native women:

1. that advisory councils of Native women at Red River and Keewatin Community Colleges be established to advise on ways of making training programs accessible to Native women;
2. that the province develop an economic development strategy for Native women;
3. that government funding to service agencies whose primary clientele is Native women be dependent upon those agencies hiring Native women in equal proportion to their representation within the clientele;
4. that funding proposals for service organizations whose primary clientele is Native be considered, based on proportional representation of Native women in their decision making bodies;
5. that the Native Secretariat, in conjunction with Native women, develop a strategy for Native women for the province of Manitoba that would include a funding approval process; and
6. that the umbrella Native women's organization in the province, the Indigenous Women's Collective, receive immediate funding in order to further develop their organization.

1991

▲ Aboriginal Needs Assessment Survey Report

AUTHOR: Aboriginal Advisory Committee on Affirmative Action

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Employment Development, Education, Social/Cross-Cultural Relations

SUB-TOPICS: training/skills development, discrimination, statistics, vocational training, racism

SOURCE: Provincial Commission

BACKGROUND

The Aboriginal Advisory Committee on Affirmative Action was commissioned following the 1989 Interprovincial Association of Native Employment Conference. At the time of the report, Aboriginal peoples made up 4% of the Manitoba civil service.

PURPOSE

The Committee was designed to study and suggest measures necessary to improve the situation of Aboriginal employment within the province, and within the government sector in particular. Its specific goals were as follows:

1. to assess the effectiveness of the affirmative action program;
2. to identify barriers to Aboriginal employment;
3. to determine the professional development needs of Aboriginal employees;
4. to create a network and support system for Aboriginal employees; and
5. to develop suggestions and a plan of action for the implementation of recommendations.

To this end, the Committee conducted a survey to determine the challenges and obstacles facing Aboriginal employees in the Manitoba government and used the data to identify special measures and opportunities which might be taken to meet the needs of Aboriginal employees. The survey was sent confidentially to 738 employees of the Manitoba Civil Service who identified themselves as Aboriginal for the purposes of Affirmative Action. The Committee also conducted empirical research on the education and economic situation of Aboriginal peoples in order to ensure that employment plans developed to eliminate inequities which exist for Aboriginal peoples in Manitoba would be appropriate.

ISSUES AND FINDINGS

The Committee recognized racism, lack of education and training opportunities, and a lack of understanding of the system by Aboriginal

peoples as key problems inhibiting the recruitment and advancement of Aboriginal peoples in the civil service.

The Committee identified racism as a primary barrier to the increased advancement of Aboriginal peoples. The report notes that racism is based on the distinct differences between the values underlying the corporate culture and the values of Aboriginal people, and is evidenced by lack of support, alienation, negative attitudes and stereotypes. To address the problem of racism, the Committee noted that training programs conducted by Aboriginal people on racism for human resource personnel might be effective. The report also suggested that current employment practices be examined for their biases and ethnocentric values, and that there be Aboriginal membership on selection boards to ensure the recognition of non-traditional skills and values.

Education and training were also seen to be problems facing Aboriginal people in the civil service. The report recognized that certain recruitment and promotion practices adversely affect Aboriginal people. Such practices include using prerequisites which are not *bona fide* occupational qualifications, and not considering experience which may be relevant. Lack of education is seen as an even greater impediment to advancement than discrimination.

The Committee also found that Aboriginal people often do not understand how the system works and are therefore unable to take advantage of programs such as educational leave/assistance and other training programs which would improve their opportunities for advancement. Aboriginal people were found to be largely unaware of the Affirmative Action program which was currently in place and many considered it ineffective because of a lack of commitment from senior management. The Committee concluded that the career needs of Aboriginal people can only be addressed through greater efforts to educate and inform them about the system and how it works.

Three actions were identified by the Committee as critical to rectifying the situation affecting the employment of Aboriginal people in government:

1. improvement in the representation of Aboriginal peoples (the suggested goal is 10% of civil service, including 10% of management positions);
2. the development of an anti-racism policy together with an ombudsman to oversee its implementation and address grievances; and
3. the establishment of an Aboriginal network which facilitates role modelling, information exchange, and contacts for Aboriginal people through regional meetings and a newsletter.

In conclusion, the Committee called for the involvement of Aboriginal people in changing the current system. They cited exclusion as a key obstacle to the resolution of the situation and argued that its continuation would only serve to perpetuate discrimination.

RECOMMENDATIONS

The Commission made the following recommendations:

1. that an anti-racist policy be developed and an ombudsman be appointed to investigate grievances;
2. that a timetable for the increased representation of Aboriginal people in senior management positions be developed;
3. that bridging positions, secondment and special assignments be created to enable Aboriginal people to achieve the experience necessary for promotion;
4. that a more effective outreach strategy for the recruitment of Aboriginal peoples be established;
5. that satellite Employment Counselling Offices in rural areas be developed;
6. that qualification requirements be re-evaluated and training programs improved so that Aboriginal people can meet *bona fide* occupational requirements;
7. that cross-cultural training for human resource personnel be enhanced and that Aboriginal people be given a seat on selection committees;
8. that training opportunities be increased and education regarding current opportunities be made readily available; and
9. that an Aboriginal Network be developed which would hold meetings, workshops and publish a newsletter for Aboriginal civil servants.

▲ Report of the Aboriginal Justice Inquiry of Manitoba

AUTHOR: Public Inquiry into the Administration of Justice and Aboriginal People, Commissioners, Associate Chief Justice A.C. Hamilton and Associate Chief Judge C.M. Sinclair

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: law enforcement, courts, sentencing, corrections, legal representation

SOURCE: Provincial Commission

BACKGROUND

The Aboriginal Justice Inquiry was established in response to two specific incidents which occurred in late 1987 and early 1988 respectively. The first of these was the 1987 trial of two men for the 1971 murder of Helen Betty Osborne. While the trial revealed that four men were present at the murder, only one of them was ultimately convicted of the crime. Moreover, it took 16 years to bring the case to trial.

The second incident involved the death of J.J. Harper in March 1988. Harper was the executive director of the Island Lake Tribal Council and died following an encounter with a City of Winnipeg police officer. The following day the police department exonerated the officer despite the fact many questions remained unanswered. These two incidents were seen by many as examples of how Manitoba's justice system had failed Aboriginal people. The need for change was becoming increasingly apparent. Therefore, on April 13, 1988, the Manitoba government created its Public Inquiry into the Administration of Justice and Aboriginal People.

PURPOSE

The mandate of the public inquiry was to inquire into and make findings about the conditions of Aboriginal people in the justice system in Manitoba and to produce a final report for the minister of justice with conclusions, options and recommendations. The Commission was asked to consider all aspects of the J.J. Harper and Helen Betty Osborne cases and make additional recommendations that it deemed appropriate with respect to those cases.

ISSUES AND FINDINGS

The Commissioners concluded that the justice system has failed the Aboriginal peoples of Manitoba on a massive scale. They found, after conducting reviews in the areas of policing, access to and adequacy of legal counsel, court processes, court dispositions and post-sentencing, that the system was insensitive and inaccessible to Aboriginal peoples. Furthermore, Aboriginal people were being arrested and imprisoned in grossly disproportionate numbers.

The Commissioners pointed out that Aboriginal cultures are vastly different, and are unique to North America. Those differences have given rise to problems for Aboriginal people within the justice system and have manifested misunderstandings on the part of non-Aboriginal people who are participants in that system.

On the issue of Aboriginal over-representation within the justice system, the Commissioners believed that there was nothing about Aboriginal people or their culture that predisposes them to criminal behaviour. Instead they found that the causes of criminal behaviour are rooted in a long history of discrimination and social inequality that has impoverished, Aboriginal people and consigned them to the margins of Manitoba society.

With respect to Aboriginal and treaty rights, the report concluded that the most fundamental right of Aboriginal people was their right to an Aboriginal identity. The Commission concluded that Aboriginal people have not lost the right to govern their own affairs. Their right to self-determination preceded colonization and was never surrendered. Not one of the treaty negotiations in Manitoba indicated any intention by the Aboriginal leadership to surrender their government authority, nor does any competent legislation exist which clearly extinguishes this authority.

In the Manitoba courts, a number of problems that relate specifically to Aboriginal peoples were identified. These included the quality of service provided to Aboriginal communities, systemic discrimination, problems associated with circuit courts and delays and underemployment within the court system.

The report also included a review of jury systems in Manitoba. It revealed systemic discrimination against Aboriginal people and confirmed that Aboriginal peoples are under-represented on juries in northern Manitoba and in Winnipeg. Furthermore, they are not properly represented on juries trying an Aboriginal person accused of committing an offence against another Aboriginal person within an Aboriginal community.

As well, the Commissioners found inadequacies in the current correctional and parole systems. Some of the issues the Inquiry identified were an over-use of high security institutions, a failure to provide counselling, training and education to enable inmates to function in society, and a failure to meet the spiritual and personal needs of inmates through culturally appropriate programming.

The Inquiry also looked into the position of Aboriginal women and their children and found they suffer tremendously as victims in contemporary

Canadian society. They are victims of racism, of sexism and of unconscionable levels of domestic violence. Yet, the criminal justice system has done little to protect them.

On the issue of child welfare, the Commissioners concluded that the intrusion by child welfare authorities into the lives of Aboriginal people has been paternalistic and colonial in nature, condescending and demeaning and often brutal and oppressive. Aboriginal children have been taken away from their families and communities, historically by the residential school system and more recently by the child welfare system. The Inquiry concluded that both systems have left the Aboriginal people and their societies severely damaged.

With respect to the *Young Offenders Act*, the Inquiry found that young Aboriginal people were not being dealt with in compliance with its principles. In particular, the youth justice system did not deal with Aboriginal youth in a way that allowed the 'least possible interference' with their freedom. The Commissioners felt that the police, Crown attorneys, lawyers and judges were not making enough use of alternative measures.

A significant number Aboriginal grievances heard by the Inquiry related to policing services for Aboriginal communities. The Commissioners concluded that many Aboriginal people were afraid of police. As well, many Aboriginal people living in Manitoba believed the police to be providing inappropriate levels and quality of policing services. Moreover, the police have little understanding of the culture and needs of the Aboriginal communities they serve. Aboriginal people see a large communication gap between their community and the police – a gap that cannot easily be bridged unless Aboriginal communities are allowed to exercise some control and participation in policing matters.

One of the most important findings of the Inquiry was that incremental changes in the justice system cannot adequately address the current problems that exist. Therefore, the establishment of separate Aboriginal justice systems is the only appropriate response to the systemic problems inherent in the existing system as it relates to Aboriginal communities.

RECOMMENDATIONS

To make the existing justice system more sensitive to the needs of Aboriginal people, the Commissioners recommended extensive change. This included increased Aboriginal employment at all levels of the justice system, extended cross-cultural training of justice personnel and a complete overhaul of the provincial court system. The report also called for a new emphasis on the

delivery of justice services to Aboriginal people in a more prompt and effective manner. The Commissioners recommended a restructuring of sentencing practices so as to move away from the current over-reliance on incarceration and move toward new options such as community-based sanctions.

The Inquiry recommended changes to almost every component of the criminal justice system, including the police, corrections, parole, child welfare and young offenders. In addition, it called for extensive changes to the way Aboriginal women, and issues of particular relevance to them, are dealt with by the justice system.

▲ Report of the Manitoba Constitutional Task Force

AUTHOR: Manitoba Constitutional Task Force, Chair, Waldron N. Fox-Decent

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Self-Government, Constitution

SUB-TOPICS: negotiation structures and processes, implementation, rights

SOURCE: Provincial Commission

BACKGROUND

The Manitoba Constitutional Task Force was established as part of the "Canada Round" of the constitutional reform process. The failure of prior constitutional initiatives, particularly the Meech Lake Accord, had led to frustration and alienation, and there was some consensus that resolution of outstanding constitutional issues would enable Canadians to turn to other urgent issues of public policy, such as economic recovery. The report was designed to supplement the 1989 report of the Manitoba Task Force on Meech Lake and to further define Manitoba's constitutional concerns.

PURPOSE

The all-party Task Force was commissioned to provide guidance to the government in the upcoming constitutional discussions. It was mandated to

build consensus on a full range of constitutional issues by holding public hearings and reviewing the relevance of the recommendations of the Meech Lake Task Force.

ISSUES AND FINDINGS

There are several major issues identified in the report:

1. the symbolic expression of Canada's fundamental characteristics in a Canada Clause;
2. Aboriginal self-government;
3. reform of central institutions; and
4. the division of federal powers.

The Aboriginal-specific findings of the report address the inclusion of the contribution of Aboriginal peoples in the Canada clause, action on the issue of self-government, and the future status of the Yukon and Northwest Territories.

The Task Force felt it important that a clause be included in the constitution which would affirm the national identity of Canada while recognizing diverse elements of the Canadian mosaic. It was proposed that the contribution of Aboriginal peoples be included in the clause because of their importance to the fundamental fabric of Canadian society.

According to the report, Manitobans consider recognition of the rightful place of Canada's Aboriginal people in Canadian society to be long overdue. They urged the Task Force to make this issue a priority and to set aside technical arguments that have hampered the recognition of treaty and Aboriginal rights in the past. The Task Force itself felt that the process of study must be concluded and a strategy for action must be set out which would define the concept and principles of Aboriginal self-government, and outline a plan for implementation. The report of the Task Force calls for the entrenchment of a structured process for negotiating the details of self-government, which would include the full involvement of Aboriginal peoples.

The constitutional status of Canada's territorial governments was also an issue of concern. The Task Force suggested that the territories be permitted to achieve provincial status by bilateral agreement with the federal government.

RECOMMENDATIONS

The Task Force makes several recommendations including the following:

1. that the inherent Aboriginal right to self-government be entrenched, along with a procedure which would provide for its implementation;
2. that an agenda to address Aboriginal concerns within Manitoba be developed;
3. that changes be made to the amending procedure to permit the territories to achieve provincial status through a bilateral agreement with the federal government; and
4. that consideration be given to the use of constituent assemblies and the increased use of referenda.

▲ Report of the Northern Health Services Task Force

AUTHOR: Northern Health Services Task Force, Co-Chairs, B.D. Postl and B. Patmore

YEAR: 1991

ABORIGINAL GROUP: Non-Status, Métis

TOPIC: Health

SUB-TOPICS: primary and secondary health care, health care professionals

SOURCE: Provincial Commission

BACKGROUND

In addition to evaluation medical service delivery to Métis and non-status people of northern Manitoba, the Task Force was also designed to assist the Standing Committee on Medical Manpower (SCOMM).

PURPOSE

The Task Force was mandated to evaluate the provision of medical services in northern Manitoba to non-status and Métis people and to investigate possible methods for improvement.

In the fulfilment of its mandate, the Task Force reviewed the 1985 report of the Indian Health Care Services Sub-Committee of the Health Services Review Committee, as well as legislation pertaining to shared services and existing shared service agreements in northern communities.

ISSUES AND FINDINGS

The Task Force made three primary observations concerning the delivery of medical services to non-status and Métis people in northern Manitoba:

1. There was a lack of co-ordination between federal and provincial governments with respect to non-status and Métis medical services.

The report cites several examples which illustrated the lack of federal-provincial co-ordination. These included the province's refusal to provide mental health services on-reserve while the federal government maintained that the delivery of mental health care services to treaty and status Aboriginal people was a provincial concern.

2. There was a need to establish employment targets for Aboriginal people within existing health services.

The Task Force found that approximately 50% of rural practising physicians were foreign medical graduates and there were only 19 specialists working outside of Winnipeg or Brandon in 1989. As a result, the report concludes that the composition of the medical service personnel did not reflect the constituent population. The Task Force also found that there were few students aspiring to careers in rural medicine, and that there was therefore a need for incentives to offset the current imbalance.

3. There was a need to develop a process for regionalization of health care services which would involve local stakeholders.

The Task Force also noted that there was a lack of local participation by Aboriginal people in the planning and development of the medical services which directly affect them.

RECOMMENDATIONS

Based on the Task Force findings, the following recommendations are put forth:

1. that the pool of Native physicians be expanded and other employment targets be set to encourage Aboriginal people to work within existing health services;
2. that Aboriginal Board positions, proportionate to their representation in the local population, be established for existing health care facilities; and
3. that a process be developed for the regionalization of health care services which would entail extensive involvement by local stakeholders.

New Brunswick

1984

▲ Indian Education: Everyone's Concern

AUTHOR: New Brunswick Department of Education, Minister's Study Group on Indian Education in the Province of New Brunswick, Chair, Malcolm Saulis

YEAR: 1984

ABORIGINAL GROUP: First Nations

TOPIC: Education

SUB-TOPICS: curriculum, professionals/educators, student support

SOURCE: Provincial Department

BACKGROUND

This study, produced for the New Brunswick Department of Education, was conducted in two phases. Phase One involved the examination by the Study Group of the factors associated with students' achievement levels. During Phase Two, Study Group members visited reserves across the province and held meetings to discuss educational issues and concerns regarding Indian education. This information was then used to develop recommendations on what action might be taken, on the part of schools and bands, to ease the adjustment of Indian students to public schools.

PURPOSE

The purpose of this study was to promote the development of a framework to support, encourage and direct improvements in Indian education. This study is not viewed as definitive, but rather as a stimulant to future thinking in this area.

ISSUES AND FINDINGS

The report discusses three primary issues:

1. factors associated with students' school achievements;
2. points of interface between the Native community and educational system; and
3. concerns raised at the meetings during Phase Two of the study.

The Study Group identified a number of factors associated with a child's achievement in school. It was found, for instance, that Indian children score better in non-verbal exercises; therefore, Indian children may be at a disadvantage because their verbal ability is lower, and this is often the basis for the evaluation of classroom performance. Low achievement may also be attributed to such factors as inconsistent effort, unfamiliarity with the language, and the effects of peer interaction and teachers' expectations. A student's home and family life may also be a factor in achievement at school.

The Study Group also found a number of points of interface between the Native community and the educational system. These include community education committees, federal/provincial advisory committees, education liaison with the Union of New Brunswick Indians, school board advisory committees on Indian education, Indian education workers, and 'Native-specific' programs at post-secondary institutions.

During Phase Two of the study, reserves were visited, at which time meetings were held to discuss educational concerns and issues. Some of the concerns expressed during these meetings include the need for community control of education; a changing role for parents; the importance of education; the need for greater cross-cultural understanding and adjustment; the concern that Native language is being lost; the need for Indian-specific career guidance; and concern over prejudicial treatment of Indian students.

RECOMMENDATIONS

The Study Group developed 24 recommendations based on Phase Two of the study. They are considered interdependent, and need to be implemented collectively in order to maximize their effectiveness. The recommendations relate to programs, staff development, and communication development:

1. that Indian culture and history be a part of the curriculum;
2. that more Indian content be developed and included in the curriculum;
3. that a transition program be designed to ease the adjustment of Indian students into a different cultural environment;
4. that there be more counselling services for Indian students;
5. that the Indian Education Worker program be expanded;
6. that efforts be made to increase Native Awareness on the part of teachers, students and staff;
7. that parent awareness programs be conducted by an Indian in-service training team; and

8. that there be continuing review of Indian education in order to monitor and evaluate progress in this area.

1989

▲ Discussion Paper on a Proposal for a Provincial Policy Framework on Aboriginal Affairs

AUTHOR: New Brunswick Department of Intergovernmental Affairs

YEAR: 1989

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Self-Government, Provincial Government/Aboriginal Relations, Economic Development

SUB-TOPICS: negotiation structures and processes, implementation, jurisdiction, legislation, program and service delivery, on-reserve business development/entrepreneurship

SOURCE: Provincial Department

BACKGROUND

The paper was prepared as a basis for consultations with the Aboriginal community on the development of a provincial policy framework with respect to Aboriginal issues.

PURPOSE

The purpose of the paper is to describe the role that the provincial government envisions for itself in Aboriginal affairs.

ISSUES AND FINDINGS

Before outlining the proposed policy framework, the report describes the various ways in which Aboriginal people are affected by or are involved with the provincial government; this relationship is addressed under the headings of jurisdiction and programs and services.

The report addresses the division of jurisdiction between the federal and provincial governments with respect to Aboriginal peoples. In general terms, the province cannot legislate specifically on "Indians, and Lands reserved for the Indians" but provincial legislation of general application may apply to Indian

people and to reserves. There are, however, a number of exceptions to this general statement; in many situations, the *Indian Act*, band by-laws passed pursuant to the Act, and established treaty rights may override provincial legislation.

Programs and services provided to Indian bands are usually funded by the federal government; however, in some cases, reserve residents have access to provincially funded programs and services on the same basis as other provincial residents. In other cases, the province provides services to bands through contractual arrangements with the department of Indian Affairs and/or band councils. Off-reserve Aboriginal people, including Status Indians have access to all provincial programs and services on the same basis as other provincial residents.

The policy framework proposed by the provincial government provides a statement of general principles on Aboriginal affairs, as well as policy statements in four key areas: economic development; social development; Aboriginal languages and cultures; and Aboriginal self-government.

Statement of General Principles on Aboriginal Affairs

The general principles reflect the provincial government's commitment to helping Aboriginal people to achieve greater economic and social self-reliance, while supporting the cultural heritage of the Micmac and Maliseet peoples and supporting their drive toward self-government. The provincial government sees its role as secondary to that of the federal government, while still acknowledging its responsibility toward Aboriginal people as New Brunswickers. The government of New Brunswick also recognizes the need for consultation between the provincial government and the Aboriginal community in the development of policy and programs in this area.

Economic Development

The government of New Brunswick is committed to the development of Aboriginal businesses and the greater participation of Aboriginal peoples in the labour force. While provincial economic development programs apply to all residents, including on-reserve Aboriginal people, the provincial government respects the special federal role in this area, and strives to collaborate with the federal government and Aboriginal groups to develop a comprehensive strategy for Aboriginal economic development.

Social Development and Community Services

Given that Indian bands and reserves are legally the creations of Parliament, the province is restricted from taxing on reserves; as a result, the cost of reserve-

based programs are the responsibility of the federal government and Indian bands. Upon request, the province may provide certain programs and services, but on a cost-recovery basis. Programs not funded by the federal government are provided to Indian people living on-reserve on the same basis as other New Brunswickers. The province is prepared to work in co-operation with Indian bands, Aboriginal organizations, and the federal government to further the social development of Aboriginal peoples.

Aboriginal Languages and Culture

The cultural heritage of the Micmac and Maliseet peoples shall be recognized and promoted in provincial programs and activities including the provincial school curriculum. Furthermore, the province will work with Aboriginal individuals and organizations in support of Aboriginal arts, culture, and heritage.

Aboriginal Self-Government

The provincial government recognizes that Aboriginal people must have the opportunity and the responsibility for their own development. The province therefore supports a national process in which First Ministers and Aboriginal leaders consider Aboriginal constitutional matters, including self-government. Furthermore, the province is committed to exploring the concept of self-government for the off-reserve Aboriginal population through a process involving federal and Aboriginal representatives.

RECOMMENDATIONS

As the new role for the provincial government in Aboriginal affairs, the province of New Brunswick proposes to:

1. continue to co-operate with the federal government and the Aboriginal people in the planning and implementation of Aboriginal economic development;
2. co-operate with the federal government and the Aboriginal people in the planning and implementation of social development and community services;
3. work toward the preservation and promotion of Aboriginal language and culture; and
4. promote a national process to discuss the development of Aboriginal self-government, both on- and off-reserve.

▲ Closing the Gap: The Native Indian Students' Achievement Study

AUTHOR: New Brunswick Department of Education (W.D. Hamilton)

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples, Youth

TOPIC: Education

SUB-TOPICS: primary and secondary education, facilities/institutions, student support

SOURCE: Provincial Department

BACKGROUND

The New Brunswick Department of Education sponsored the Native Student Achievement Study during the 1990-91 school year. The project was motivated by the commonly held perception that no one had a clear understanding of the problems experienced by Maliseet and Micmac students within the provincial schools. The Department of Education had not systematically collected data to determine the extent and nature of the problem. Furthermore, a survey of the Native education literature revealed that research had generally focused on the concerns and views of parents, administrators, teachers, and Indian education personnel, rather than on those of Native students. This study is one effort to concentrate on the experience and performance of the Maliseet and Micmac students.

PURPOSE

The purpose of this study was to examine the academic performance of First Nations students in attendance at New Brunswick schools relative to that of non-Native students and to offer recommendations for educational improvements for the Native school population.

ISSUES AND FINDINGS

The authors examined school district records to determine student performance for Grades 1 to 9. The records contained the reports of teachers' tests and examinations, the scores on the Canadian Tests of Basic Skills

(CTBS), and information on attendance, transfers, promotions, and other relevant factors. For Grades 10 to 12, the authors obtained information from the nominal rolls of those receiving educational support from the department of Indian Affairs for the years 1985-1990. The authors supplemented this with data collected at the district and school level throughout the province. Additionally, the authors conducted interviews with students, graduates and dropouts to learn about their experiences in the provincial school system.

The authors found that Native students' performance is below average when they enter Grade 1, and their performance relative to their non-Native counterparts continues to decline throughout their elementary school years. This is particularly evident from Grade 4 onward. The perceptions of Native students' efforts in these years were also reported to be less than those of non-Native students. The authors found that the teachers judging the students associated sub-standard performance with sub-standard effort, rather than with inferior ability. In the later grades, steady decline in relative performance and effort was indicated by increasing absenteeism and deteriorating relations with teachers.

At the junior high school level, "damaging" levels of absenteeism appear, and the academic failure and grade repetition rate among Native students was found to be roughly twice that of non-Native students.

The authors found that differences in CTBS scores between Native and non-Native students in the study were less than previous studies had indicated. Nevertheless, they also found that most Native students' scores were significantly lower than both national and New Brunswick norms.

According to the report, the Native student in senior high school is typically enrolled in practical (rather than academic) studies, is earning low grades, making slow progress, and experiencing an abnormally high dropout rate. The typical Native student is 11 months behind in age-grade terms when entering Grade 10, compared to 4 to 5 months for non-Native students. The age-grade lag for Native students grows to 15 months by Grade 12, while the non-Native students experience no change. Approximately one in two Native students who reach Grade 10 will graduate, compared to four in five for non-Native students.

The study contains the additional findings derived from student, graduate and dropout interviews. Student interviews revealed home background, social attitude, self-perception, and social opinion profiles for the students. The report found that many Native homes were not organized or conducted in a way that maximizes opportunities for the educational growth and well-

being of children. Most students claimed to find school tolerable or enjoyable, despite the relatively high recorded rates of absenteeism. Most reported that they wish to seek higher education levels and professional positions, despite their failure to display a standard of scholarship which would permit the achievement of such goals. Many expressed specific complaints about their homes and reserve communities as well as their teachers and the non-Native world in which they must function.

Interviews with Native graduates revealed somewhat better circumstances at home, better educated parents, and consequently higher standards of performance. These students displayed more positive attitudes toward school and life. These graduates, however, remained closer in profile to the Native student than the non-Native student.

The dropout interviews produced a profile of people with a complex mix of personal, family, and other problems, which led, perhaps inevitably, to dropping out of school. Specific characteristics identified in the interviews were alcoholism in the home, family break-up, pregnancy, conflict with school authorities, and drug addiction. These all coincided with the presence of a full range of academic problems. These interviews revealed the angriest people of the three groups interviewed.

RECOMMENDATIONS

The report's conclusions and recommendations are organized into seven areas:

1. that information on Native student achievement be gathered on a continuous or regular basis, and that the New Brunswick Department of Education require annual reports from all schools enrolling Native students;
2. that the Native education policies and programs of the Department of Education be made the subject of a conference of district school superintendents and of teachers' in-service sessions during the following school year (1991-92);
3. that the university departments and faculties of education in the province be asked to consider incorporating a course or other mandatory instructional component on Native education into their pre-service teacher education programs;
4. that the Department of Education's publication, "The Circle of Understanding", be used as a helpful guide on the subject of establishing and maintaining lines of communication between the schools and Native

- parents, and that schools be required to develop programs for the improvement of Indian student-teacher relations in the school;
5. that the schools actively work to confront and resolve the problems of racial discrimination among the students and between teachers and students;
 6. that the Department of Education create a project to identify at-risk Native students in the elementary schools and recommend procedures for assisting them; and
 7. that the Department of Education create a project to identify talented Native students and recommend procedures for assisting them to realize their intellectual potential. This was identified as one of the most disheartening problems, in that there were virtually no Native students represented in the top echelon of academic performers at any level of the provincial school system.

1992

▲ Excellence in Education: Improving Aboriginal Education in New Brunswick

AUTHOR: Commission on Excellence in Education (David G. Perley)

YEAR: 1992

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: primary and secondary education, vocational training, curriculum, fiscal relations/responsibilities, professionals/educators

SOURCE: Provincial Commission

BACKGROUND

In the early 1950s, the provincial government, in conjunction with the department of Indian Affairs, introduced a policy of integrating Aboriginal students within the provincial schools. This policy was based on tuition agreements which provided for the payment of a fixed tuition fee for each Aboriginal child attending provincial schools. As a result of these agreements, in 1990-91, a total of \$5.2 million for 1,200 students was transferred from Indian Affairs to the revenue account of the provincial government rather than the individual districts in which Aboriginal students were enrolled.

Further to an Aboriginal student achievement study, entitled "Closing the Gap", the educational experiences of Aboriginal students in provincial schools were found to be less successful than those of non-Aboriginal students. The findings of this report indicated that the public school system has not met the educational needs of Aboriginal students and a system of equality of educational opportunity has eluded the Maliseet and Micmac students.

In November 1991, the government of New Brunswick established the Commission on Excellence in Education with a mandate to seek improvements in the public education system. The Commission was to submit its final report by March 1992. This report reviews the applicability of the Commission's guiding principles to the educational needs of the Maliseet and Micmac students in public schools in New Brunswick.

PURPOSE

The report examines the issues being addressed by the Commission on Excellence in Education and its implications on Aboriginal education in New Brunswick.

ISSUES AND FINDINGS

The report reviews the Commissioner's Report as it relates to Aboriginal education. It makes several observations concerning the challenges, guiding principles, and the issues and directions that the Commission has identified.

The author makes the following observations on the state of the public school system in responding to the needs of Aboriginal students:

1. while some educators would contend that academic achievement is generally improving, Aboriginal students are still experiencing problems;
2. the achievements of Aboriginal citizens are seldom recognized, as evidenced by their lack of representation in the public and private sectors;
3. Aboriginal students have been channelled into practical and vocational programs, thereby segregating them from regular academic programs;
4. the integration of Aboriginal students into the public school system was poorly planned, the schools were ill-prepared, and as a result, the policy has been a failure;
5. the initiatives aimed at addressing the needs of Aboriginal students have not had the full support of all members of the education system;
6. there is a need for culturally sensitive teachers and for tests which are not culturally biased;

7. the failure of the education system in responding to the needs of Aboriginal students will have far-reaching negative repercussions on the future of Aboriginal youth;
8. the education system should reflect the contribution of French, English, and Aboriginal founding fathers as fundamental to the character of New Brunswick;
9. policy and program initiatives of the Department of Education should not diminish in any way the legal and historical obligations of the government of Canada to Aboriginal peoples; and
10. there is a need for greater representation by Maliseet and Micmac peoples at all levels of the education system if they are to establish effective, equal partnerships with the French and English communities, and have a stronger voice in the decisions that affect the education of their children.

According to the report, the Department of Education has, in recent years, introduced initiatives which have attempted to improve Aboriginal education, including:

1. the appointment of a consultant in Aboriginal education;
2. the establishment of the Provincial Indian Education Curriculum Development Advisory Committee (1986), and the Maliseet/Micmac Education Consultation Committee (1991);
3. the development of Native Studies courses in three school districts;
4. the development of a policy statement on Maliseet/Micmac Education in New Brunswick (1991), though it awaits funding in order to be implemented; and
5. other initiatives at the local district level.

Despite these initiatives, the author maintains that the educational needs of Aboriginal students are not being fully met and as a result, additional initiatives are required.

RECOMMENDATIONS

Generally speaking, the report concludes that improvement in Aboriginal education will require an institutional commitment to equality of education for students of all ethnic/racial backgrounds, as well as the development of effective partnerships among the Aboriginal, French and English communities.

In more specific terms, the following recommendations are offered to the Commission:

1. that the Policy Statement on Maliseet/Micmac Education in New Brunswick be fully supported by the Commission's final report;
2. that tuition fees collected from the department of Indian Affairs on behalf of the Maliseet and Micmac students attending provincial schools be used for improving Aboriginal education;
3. that the final report recognize the Aboriginal and multicultural nature of New Brunswick;
4. that the final report support the development and adoption of an Education Equity Strategy designed to recruit Maliseet/Micmac teachers; and
5. that the final report support the full implementation of the recommendations put forth in the study, "Closing the Gap: The Native Indian Students' Achievement Study".

Newfoundland and Labrador

1974

▲ Report of the Royal Commission on Labrador

AUTHOR: Royal Commission on Labrador, Chair, Donald Snowden

YEAR: 1974

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Provincial Government/Aboriginal Relations, Community Institutions, Resources, Environmental Protection, Economic Development, Health, Education, Social Development, Community Services and Infrastructure, Employment Development

SUB-TOPICS: program and service delivery, land tenure systems, land use planning, development, fishing/fisheries, forestry/forests, minerals/oil and gas, regional non-Aboriginal, business development/entrepreneurship, training/skills development, income support/poverty, housing, transportation/roads, recreation

SOURCE: Provincial Royal Commission

BACKGROUND

The problems associated with federal and provincial neglect of Labrador received an increasing amount of media and public attention in the early 1970s. In response to this situation, the government of Newfoundland called for an

inquiry into the economic and social conditions of life in Labrador. To this end, the government established the Royal Commission on Labrador in October 1972. Previously, there had never been any concerted attempt to examine the range and the inter-relationship of issues in Labrador, nor to invite and consider seriously the opinions of the residents of Labrador concerning these problems.

PURPOSE

The Commission's terms of reference called on it to inquire into and make recommendations concerning almost every aspect of life in Labrador, from federal, provincial and local government policies and practices, to communications, transportation, resources, social welfare services, culture, economic development, and the cost of living.

ISSUES AND FINDINGS

Beyond the terms of reference, the Commission addressed four key issues facing Labrador: the need to raise the level of service to acceptable standards within the limitations of the provincial budget; the need to balance the services offered in each geographical area in Labrador; the need to make the participation of Labrador residents in the decision-making process more effective and meaningful in order to avoid ethnic tensions; and the need to make more efficient use of federal funds and expertise, as well as the knowledge of other provinces and territories, in combatting the problems in Labrador.

The report's six volumes provide an overview of the Commission's examination of social services, economic concerns, population and isolation issues, intergovernmental relations, and government services provided to the residents of Labrador. A brief summary of these findings follows:

1. **Communications** – The Commissioners found that radio, television, and telephone services must be co-ordinated to make it cost effective, and programs must have local relevance and be available in appropriate languages.
2. **Education** – The Commissioners examined all aspects of education, emphasizing the disparities in the opportunities available to the people of Labrador.
3. **Health** – The Commissioners found considerable disparity in the level of service available in various regions of Labrador. They identified improvements in communications and transportation, and the establishment of more nursing stations in the coastal regions as developments which would help to resolve these disparities.

4. **Welfare** – According to the report, differences in social customs, values, and lifestyles, plus the differences in the cost of living in Labrador, create obstacles for consistent and equitable welfare delivery systems.
5. **Housing** – In their examination of housing, the most disturbing finding of the Commission was the discrepancy in the quality of services between the coast and inland Labrador, and between Native and non-Native residents.
6. **Legal system** – The Commissioners found the legal system to be inaccessible to many residents of Labrador.
7. **Recreation** – The Commission examined the availability of facilities and personnel for recreational and leisure activities, physical education programs, financial assistance, and culture and arts programs in Labrador.
8. **Marine, fisheries, wildlife and forestry** – The Commission's concern was limited to keeping renewable resources at a level which would allow for human exploitation.
9. **Environmental problems** – The Commission found that environmental problems were minimal in most parts of Labrador, despite the need for environmental planning mechanisms and for an overall policy for control of pollution and management of resources.
10. **Land tenure** – The Commission argued that the province must establish adequate machinery to ensure clear titles to the land.
11. **Oil exploration** – The Commission urged the province to assert its rights to share in the benefits of any oil exploration, and warned that any benefit to Labrador from exploration and drilling could be jeopardized if the ability of Labrador to supply material and labour could not meet demands.
12. **Tourism** – The Commission encouraged greater planning and orderly development by the province in the tourism industry.
13. **Transportation** – The Commission found room for much improvement depending on the geographic region and on existing standards, with issues such as cost, reliability, safety, funding, and planning considerations constituting the focus of the examination.
14. **Entrepreneurship** – The Commission identified a number of factors which inhibit the pursuit of business opportunities by Labrador residents: lack of training; poor access to credit; inadequate transportation systems; lack of government funding; warehousing limitations; lack of information; and distribution problems.

15. **Local development programs** – The Commission identified a need for large-scale government involvement in these programs with the full participation of local residents in the planning and development stages.
16. **Arts and crafts** – The Commission examined ways to enhance and bolster the spread of commercial craftwork through marketing schemes, training programs, and raw material supply management.
17. **Cost of living** – The Commission found that Labrador had the highest cost of living in the province.
18. **Subsidization** – According to the report, employers, including the provincial government, provided a number of different kinds of employee subsidies ranging from cash to in-kind transfers.
19. **Status of women** – The Commission found that the lives of women in the coastal communities had not changed dramatically through time.
20. **Population** – The Commission attempted to arrive at an accurate count of the Labrador population, but encountered many difficulties which undermined its fulfilment of this task.
21. **Isolation** – The Commission examined the effect of isolation on the social, economic and political organization of Labrador residents.
22. **Federal government** – The Commission found that the federal government had neglected its commitment to the First Nations and Inuit of Labrador, particularly in relation to the government's accepted responsibility and to its efforts in other regions of Canada. The Commission also found that the Federal-Provincial Agreement respecting First Nations and Inuit in Labrador was obsolete and seriously inadequate. The federal role in programs such as manpower, the Local Initiatives program, unemployment insurance, Department of Defence programs, Department of the Secretary of State programs, Department of the Environment programs and the Canada Post Office was also examined.
23. **Local government** – The Commission found that many communities in Labrador suffered from insufficient resources, inadequate financial bases and limited experience in community management. The report emphasizes the added demands imposed by the extreme isolation of many of the communities.
24. **Provincial services** – The Commission's found that there was not a large provincial government presence in Labrador.

RECOMMENDATIONS

The Commissioners made a total of 288 recommendations, aimed at ensuring full, just and equitable concern for the rights of all long-term residents, especially with regard to land title, renewable resource use, education, entrepreneurship and participation in decision making. A summary of the recommendations follows.

1. **Communications** – The Commission recommended that regular forms of communications to Labrador and its remote communities be extended.
2. **Education** – The Commission recommended that Labrador schooling be evaluated and raised to provincial standards, that logistical problems of student travel costs, housing, equipment and materials be examined, that adult and vocational education programs be offered, that school funding issues be addressed, and that a regional office of education for Labrador be established.
3. **Health** – The Commission recommended the provision of medical air service for Labrador, full nursing stations at a number of communities and fully equipped clinics in several others, radio-telephone sets for communities served by nursing stations, and coastal representation on a community health council.
4. **Welfare** – The Commission recommended improved service and management procedures, enhanced facilities and a greater breadth of services and service professionals for Labrador. It also recommended the adjustment of rates of assistance to respond to the cost of living differential between Labrador and elsewhere.
5. **Housing and utilities** – The Commission made recommendations to involve residents, especially Indian people in the design and planning of new housing. It also urged that improvements be made to basic services, sanitation, insulation, and basic repair, and to the materials supplied for home construction. The need for improved explanation and presentation of rental-purchase agreements in Native housing programs was also identified.
6. **Legal services** – Recommendations were primarily aimed at improving understanding and accessibility of legal services, positioning legal staff throughout the country, improving education and information programs, and providing multilingual services. Other recommendations dealt with fish and game provisions, and resource protection through enforcement of regulations.
7. **Sport and recreation** – A number of recommendations were made addressing facilities, organization and funding of sport and recreation activities.

8. **Marine resources, fisheries, wildlife resources, agriculture, and forestry** – The Commission's recommendations concentrated on the need for research to improve and define the possibilities of exploiting the Labrador fishery, the Labrador agriculture system and the forestry sector. The Commission recommended reintroducing the caribou in certain areas and improving management and regulation of the herd. Additional recommendations addressed legal and financial support and protection for Labrador fishermen, and the development of a corps of Indian fire fighters.
9. **Pollution and environmental control** – The Commission recommended that provincial requirements be developed for environmental impact assessments prior to new industrial or government projects. It also recommended undertaking and/or improving environmental assessments and regulations for air, water, and soil. Special problems associated with erosion, fish deaths, polluted lakes, and iron-ore dust were also addressed.
10. **Land and land tenure** – The Commission recommended the evaluation of existing and future titles and grants of land in full view of Native land claims and rights. It also recommended the establishment of a tribunal-type court with the power to award title.
11. **Oil exploration** – The Commission called for provincial access to oil company exploration findings, new royalty legislation for the province, and training programs and labour requirement studies to ensure that Labrador capitalizes to the fullest extent possible on the off-shore oil developments.
12. **Tourism** – The Commission recommended a number of measures to improve the ability of Labrador to support a larger tourist industry, focusing primarily on the appeal of its natural resources.
13. **Transportation** – The Commission made recommendations to expand and improve all forms of transportation in Labrador, including expanded air passenger service and airport facilities; improved seaplane bases on the coast; upgraded roads in a number of locations, including a Trans-Labrador Highway; and improved service from Canadian National and the ferry service.
14. **Entrepreneurship and local project development** – The Commission recommended the provision of better legal advice for people with small businesses, improved banking services, examination of the distribution system, and improved employment skill training. The Commission also recommended directing development efforts at the coastal region through a loan fund of \$500,000 to be made available for projects in this area.

15. **Cost of living and subsidization** – The Commission recommended that all government per-capita grants be based on actual cost of living differentials in Labrador. The Commission also advocated the inclusion of subsidy payments to provincial government employees in Labrador through wages, living allowances or other means.
16. **Status of women** – The recommendations of the Commission focused on equal treatment of women in the work place, at school and in the receipt of pension benefits. Emphasis was placed on providing adequate information to women about employment opportunities, family and marriage counselling, birth control and family planning. The Commission also called for increased funding for family life programs and day-care centres.
17. **Population** – The Commission recommended adjustments to the census procedures to allow for two enumeration periods within one year, one in winter and one in summer.
18. **Federal-provincial agreements** – The Commission called for the provincial government to renegotiate the Agreement with the federal government to provide better for the needs of the Labrador Indian people and Inuit. Substantial increases in the federal payments to Labrador were recommended.
19. **Local government** – The Commission recommended amendments to the *Local Government Act* to expedite the development of municipalities in Labrador.
20. **Federal services** – The Commission recommended a number of improvements to federal services: better assessment and planning for community needs; the establishment of a year-round air search and rescue unit and of an Unemployment Insurance office; a more substantial Canadian Armed Forces presence; and improved postal service and facilities.
21. **Provincial services** – The Commission's recommendations were aimed at extending the presence of provincial government into Labrador by establishing a number of regional offices. The Commission also recommended that the province become active in the field of human rights in Labrador.

1982

▲ **Assessment and Analysis of the Micmac Land Claim in Newfoundland**

AUTHOR: Government of Newfoundland and Labrador (Albert Jones)

YEAR: 1982

ABORIGINAL GROUP: First Nations

TOPIC: Claims

SUB-TOPIC: Comprehensive claims

SOURCE: Provincial Department

BACKGROUND

The report (known as the Jones report) describes the evolution of land claims issues in general, and the Micmac Land Claim in Newfoundland in particular. According to the report, the contemporary concept of land claims emerged in the 1950s and developed into a more elaborate concept in the following decade. In the 1970s, a series of legal contests related to Indian hunting and fishing rights, and the emergence of the notion of Aboriginal title, further influenced land claims issues. The 1973 *Calder* case emerged as a landmark in Canadian Indian history; it involved the claim by the Nishga Indians of British Columbia that their traditional title to the lands in the Naas River Valley had never been lawfully extinguished and they were therefore entitled to legal recognition of this title based upon traditional use and occupancy. Three justices of the Supreme Court ruled in favour of the Nishga and three ruled against. The seventh dismissed the case. The issue of Native title was left unresolved by this decision, but it proved that the concept of title was a credible one in the eyes of the law.

In July 1974, the federal government established the Office of Native Claims (ONC) to process land claims, liaise with other government departments, and initiate negotiations. The ONC reviews land claims submissions and determines if there is adequate evidence to support a claim.

In 1979, the Inuit at Baker Lake, Northwest Territories, brought the issue of Native land claims to the Federal Court, resulting in what is now known as the "Baker Lake Criteria". These four criteria establish a basis upon which Native title could be established. The Baker Lake Criteria are often used to establish parameters for the assessment of a particular claim.

On December 16, 1981, the federal government revised its Native land claims policy and outlined specific parameters to expedite the settlement process.

It was within this land claims context that, in 1977, the Inuit and the Naskapi-Montagnais of Labrador submitted land claims to the federal government. These claims were assessed and were deemed valid by both the premier of Newfoundland and Labrador and the minister of Indian Affairs and Northern Development.

In 1978, the Micmac Association of Newfoundland submitted an interim report setting out the basis for a land claim. This report was rejected by the federal

government. In 1979, the Micmac re-submitted two documents to the federal government and were subsequently rejected by the federal government on the basis that they did not contain enough evidence to support a land claim. In 1980, a revised claim, *Freedom to Live Our Own Way in Our Own Land*, was submitted to the federal and provincial governments. The Jones Report is the provincial government's response to this revised claim.

PURPOSE

The purpose of this report is to submit the Micmac land claim, as presented in *Freedom to Live Our Own Way in Our Own Land*, to a comprehensive historical and legal analysis in order to determine its validity. The following procedure was adopted:

1. The report provides a history of European settlement on the south coast of Newfoundland to give a general historical context to the Micmac presence on the Island of Newfoundland.
2. The Micmac document is subjected to a critical analysis.
3. The validity of the Micmac claim is examined in the context of the Baker Lake Criteria, Aboriginal occupancy, and the history of European settlement on the South Coast of Newfoundland.

ISSUES AND FINDINGS

The government of Newfoundland and Labrador concluded in the report that the claim lacks legal and historical justification. According to the report, the interpretation and documentation of the Micmac presence in Newfoundland as stated in the claim justifies neither the assumption that the Micmac people can be considered Aboriginal inhabitants, nor that the area claimed has been used and occupied from time immemorial to the exclusion of others.

The federal land claims policy statement and the Baker Lake Criteria present the two essential measures of the force of the arguments presented in the *Freedom* document. The 1973 federal policy states that the existence of Native title which has neither been extinguished by treaty nor superseded by law must be established in order for compensation for the loss of use and occupancy of certain lands to be considered. The research undertaken by the province concludes that the Micmac people are not Aboriginal inhabitants of the area in question and therefore no true Native title can be established.

Freedom does not, according to the Jones report, meet three of the four Baker Lake Criteria, i.e., three basic assertions of the Micmac claim cannot be considered valid:

1. occupation over the specific territory;
2. occupation to the exclusion of others, whether they be Europeans or *bona fide* Aboriginal peoples; and
3. occupation prior to the assertion of sovereignty by England.

RECOMMENDATIONS

There are no formal recommendations in this document.

1987

▲ Government of Newfoundland and Labrador Policy Regarding Aboriginal Land Claims

AUTHOR: Government of Newfoundland and Labrador,
Intergovernmental Affairs Secretariat, Native Policy Unit

YEAR: 1987

ABORIGINAL GROUP: All Aboriginal peoples

TOPIC: Claims

SUB-TOPIC: comprehensive claims

SOURCE: Provincial Department

BACKGROUND

In 1973, the government of Canada announced that it was prepared to negotiate comprehensive land claims settlements with Aboriginal people in Canada. In 1986, the federal government announced a new comprehensive land claims policy, which re-affirmed the existing policy but also introduced several new components. This document, the *Government of Newfoundland and Labrador Policy Regarding Aboriginal Land Claims*, is a response to the 1986 federal government comprehensive land claims policy.

PURPOSE

The purpose of this document is to outline the policy of the government of Newfoundland and Labrador with respect to negotiations of Aboriginal land claims involving the province, the federal government and the Aboriginal claimants.

ISSUES AND FINDINGS

Two major areas are addressed in the report; the process involved in the settlement of land claims, and the elements that might constitute a comprehensive claim settlement.

The process includes presentation and assessment, bilateral discussions and tripartite negotiations. The claim by the Aboriginal group must be accepted according to the federal government's criteria. Before the tripartite negotiations proceed, the federal and provincial governments must agree on their individual roles and responsibilities with respect to the negotiations, and a framework agreement must be established between the federal government and the Aboriginal group concerned. The language used throughout the process must be clear, precise, and final in order to prevent disputes and/or additional claims in the future.

The report also lists the elements of a potential comprehensive claims settlement. The province will contribute lands and resources, but financial compensation to claim beneficiaries is the sole responsibility of the federal government. The province will continue to assume the responsibilities and costs for programs and services to claim beneficiaries on the same basis as they are provided to all residents of the province, but federal government programs and services for Aboriginal peoples will remain the responsibility of the federal government. Self-government institutions will be discussed within the context of land claims settlements. Finally, overlapping claims must be reviewed by the Aboriginal groups involved, and mutual agreements reached, before final settlement with the province is discussed.

RECOMMENDATIONS

There are no formal recommendations presented in the document. Instead, the document outlines the policy of the government of Newfoundland and Labrador regarding Aboriginal land claims.

1991

▲ Discussion Paper on an Accelerated Approach to Aboriginal Land Claims Settlement

AUTHOR: Government of Newfoundland and Labrador

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Claims

SUB-TOPIC: comprehensive claims

SOURCE: Provincial Department

BACKGROUND

The federal government's 1986 *Comprehensive Land Claims Policy* has five stages:

1. Preliminary Negotiations;
2. Framework Agreements;
3. Agreement in Principle;
4. Final Agreements; and
5. Land Selection.

The government of Newfoundland and Labrador notes that this process is quite lengthy. The Labrador Inuit Claim has taken two years to reach a Framework Agreement and it is projected that an Agreement in Principle will not be achieved for another four years. It has been suggested that the whole process may take up to ten years.

The government of Newfoundland and Labrador describes the present process as "inefficient in its design". It concludes that the *process* of claims resolution, rather than the resolution of claims themselves, has become the main focus. A new, accelerated approach is therefore suggested.

PURPOSE

The provincial government proposes this accelerated approach to the Royal Commission on Aboriginal Peoples. It is acknowledged that accelerated settlement of land claims is one of the four pillars of the federal government's Native Agenda. Also, the mandate of the Royal Commission includes authority to make recommendations concerning the process for resolving comprehensive claims.

ISSUES AND FINDINGS

The discussion paper lists the merits of the proposed accelerated approach as categorized by three primary issues: time, expense, and a holistic approach. Since the accelerated approach would have a shorter timeframe, the negotiations would be less expensive than the present federal process. Acceleration would also minimize the need for interim measures because the negotiation time frame would be relatively short. Additionally, the parties would

gain a holistic view of settlement, making more effective solutions possible; in contrast, the present linear process subdivides issues and ignores relationships to the larger context.

In conclusion, the government of Newfoundland and Labrador stresses the importance of the participation of Aboriginal groups from the outset of the process in order to create a co-operative and integrated settlement.

RECOMMENDATIONS

This discussion paper outlines the proposal of the government of Newfoundland and Labrador for an accelerated approach to the resolution of land claims. The process is based on a 24-month timeframe and involves six stages:

1. Information Process (three months);
2. Settlement Package (six months);
3. Discussion Period (three months);
4. Package Presentation (three months);
5. Interim Settlement; and
6. Final Negotiations (nine months).

A crucial aspect of this process is that the governments and the claimant group do not employ the opening offer and counter offer approach, but rather make genuine offers for settlement from the outset.

Nova Scotia

1989

▲ Report of the Royal Commission on the Donald Marshall, Jr. Prosecution

AUTHOR: Royal Commission on the Donald Marshall, Jr.
Prosecution, Chair, Chief Justice T. Alexander Hickman

YEAR: 1989

ABORIGINAL GROUP: First Nations

TOPIC: Administration of Justice

SUB-TOPICS: law enforcement, courts, sentencing and remedies

SOURCE: Provincial Royal Commission

BACKGROUND

On the night of May 28, 1971, four people came together in a brief, unplanned encounter in Wentworth Park in Sydney, Nova Scotia. One of them, a 17-year-old Black youth named Sandford (Sandy) Seale, was killed. A 17-year-old Micmac, Donald Marshall, Jr., was wrongfully convicted of his murder and sentenced to life imprisonment in November 1971. Eleven years later, after Marshall's lawyer brought forward information suggesting Marshall did not commit the murder, the RCMP reinvestigated the case for a second time. That investigation confirmed that Marshall did not kill Seale and Marshall was released on parole and subsequently acquitted by the Supreme Court of Nova Scotia (Appeal Division) in May 1983. Roy Ebsary, who was one of the four people in Wentworth Park that night, was charged with killing Seale and was convicted of manslaughter following three trials. He was sentenced to three years in prison. In 1986, the Court of Appeal reduced his sentence to one year. He died in 1988.

These events have spawned numerous official inquiries and proceedings, including three formal police investigations, two preliminary inquiries, four trials, three appeals to the Supreme Court of Nova Scotia (Appeal Division), a Reference to the Court of Appeal and two Royal Commissions, including this one. The other Royal Commission, the Campbell Commission, was appointed by the province to determine appropriate compensation for Marshall.

PURPOSE

The general purpose of this Royal Commission was to determine why Donald Marshall, Jr. was wrongfully convicted and to make recommendations to ensure that such a miscarriage of justice would not happen again. The formal task of the Commission, as instructed by the Executive Council of Nova Scotia, was to "make recommendations to the Governor in Council respecting the investigation of the death of Sandford William Seale on the 28th-29th day of May, A.D., 1971; the charging and prosecution of Donald Marshall, Jr. with that death; the subsequent conviction and sentencing of Donald Marshall, Jr., for the non-capital murder of Sandford William Seale for which he was subsequently found to be not guilty; and such other related matters which the Commissioners consider relevant to the Inquiry".

ISSUES AND FINDINGS

The findings of the Royal Commission reveal that the handling of Donald Marshall's case was a clear miscarriage of justice and that the fact that

Marshall is Native was a factor in his wrongful conviction and imprisonment. The findings may be summarized as follows:

1. The police were incompetent and unprofessional in their handling of the investigation.
2. The Crown prosecutor and the defence counsel failed to discharge their obligations properly.
3. The trial judge made incorrect rulings that denied Marshall a fair trial.
4. The Appeal Court failed to ensure that all relevant issues were argued, despite the fundamental errors of the trial judge.
5. During the Police Reviews in 1974 and 1975, when new information about the possible guilt of another person was known, the responsible police officer failed to follow up on the new evidence.
6. The 1982 Reinvestigation by the RCMP came to the conclusion that Marshall had not committed the murder but the investigating officers improperly questioned Marshall in the penitentiary.
7. The Court of Appeal made a fundamental error when it concluded that Marshall was to blame for his wrongful conviction. These comments created serious problems for Marshall in the subsequent compensation negotiations and in the public acceptance of his acquittal.
8. One member of the Court of Appeal should not have been involved in hearing the case; he had been the Attorney General of Nova Scotia at the time of the original Marshall trial and appeal.
9. The Attorney General's Department did not treat Marshall properly and several public servants are criticized severely for their conduct in the affair; senior officials within the Department failed to instruct their negotiator to treat the Marshall case as a unique situation rather than simply another civil dispute to be settled as efficiently as possible.

In addition to the findings of the Commissioners, a research study included as Volume 3 of the Royal Commission, and entitled *The Micmac and Criminal Justice in Nova Scotia*, offers a separate set of findings. The study examines three Micmac reserves in Nova Scotia and portrays the Micmac context as one of economic underdevelopment, high unemployment, inadequate social service programming, and high rates of suicide, family breakdown and alcohol-related crime. In terms of the adverse effects of the criminal system on the Micmac, the study's findings are as follows:

1. Aboriginal people in Nova Scotia are being adversely affected by involvement in the criminal justice system because they are Aboriginal.

2. The underlying cause for Micmac involvement in the criminal justice system is a history of social and economic development that has resulted in a culture of poverty and external dependence.
3. Micmac experience two general sets of difficulties with the criminal justice system: the system's supporting institutions and programs often lack relevance to the needs of Micmac communities and existing justice delivery mechanisms are very often ineffective in reaching or working in Micmac communities.
4. There are few alternatives to incarceration or probation as sentencing options for Micmac offenders.
5. Indian communities lack the resources to develop and operate the support facilities they require.
6. Policies and programs based on cultural differences (indigenization) often treat criminal justice issues superficially, while failing to address the underlying problems.
7. There is no adequate information base in Nova Scotia regarding the needs of Native communities on which to base effective policy and program planning in the area of criminal justice.
8. The extent to which innovative solutions can be implemented will depend on the resolution and recognition of Aboriginal rights to self-government, Aboriginal rights under the Constitution, Micmac rights to land and resources, and tripartite co-operation among the federal and provincial governments and the Micmac.

RECOMMENDATIONS

The Royal Commission makes 82 recommendations under six broad headings:

1. **Dealing with the wrongfully convicted** – The Commission proposes that the federal and provincial governments establish independent review mechanisms to facilitate the reinvestigation of alleged cases of wrongful conviction. Such reviews should be reported publicly. In the case of Marshall, the government was asked to review the adequacy of the compensation he had received in light of the findings of the Royal Commission.
2. **Visible minorities in the criminal justice system** – The Royal Commission proposes that the government adopt a policy on race relations and that it be implemented throughout the agencies of the criminal justice system. Such policy would deal with information about discrimination, public education and training for justice workers.

3. **Nova Scotia Micmac and the criminal justice system** – The Royal Commission recommends the creation of a pilot Native Criminal Court with relevant social services and programs, a Native Justice Institute for research, study, training, consultation, information and monitoring, and various other programs to assist the Micmac people to develop their own services.
4. **Blacks in the criminal justice system** – The strengthening of the *Human Rights Act* and Commission to deal more effectively with unfair treatment is proposed.
5. **Administration of criminal justice** – The substance of the recommendations under this heading refer to the establishment of an office of Director of Public Prosecutions, by statute. This office would be appointed by the Governor in Council and those appointed would be removable only after a resolution from the legislature approving such action. The Commission proposes that the position be well protected from political interference. As well, the Commission suggests the *Criminal Code* be amended to require the broadest possible disclosure to the accused of the facts of the case against him/her. Until the Code is amended, the provincial government is asked to implement the proposed disclosure policy.
6. **Police and policing** – A broad range of improvements to the police system in Nova Scotia are proposed, including more resources and training, broader recruitment, evaluation and standards, better management practices, etc.

The research study, entitled *Micmac and Criminal Justice in Nova Scotia*, made independent recommendations in its particular area of examination. It recommended

1. a phased approach to achieving the goals of the Micmac in the area of criminal justice;
2. In the short term, programs such as Micmac Court Workers and the implementation of a regular sitting of provincial court in each reserve community;
3. the same time, the design and implementation of long-term solutions such as a community-based tribal justice system must be ongoing and may be facilitated by a recommended review of the effectiveness of the criminal justice system for Micmac communities on a community-by-community basis;
4. the establishment of a Nova Scotia Aboriginal Justice Institute; and
5. the establishment of an information base on Native and non-Native involvement in the criminal justice system.

1990

▲ Government of Nova Scotia Response to the Recommendations of the Royal Commission on the Donald Marshall, Jr. Prosecution

AUTHOR: Government of Nova Scotia

YEAR: 1990

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: justice system, law enforcement, legal representation, courts, sentencing and remedies, corrections, legal education

SOURCE: Provincial Government

BACKGROUND

Donald Marshall, Jr., a Micmac Indian, was wrongfully convicted and sentenced to life imprisonment for the murder of a black youth in Sydney, Nova Scotia, in 1971. Marshall was imprisoned for more than 11 years before being acquitted and released.

In 1989, the Royal Commission on the Donald Marshall, Jr. Prosecution reported on why Donald Marshall, Jr. was wrongfully convicted and made recommendations on how such miscarriages of justice could be prevented in the future. The Royal Commission found that there was a clear miscarriage of justice in the handling of Marshall's case and that the fact that Marshall is Native was a factor in his wrongful conviction and imprisonment. The Commission report contained 82 recommendations pertaining to a broad scope of justice issues, including wrongful convictions, the treatment of visible minorities, the Micmac, and Blacks by the justice system, and the responsibilities of the Attorney General, Solicitor General and police authorities. Almost half the recommendations dealt specifically with police and policing.

PURPOSE

The purpose of this document was to respond to the recommendations of the Royal Commission on the Donald Marshall, Jr. Prosecution and announce further initiatives undertaken by the provincial government to improve the justice system for all Nova Scotians, but particularly for visible minorities.

ISSUES AND FINDINGS

The government of Nova Scotia accepted all the recommendations of the Royal Commission which fell under its responsibility. Those recommendations not within the government's jurisdiction were endorsed and the government promised support, where applicable. No recommendations were rejected.

Prior to the release of the Royal Commission's recommendations, the government of Nova Scotia had begun to reform its justice system. These reforms included:

1. the creation of the Solicitor General's Department in order to separate the police and prosecution functions and to provide greater impetus to improve policing;
2. the appointment of a Director of Public Prosecutions to ensure that all Nova Scotians would be dealt with fairly;
3. the establishment of the Victims' Services Division in the Department of the Attorney General;
4. the introduction of a Fine Options Program by the Solicitor General's Department and new fine collection procedures;
5. the establishment of the Court Structure Task Force to make the court system more accessible and efficient;
6. improvements in the prosecution service;
7. the establishment of a working relationship between the government and Micmac leaders;
8. the establishment of the Solicitor General's Task Force on Municipal Police Training; and
9. the establishment of the Police Review Board to hear citizen complaints against the police.

The government undertook a number of other initiatives in response to the recommendations of the Royal Commission. The government's response may be classified into seven categories:

1. Righting the Wrong: Dealing with the Wrongfully Convicted

In response to the Commission's recommendations, the Attorney General of Nova Scotia wrote to all his federal, territorial, and provincial counterparts expressing a desire to discuss the establishment of formal, national structures for the investigation of wrongful convictions and the determination of compensation for the wrongfully convicted.

2. Compensation to Donald Marshall, Jr.

In response to the Commission's recommendations, the government asked one of the Marshall Commissioners to re-examine compensation. Counsel for Donald Marshall and the Attorney General agreed to co-operate to achieve a just and expeditious outcome.

3. Visible Minorities in the Criminal Justice System

In response to the Commission's recommendations, the government established a cabinet committee on race relations, a race relations division of the Human Rights Commission, education and affirmative action policies to improve relations between justice personnel and minorities, fine option programs in minority communities, and funding to Nova Scotia Legal Aid to allow it to hire Native and Black case workers and a social worker.

4. Micmac and the Justice System

In response to the Commission's recommendations, the government established a Tripartite Forum which brings together Micmac leaders and the federal and provincial governments. While the Forum was not to deal exclusively with justice issues, it was anticipated that these would be the first item on the Forum's agenda. It was hoped that, through the Forum, justice committees could be established in Native communities throughout the province to facilitate communication between the communities and the justice institutions.

Like the Commission, the government of Nova Scotia does not advocate an autonomous Native legal system for Nova Scotia Micmac, but instead believes that the system can be adapted to serve Native communities. A community court developed in close co-operation with the Micmac, for instance, was seen as an attractive method of making the justice system more meaningful to the Micmac.

5. Blacks in the Criminal Justice System

In response to the Commission's recommendations, the government approved funding for a new Legal Aid office in Westphal which would improve access for residents of the Black communities in the area.

6. Administration of Criminal Justice

In response to the Commission's recommendations, the government created the position of Director of Public Prosecutions in order to ensure that justice personnel would be able to impartially investigate and prosecute those in authority over them. In addition, the Attorney General's disclosure directives

were to be updated and the Attorney General was to discuss amendments to the *Criminal Code* proposed by the Commission with his federal, provincial, and territorial counterparts.

7. Police and Policing

In response to the Commission's recommendations, the Department of the Solicitor General was to appoint an Executive Director of Policing Services to serve as a focal point for all policing matters. Furthermore, the government was currently reviewing the structure of the Nova Scotia Police Commission to determine how it could perform its role more effectively. The government also committed itself to providing minority sensitization training to municipal police officers, to developing uniform policy and procedures for municipal and RCMP forces governing all aspects of policing, to recruiting more blacks and Native people to serve as police officers, and to establishing local advisory boards to improve access of Blacks and Native communities to the justice system.

RECOMMENDATIONS

The report responds to the recommendations of the Royal Commission on the Donald Marshall, Jr. Prosecution, but does not make any recommendations of its own.

1992

▲ Effective Political Representation in Nova Scotia: The 1992 Report of the Provincial Electoral Boundaries Commission

AUTHOR: Provincial Electoral Boundaries Commission, Chair, Dr. Ronald Landes

YEAR: 1992

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Provincial Government/Aboriginal Relations

SUB-TOPIC: political representation/participation

SOURCE: Provincial Commission

BACKGROUND

The 1992 Provincial Electoral Boundaries Commission was the first independent, non-partisan boundaries commission in Nova Scotia, established

by an all-party agreement. The Commission was to make recommendations to the Legislative Assembly of Nova Scotia directed toward the achievement of a non-partisan pattern of fair representation for the province of Nova Scotia.

PURPOSE

The Commission's mandate involved three primary components:

1. The Commission was to re-align the constituency boundaries in order to produce a pattern of effective representation; to this end, the Commission conducted public hearings and consultations, and received oral and written submissions. The factors considered by the Commission in their re-assessment of the boundaries included relative parity of voting power; geography; community history; community interests; minority representation; and population growth rate predictions.
2. The Commission was also to consider the use of county boundaries as possible demarcation lines for political representation.
3. Finally, the boundaries were to be adjusted to allow for an additional member in the Legislative Assembly to represent the Micmac people, and this adjustment was to be accomplished in consultation with Aboriginal communities in Nova Scotia.

ISSUES AND FINDINGS

1. Effective Representation

In considering how effective representation might be achieved, the Commission addressed factors related to minority group representation and population growth. The Commission found that although no seats were guaranteed to minority group representatives, minorities were encouraged to secure seats in the Assembly. The Commission concluded that a fair and non-partisan system for drawing constituency boundary lines, based around areas of minority group population concentration, was the best method for encouraging the effective representation of such groups in the Nova Scotia Legislative Assembly. The Commission also chose to create and/or retain certain seats in order to promote the effective representation of the Black and Acadian communities. Furthermore, in addressing issues of population growth as they affect electoral boundaries, the Commission attempted, where possible, to make potential high growth constituencies somewhat smaller in size than ridings which had a stable or slow growth pattern.

2. County Lines

The Commission was able to retain most county lines as constituency boundaries. Despite the need to reduce the population disparities between constituencies, wherever possible, a redistribution of population was accomplished within county lines.

3. Micmac Seat

After extensive consultation with the Micmac community, the Provincial Electoral Boundaries Commission recommended that the proposed Micmac seat not be implemented at this time. This inaction was requested by the Aboriginal community which was not prepared to make a final decision within the timeframe of the Commission. The Commission did recommend, however, that the House of Assembly adopt a procedure for further consultation with the Micmac people in this matter.

RECOMMENDATIONS

A number of proposed constituency changes for each of the 52 seats were outlined by the Commission. The boundary revisions that were recommended are quite extensive and delineate the specific electoral boundaries for each of 52 electoral districts. To implement the recommendations made in the Commission's report, it was proposed that a minimum implementation period of three months be established.

The Commission also made recommendations regarding future boundary revisions. They include the following:

1. that an Independent Boundaries Commission make revisions every 10 years, based on the Canadian census data, and on public hearings and consultation;
2. that constituency maps with polling divisions be produced for each riding;
3. that a thorough review and update of polling divisions and boundary descriptions be conducted; and
4. that the Commission be authorized to purchase a Geographic Information System (GIS) to be used to prepare maps and data regarding future boundary revisions and descriptions.

▲ Report of the Advisory Committee on Aboriginal Issues

AUTHOR: Advisory Committee on Aboriginal Issues, Co-Chairs,
Mary Ellen Turpel and Fred Wien

YEAR: 1992

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Self-Government, Constitution, Provincial
Government/Aboriginal Relations

SUB-TOPICS: rights, development

SOURCE: Provincial Commission

BACKGROUND

This document brings together reports from six different Advisory Committees established by the government of Nova Scotia:

1. the Advisory Committee on Aboriginal Issues;
2. the Advisory Committee on Charter of Rights, Women's, Bilingual and Multicultural Issues;
3. the Advisory Committee on the Division of Powers and Government Institutions;
4. the Advisory Committee on Economic Issues;
5. the Advisory Committee on the Constitutional Process; and
6. the Advisory Committee on Comparative Federalism.

The Advisory Committees were established by the three political party leaders of Nova Scotia as part of the process of public consultations on the Constitution. The Advisory Committees were to assist the Nova Scotia Working Committee on the Constitution by exploring some of the key issues in depth.

It is the report of the Advisory Committee on Aboriginal Issues which is reviewed below.

PURPOSE

The Nova Scotia Constitutional Advisory Committee on Aboriginal Issues was formed in August 1991, to advise all three political parties in Nova

Scotia on Aboriginal constitutional reform issues. More specifically, the mandate given to the Committee was “to develop a range of realistic options for a Nova Scotia position on the Constitution which would accommodate the concerns of the Micmac people of Nova Scotia, while taking into account the constitutional concerns of the Aboriginal people in Canada as a whole”. In addition to the Co-Chairs, the Committee comprised representatives from the Union of Nova Scotia Indians, the Native Council of Nova Scotia, and the Nova Scotia Native Women’s Association.

ISSUES AND FINDINGS

The Advisory Committee on Aboriginal Issues focused on three issues of central importance to Micmac people: the struggle for the recognition of their rights; the importance of direct Micmac representation in the constitutional debate; and the right to self-government.

1. The Struggle for Micmac Rights

The ongoing struggle and frustration involved in attempts to have Micmac Aboriginal and treaty rights recognized figured prominently in the Committee’s deliberations. The recognition of the Aboriginal right to harvest wildlife has been a rare exception in the struggle to have Aboriginal and treaty rights honoured. Lack of progress in this area, combined with the federal government’s consistent rejection of a comprehensive land claim from Nova Scotia, has resulted in high levels of frustration on the part of the Micmac people. Furthermore, taxation and trade matters have been points of contention between the Micmac people and the provincial government; the government of Nova Scotia has failed to recognize the taxation and trading rights of the Micmac, and/or refused to implement the mechanisms by which they might be effectively realized.

2. Direct Micmac Participation in the Constitutional Debate

The need for Micmac people to directly represent their interests in any process of constitutional reform was another ongoing theme in the Committee’s work. The position of the Micmac people is that no other organization, whether it be Aboriginal or non-Aboriginal, can speak for them; they must speak for themselves. This position is justified on the basis of their distinctiveness from other First Nations, and their unique set of treaties and rights.

3. The Right to Self-Government

All Micmac organizations agree on the principle that the right to self-government must be recognized and entrenched in the Canadian constitution.

The report notes that the recognition of Micmac self-government represents not only the recognition of a historic and continuing Aboriginal right, but also a means of addressing contemporary issues and social and economic problems that affect Micmac communities.

While the details of Micmac self-government cannot be provided until an extensive consultation process with the Micmac community is completed, some indication of the Micmac approach is given by the Union of Nova Scotia Indians' Constitutional Treaty Position, which was approved in December 1986. While the proposal does not constitute the current position of the Micmac, the Committee felt it was important. The 1986 proposal established four goals for the amendment of the Canadian *Constitution Act*;

1. recognition of the legal personality of those Aboriginal nations and governments already acknowledged by treaty;
2. limitation of the powers of the federal and provincial governments over Aboriginal communities;
3. immediate vesting of specific powers of self-government in Aboriginal peoples, subject only to subsequent agreements with the Crown; and
4. including Aboriginal governments in national equalization formulas, without prejudicing other financial entitlements.

The proposal also suggests changes to section 35 which would require the federal government to obtain the consent of each treaty group to any alternation of the Aboriginal peoples' legal rights and status in Canada.

The Union of Nova Scotia Indians document also describes an option for Micmac self-government, outlining a Micmac system of government and describing in general terms the responsibilities of Micmac bands, a Micmac Regional Authority, and the Grand Council. The proposal is based on the following principles: the clarification, rather than the extinguishment of the treaty relationship; a secure financial foundation for Micmac education and social welfare; direct representation of the Micmac people in the governments of Nova Scotia and Canada; and the opportunity for the Micmac people to develop and change their political institutions as they see fit.

While Micmac organizations had not yet taken a position on the federal government's constitutional proposals, "Shaping Canada's Future Together", the national organizations expressed several concerns:

1. there was a lack of Aboriginal involvement in the development of the proposals;
2. the provisions "entrench" the general justiciable right of self-government, implying that the right is not inherent;

3. the enforceability of the right to self-government is delayed for up to 10 years while the recognition of Quebec as a distinct society is not subject to the same delays; and
4. the recognition of Aboriginal land and property rights are not addressed in the proposals.

RECOMMENDATIONS

The Advisory Committee on Aboriginal Issues expressed concern with regard to the manner in which future discussions about Aboriginal constitutional issues should be organized in order to allow the Micmac constitutional positions to be effectively developed and articulated. Their recommendations on this issue were as follows:

1. that future discussion of constitutional options involve regular meetings between senior provincial government representatives and Micmac leaders;
2. that adequate time and resources be made available to the Micmac community to allow for grassroots consultation in the development of the Micmac constitutional position; and
3. that serious consideration be given to an ongoing process of public education on Aboriginal constitutional concerns.

Ontario

1976

▲ Summary Report of the Task Force on the Educational Needs of Native Peoples of Ontario

AUTHOR: Task Force on the Educational Needs of Native Peoples

YEAR: 1976

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: professionals/educators, curriculum, student support

SOURCE: Provincial Commission

PURPOSE

The purpose of the Task Force was to gather information regarding the educational needs of Native peoples. Their aims were threefold:

1. to assess educational needs and propose measures to meet those needs;
2. to forward recommendations to the federal and provincial governments for their implementation; and
3. to keep Native groups informed of decisions made and the implementation of recommendations.

ISSUES AND FINDINGS

The issue areas examined in the Task Force report included the following:

1. staffing and training;
2. curriculum;
3. financial assistance;
4. adult education and retraining;
5. resource centres;
6. student boarding homes;
7. transportation;
8. recreational and physical education; and
9. support services.

Staffing and training: It was determined that non-Native teachers could not bridge cultural gaps in order to foster a Native student's development. Remote schools lacked qualified educators and there was an identified need to bring teacher training closer to the Native communities. The area of counselling was also viewed as problematic because not enough qualified counsellors were available, Native students did not receive counselling appropriate to their particular circumstances and needs from non-Native counsellors, Native counselling courses were out of date and salary levels unattractive to qualified counsellors.

Curriculum: There were significant concerns identified in relation to the existing curriculum. These were primarily that educators fail to adopt culturally relevant curriculum (i.e., content has little in common with Native life-styles and environment); present curriculum is often derogatory and encourages stereotypical attitudes toward Native people; Native people are not encouraged to participate in the development of curriculum, nor are Native resource persons brought in to teach Native Studies courses.

Financial: The report deals with questions relating to financial assistance for Status/Treaty Indians and for Métis and Non-Status Indian students separately. Because of departmental cutbacks, it next to impossible for all Status/Treaty Indians to benefit from the right to free access to education. For Métis and

non-status Indians, there is no financial assistance available. Further, it was found that they were often unaware of funding alternatives such as bursaries and scholarships. The concern was also raised that there were no employment opportunities within their communities, and therefore it was difficult for them to make summer earnings to support educational activities. These students would often have to move from remote communities to urban centres in order to pursue an education.

Adult education: In the area of adult education, retraining and upgrading, it was discovered that many Native specific programs seldom led to provincial certification, and that programs themselves were seldom developed with the participation of Native people. Such programs were also found to be inaccessible to many Native people.

Resource centres: Many Canadians were found to hold stereotypical views of Aboriginal people and that which present institutions (museums, public libraries) perpetuated such views. Governments provide inadequate funding for Native cultural programs and associations. Tourism had also failed to designate important Native locations.

Student boarding: Student boarding homes were found to be inadequate and overcrowded. Communication between parents, teachers, students and families was found to be poor.

Transportation: In its examination of student transportation issues the Task Force found that busing could add two extra hours to a student's day, and often meant that these students could not participate in after-school activities. Further, it was found that many buses were in a state of disrepair, and drivers were not properly trained.

In terms of recreation, there was found to be a lack of recreational and physical education facilities on reserves. Métis and non-treaty Indians had no special facilities or programs because of lack of funding. Existing recreational programs did not reflect the cultural background of Native people.

The Task Force also examined other support services including daycare, health care, drug and alcohol rehabilitation and court worker services. The basic problem was found to be that many of these services cater to the non-Aboriginal community and are therefore, often inaccessible to Native communities.

RECOMMENDATIONS

The Task Force made a significant number of recommendations. These can be summarized as follows:

1. Education of Native peoples should reinforce rather than destroy their culture and identity.
2. The education system should give the Native people the option of living a Native lifestyle, or of competing on equal terms in the general job market, or both.
3. The education system should be extended to all elements of Native society not just to formally enroled students, through, for example, adult education programs.
4. The Ontario government should create a "Council of Native Education" to implement recommendations, monitor Native education systems and undertake periodic evaluations.

1978

▲ Report of the Royal Commission on the Northern Environment

AUTHOR: Royal Commission on the Northern Environment, Chair, Justice E.P. Hartt

YEAR: 1978

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Resources, Environmental Protection, Economic Development, Employment Development

SOURCE: Provincial Royal Commission

BACKGROUND

The Commission was established by the Ontario government on July 13, 1977, by Order in Council in recognition that the impacts of development and the exploitation of resources can impose significant, unacceptable burdens on the environment, and in follow up to the passage of the *Environmental Assessment Act* of 1975. The environment was defined as including the social, economic and cultural context and conditions of people and their communities.

PURPOSE

The Commission was asked to assess the environmental effects of major enterprises in the North, to recommend methods for their assessment and to examine alternative uses for northern resources.

ISSUES AND FINDINGS

The report deals strictly with the “issues” of the northern environment and impacts, but does not provide any conclusions.

There are two underlying themes:

1. The need to consult with peoples affected by development and involve them in decision making and to consider northerner’s (and Aboriginal peoples) special relationship with the land.

The Commission heard evidence that environmental assessments need to have some local level review mechanism. Concerns were expressed that, in particular, northern women and a consideration of their needs were often left out of consultation processes.

2. Development must be controlled development, although no consensus was reached on how “controlled development” might be defined. The Commission heard reports that led it to conclude that contradictory land uses (i.e., industry, tourism and recreation/wilderness) must all be taken into account, and a balance achieved between traditional patterns of land use and regional economic aspirations.

The Commission heard reports on forestry, employment opportunities, mining, tourism, prospects for agriculture, wild rice harvesting, energy, mercury pollution, lack of accessible education, medical services, lack of recreational activities, inadequate construction and supply of housing, inadequate transportation including the maintenance of winter roads, limited communications facilities, social and legal inequities, community taxation, and treaty and other rights.

There was also a recommended need to clarify which level of government is responsible for what services so that conflicts between different levels of government could be minimized.

The report represents the evidence of a selection of parties that appeared before it.

RECOMMENDATIONS

No formal recommendations were provided in the final report, although the interim report filed in April 1978 does contain recommendations in respect of certain issues.

In its interim report the Commission emphasized the need for consultations with affected communities and groups before proceeding with a proposed

mining development south of Moosonee. It also recommended a complete review and assessment of the West Patricia Planning process, and a task force of northern residents to investigate ways in which northern people could become effectively involved in decision making. A further recommendation was for the establishment of a joint committee of the Ontario and federal governments and Indian representatives to discuss devolution of local government authority and to provide access to resources for Indian people. The Commission saw as its first priority as the well being of the people of Whitedog and Grassy Narrows and opposition to the implementation of any new policies on wild rice harvesting that would weaken the economic position of Indian peoples.

▲ **Indian Commission of Ontario: Terms of Reference (1978-1990)**

YEAR: 1978

ABORIGINAL GROUP: First Nations

TOPICS: Intergovernmental Relations, Self-Government

SUB-TOPIC: negotiation structures and processes

SOURCE: Tripartite Agency (Federal/Provincial/Aboriginal)

BACKGROUND

The Ontario Tripartite process was established in 1978 to examine and set priorities for identifying and negotiating all matters affecting Indian people in the province, and their relationship with the federal and provincial governments. A Tripartite Council, comprising senior representatives of the governments of Canada and Ontario and the Indian leadership of Ontario, was to oversee the implementation of the tripartite process.

The Indian Commission of Ontario (ICO) was also established in 1978 by agreement of the Ontario Tripartite Council. The First Indian Commissioner of Ontario was appointed under parallel federal and provincial Orders in Council, and a resolution of the Chiefs of Ontario. The mandate of the ICO was subsequently amended in 1981 and in 1983.

Present Orders in Council extend the ICO's mandate to March 1995, with a review of the functions and duties of the Commission required by March 1993.

The Commission is jointly funded by Canada, Ontario and Ontario First Nations, with the First Nations share of expenses covered by the federal government.

PURPOSE

The initial mandate of the Indian Commissioner was to facilitate decision making within the tripartite process and assist in the resolution of issues of mutual concern to the parties. The Commission was to act as a secretariat, independent of but responsible to the Tripartite Council.

Terms of reference as these are reflected in the most recent Orders in Council (1990) set out functions, duties and powers/authorities of the ICO as described below.

The mission statement of the ICO recognizes its responsibility to facilitate the discussion and negotiation of self government, and the exercise of powers and jurisdictions by Ontario First Nations. The ICO must also examine and work toward the resolution of any issues of mutual concern referred to it by the parties.

In referring an issue to the ICO the parties must confirm their agreement as to the precise matter for resolution, objectives to be achieved, the process for resolving the issue, resources to be allocated and the approximate schedule for completion of discussions and issue resolution.

Terms of reference for the ICO specify the following duties:

1. the ICO is to convene meetings of the Tripartite Council;
2. act as Secretariat to the Tripartite Council;
3. chair all tripartite meetings in which the Commission is involved;
4. prepare and submit to the Tripartite Council quarterly and annual activity reports;
5. assist in the identification, examination and resolution of all issues, including land claims.

In terms of its powers and authorities the ICO may

1. convene and adjourn meetings in consultation with the parties;
2. request the parties to make available to the ICO any relevant information or documents (some limitations on release of materials are specified);
3. request the assistance of the parties' employees in the resolution of issues;

4. set out questions or request responses from parties in relation to specific matters;
5. present suggestions to the parties for their consideration in an attempt to resolve outstanding issues;
6. impose deadlines for the completion of negotiation processes, suspend tripartite activities (with confirmation of the Tripartite Council);
7. at the request of the parties, suggest and refer issues to alternative dispute resolution processes including courts, tribunals, or specific bodies or persons;
8. make arrangements for mediation or arbitration;
9. recommend that special Commissions of Inquiry be established under federal and provincial Inquiries acts to examine specific matters;
10. hire counsel, clerks and advisers.

In fulfilling its mandate, the ICO has dealt with a range of issues, including land claims, policing, social services, fishing, wild rice, justice and self-government.

ISSUES AND FINDINGS

Not applicable.

RECOMMENDATIONS

Not applicable.

1981

▲ **Native People in Urban Settings: Problems, Needs and Services. A Report of the Ontario Task Force on Native People in the Urban Setting**

AUTHOR: Ontario Task Force on Native People in the Urban Setting,
Co-Chairs, James W. Ramsay and Barney Batise

YEAR: 1981

ABORIGINAL GROUP: All Aboriginal Peoples, Urban

TOPIC: Programs and Services

SOURCE: Provincial Commission

BACKGROUND

In May 1978, the Ontario Federation of Friendship Centres prepared a discussion paper, entitled *Strangers in Our Land*, for presentation to the minister of Culture and Recreation. The paper identified the major problems of urban Native people, including discrimination, unemployment, lack of adequate housing, alcohol abuse, lack of education, inadequate health care and lack of cultural awareness. The discussion paper also suggested that provincial efforts to address these problems had been short-term and poorly co-ordinated, and that better resources were needed. The federation proposed that a Task Force be established, and in 1978 the minister of Culture and Recreation established the proposed Task Force, the Ontario Task Force on Native People in the Urban Setting.

PURPOSE

The goal of the Task Force was as follows:

The improvement of the quality of life of Native people migrating to and residing in urban areas, and through co-operative efforts, to develop the opportunities and resources whereby they may determine their own future, while adjusting to an urban environment and retaining their cultural identity.

The objectives were to

1. identify needs of Native people migrating to and residing in urban areas;
2. identify and evaluate resources available to urban Native people;
3. determine resource requirements based on Native people's needs and the services currently available;
4. identify and clarify areas of jurisdictional responsibility and limitations; and
5. develop a plan that would meet the identified needs and achieve stated goals.

The Report of the Task Force, entitled "Native People in Urban Settings", presents the results of the research projects commissioned to meet these objectives; it is intended to provide the necessary information for the second phase of the project, the policy development stage, the outcome of which is not included in the Report.

ISSUES AND FINDINGS

The Task Force Report draws together the findings of numerous research projects to assist government and Native planning processes. The Report is

subdivided into five main component areas, based on the findings of research commissioned for the Report:

1. **Social conditions:** The research findings suggest that Native mobility to urban centres is increasing, primarily for economic and educational reasons, and that out-migration is heaviest from certain kinds of reserves. The research also suggests that Native people are concentrated in certain cities and towns in Ontario, and their movement to urban locations is likely to increase to the end of the century. The Report identified six major problems experienced by urban Native people: inadequate housing; limited education; lack of cultural awareness; unemployment; alcohol abuse; and discrimination. In addition, several secondary problem areas were cited: problems of making the transition to urban living; lack of recreational opportunities; involvement in the justice system; health and nutritional problems; and special problems faced by urban Native youth, women, and senior citizens.
2. **Policies and programs as resources:** The research suggests that government policy on Native people is based more on political pressure and past mistakes than on accurate needs analyses. Moreover, the research findings identify a number of problems in carrying out policies and programs, such as needs identification problems, problems in communication with the Native community, and cultural barriers.
3. **Resource availability, use and effectiveness:** The Report suggests that for certain service categories, and in certain geographical areas, there are insufficient resources to meet the demands of Native service users. Furthermore, where services do exist, their effectiveness is highly questionable either because of under-utilization or inadequate quality of service.
4. **Factors affecting service impact:** The following broad generalizations are offered as explanations for program ineffectiveness and under-utilization:
 - (a) there are problems of accessibility for Native users to some human service organizations, due to ineffective information dissemination, poor communication with Native organizations, geographical dispersion, and inappropriate eligibility criteria;
 - (b) agencies are not well equipped for providing culturally appropriate services due to limited numbers of Native staff and volunteers, limited opportunities for staff training in Native cultural awareness, limited involvement with Native organizations, and lack of funds; and
 - (c) the work of Native organizations is hampered by limited resources, organizational inefficiency, inadequate Native community support, poor relations with other community agencies; and divisions within the Native community.

- 5. Future directions:** Service deliverers and members of Native communities recommended the following as ideas regarding what change ought to occur: enhancement of employment opportunities; upgraded job training; culturally-sensitive educational institutions and curriculum changes; the creation of more low-cost housing units; increased awareness, sensitivity and respect for Native cultures by urban institutions; better needs analyses at government planning levels; recruitment of Native staff; better inter-agency co-ordination; and the institutionalization of various self-help ideas.

RECOMMENDATIONS

The Task Force Report concludes that dissatisfaction is apparent in the provision of services, in a culturally appropriate way, to Native clients in urban settings.

Based on these findings, the following recommendations were suggested:

1. That general and special needs programs and services be delivered to Native clients in a way that is compatible with their cultural backgrounds and social situations.
2. That Native users, through such mechanisms as consultation, board membership, etc., have the opportunity to enhance the sensitivity and appropriateness of service and other urban institutions.
3. That resources be developed in a way that provides a balanced emphasis on prevention of the problems facing Native people in urban settings.
4. That resources be provided in a manner that enhances basic urban life skills of certain Native people.
5. That resources be furnished to provide opportunities for Native cultural awareness by both Native people and non-Native society.

1987

▲ **Aboriginal Cultures of Ontario: A Summary of Definitions and Proposals to Preserve Their Cultural Heritage Made by the Native People of Ontario**

AUTHOR: Ontario Ministry of Citizenship and Culture (Paul Driben)

YEAR: 1987

ABORIGINAL GROUP: All Aboriginal Peoples, Urban

TOPIC: Cultural Affairs

SUB-TOPICS: arts and crafts, religion/spirituality

SOURCE: Provincial Department

BACKGROUND

In April, 1983, in order to prepare for the 1984 First Ministers' Conference on Aboriginal and Treaty Rights, the Ontario Deputy Ministers' Steering Committee on Aboriginal and Treaty Rights asked the ministries of Citizenship and Culture and of Education to prepare a discussion paper on the preservation of Aboriginal cultures and to present a range of options for the province to consider in addressing the Aboriginal peoples claim to the right to preserve their cultures and languages. This report was prepared with that discussion paper in mind.

PURPOSE

The aim of this report is to present the definitions of Aboriginal or Native cultures as articulated by the Native people, and the actions that they believe are necessary to assist them to maintain their Aboriginal culture. The information in this report is based on secondary sources, with special attention paid to policy statements made by Native peoples and their organizations.

ISSUES AND FINDINGS

Driben categorized Aboriginal cultures in Ontario into three distinct groups: the Iroquoians, the Algonkians, and the Métis and non-status Indians. He found that these groups define their culture in a variety of ways:

1. all three groups include their uniqueness in relation to other cultures as one of the defining characteristics of their culture;
2. the Iroquoians' definition was the only one that included feelings of unity among members of their culture, the egalitarian nature of their society, and respect for their traditions;
3. both the Iroquoians and the Algonkians included the feeling of loss associated with the disappearance of traditional customs as one aspect of their culture;
4. only the Algonkians cited the positive value of their culture in relation to non-Native cultures, and their intimate relationship with the natural environment as important to their culture;
5. the Métis and non-status Indians were the only culture to refer to the loss of Indian status and treaty rights, the mixed biological ancestry of

members of their culture, and the emphasis that members of the culture place on the Aboriginal aspect of their identity, as components of the definition of their culture.

The differences in these cultures is also expressed through the proposals that they put forth to preserve their culture. These proposals were put forth by the Iroquoians, Algonkians, Métis and non-status, and urban Aboriginal People and can be categorized as follows:

Regarding Social Organization

1. all four groups favoured greater control over their own child welfare, justice, and other social services as well as more funds to design and deliver these programs;
2. all groups but urban Aboriginal people supported control over their own education;
3. the Iroquoians and the Algonkians felt that Native people should be allowed to establish and control the criteria for membership in Indian bands; and
4. only the Iroquoians expressed the desire to provide Native people with free medical and dental care.

Regarding Economic Organization

1. all four groups supported the provision of greater financial assistance to Native people for their economic development;
2. the Algonkians and the Métis/non-status groups recommended the full participation of Native people in plans for resource development;
3. the Iroquoians and Algonkians both believed that Native people should have guaranteed access to land and natural resources; and
4. only the Iroquoians felt that Native people need to control their own financial affairs.

Regarding Arts and Media

1. all four groups felt that there was a need to promote Native arts, crafts and media more extensively;
2. all groups but urban Native people expressed the opinion that increased government funding and more jobs for Native people involved in that arts was needed;

3. both the Iroquoians and the Algonkians recommended that more displays be set up of Native arts and crafts; and
4. the Métis/non-status group expressed a desire to have Native people represented on boards of agencies such as the CBC and CRTC.

Regarding Political Organization

1. all groups but the urban Native people believed that Native peoples should be allowed to participate fully in the constitutional process and that the Department of Indian Affairs and Northern Development should be eliminated;
2. both the Iroquoians and the Algonkians recommended that self-government be established for Native people;
3. the Algonkians alone expressed the need for a land base for Native communities and for increased economic support for Native political organizations;
4. only the Iroquoians cited the desire to reinstate traditional government;
5. the Métis/non-status Indians were the only group to recommend constitutional guarantees for Native representation in Parliament; and
6. Native people in urban areas did not put forth proposals to preserve Native cultural heritage that dealt with political organization.

Regarding Spiritual Values and Beliefs

1. all four groups believed that Native people should be allowed to control their own cultural educational centres and programs;
2. all groups but the Iroquoians believed that public awareness of the history and traditional cultural beliefs of Native people should be enhanced;
3. the Algonkians and the Native people in urban areas felt that the existing social and economic conditions of Native people need to be improved; and
4. the Métis/non-status and urban Native people cited Native representation on boards and agencies concerned with promoting cross-cultural awareness as necessary to preserve Native cultural heritage.

The report's final chapter is devoted to the needs and aspirations of Native people in urban areas. According to the statements contained in the report, Native people say that they would be better able to cope with the urban environment if:

1. non-Native people had a better understanding of the social and economic circumstances of Native people in urban areas;
2. Native people intending to migrate to urban areas were offered pre-migration orientation programs;
3. Native organizations did more to lobby for the needs of Native people in urban areas; and
4. Native organizations and government did more to design and deliver programs which address the unique needs of urban Native people.

RECOMMENDATIONS

There were no recommendations in this report.

1988

▲ Report on the Constitution Amendment, 1987

AUTHOR: Ontario Legislative Assembly, Select Committee on Constitutional Reform, Chair, Charles Beer, MPP

YEAR: 1988

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Constitution, Intergovernmental Relations

SUB-TOPICS: rights, development, tripartite
(Aboriginal/federal/provincial) relations

SOURCE: Legislative Committee

BACKGROUND

This report is the product of consultations with the residents of Ontario by the Select Committee on the proposed amendments to the *Constitution Act, 1982* (the Meech Lake Accord), which was signed by the First Ministers and placed before the Legislative Assembly for resolution on November 25, 1987.

PURPOSE

The purpose of the report was to review the opinions and recommendations of the Ontario public on the Meech Lake Accord.

ISSUES AND FINDINGS

The major areas of concern with respect to Aboriginal issues which were identified by the residents consulted are as follows:

1. the lack of Aboriginal input and participation in the drafting of the Meech Lake Accord by the First Ministers; and
2. the exclusion of Aboriginal peoples from the Canada Clause; and
3. the disregard for self-government as a priority in the proposed constitutional conferences.

According to the document, many Aboriginal groups were angry that their role in the process of constitutional reform seemed to have ended with the failure of the final constitutional conference on Aboriginal issues in April 1987. The Aboriginal feeling of exclusion from the constitutional negotiations was found to be part of a larger public feeling of exclusion. Many public presentations criticized the method of executive federalism for being undemocratic.

The most controversial issue identified in the report concerned the interpretation of the Canada Clause and clause 16. A number of multicultural and Aboriginal groups stated that they did not share the Accord's depiction of Canada. They felt that their existence and contributions were ignored by the description of Canada in the first clause and that the description was too narrow. They proposed that a non-exhaustive list of fundamental characteristics be included in first clause which would more accurately reflect the reality of Canada.

The most frequently voiced objection to the proposed constitutional conferences was the omission of an agenda for Aboriginal self-government. Furthermore, Aboriginal groups were not only aware that issues of Aboriginal rights were not mentioned, but also that the previous undertaking to discuss Aboriginal rights expired a few weeks before the accord was signed. Consequently, some doubt was expressed about the sincerity of previous attempts to resolve the situation of Canada's Aboriginal peoples.

RECOMMENDATIONS

Within the recommendations put forth by the Select Committee, two dealt with Aboriginal issues. The Committee recommended:

1. that the Legislature of Ontario establish a Standing Committee on Constitutional and Intergovernmental Affairs to support Aboriginal rights as a main issue for future meetings of the First Ministers; and

2. that the *Constitution Act*, 1982 be amended by adding a mandatory constitutional conference at least once every five years to address matters that directly affect the Aboriginal peoples of Canada, including the identification and definition of the rights of Aboriginal peoples in Canada.

1989

▲ Report of the Race Relations and Policing Task Force

AUTHOR: Race Relations and Policing Task Force, Chair, Claire Lewis

YEAR: 1989

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: law enforcement, justice system (separate), policing

SOURCE: Provincial Commission

BACKGROUND

The report was commissioned by the Solicitor General for the province of Ontario in December of 1988 in response to a series of incidents involving members of visible minorities communities and the police in Ontario.

PURPOSE

The Task Force was asked to look at the issues of police training, policing policies, practices and attitudes as they related to visible minorities within Ontario. The terms of reference for the Task Force focus on relations between police and visible minorities. There were no specific references to Aboriginal peoples as they were considered to be distinct from visible minorities.

ISSUES AND FINDINGS

Though not part of the Task Force's mandate, presentations were made during public hearings by members of the Native communities.

The main issue that was presented to the Task Force by Native peoples was their sense that the system of policing, as it existed within Ontario, was not responsive to the special needs of Native Communities.

There was a sense within the Native communities that there was an “over-policing” of Native people when it came to appeasing members of the non-Native community, and “under policing” of serious offences within Native communities, in which Aboriginal people themselves are the victims of Native crime.

RECOMMENDATIONS

The Task Force lacked the mandate, the expertise, and time needed to study, assess and make meaningful recommendations in relation to Native concerns.

The only recommendation made by the Task Force with respect to Native peoples’ concerns was that the government of Ontario, in conjunction with the federal government, should establish a tripartite Task Force for the purpose of studying the feasibility and necessary structures and processes of Native justice systems in Ontario. They also recommended that this tripartite process be created and operational with one year of this report being filed. The Task Force suggested pilot projects on various working models be established as well.

1990

▲ Discussion Paper Regarding First Nation Land Claims

AUTHOR: Indian Commission of Ontario, Commissioner, Harry S. Laforme

YEAR: 1990

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Claims

SUB-TOPICS: specific claims, commission/institutions

SOURCE: Tripartite Agency (Federal/Provincial/Aboriginal)

BACKGROUND

This discussion paper on Indian claims was produced after an emergency meeting of chiefs and ministers in Toronto on August 23, 1991. This paper was given a 30-day timeframe for completion; consequently, the editorial approach taken was to canvass the existing literature relating to claims issues and to quote extensively from what was available on short notice. The

intention of this approach was to demonstrate that current issues are not new, but rather that they have been identified for many years and from many sources.

One of the contributing factors behind the request for this document was the standoff at Oka during the summer of 1990. The blockades gave unprecedented publicity to the state of the relationship between Canada's governing institutions and Aboriginal peoples.

PURPOSE

The purpose of the paper is to examine the situation of land claims in Ontario, and to make recommendations aimed at improving the land claims settlement process.

ISSUES AND FINDINGS

The report provides a brief history of the land claims process, discusses the nature of claims and the problems of the current claims settlement process, and presents alternative people to the present system. It recognizes the failure of the current claims settlement process, and the need for change in order to prevent recurrences of the situation witnessed at Oka. The report focuses particularly on the structure and operation of specific claims policy given its emphasis on the Ontario experience.

The report includes many quotes and examples taken from relevant documents and court decisions. These factors clearly describe the present problems and examine possible avenues for change.

The Commission reported that current policies are out of step both with Indian expectations of the process and with existing law. It found that many of the problems associated with land claims policies can be attributed to the fact that they cater to the government's attempts to extinguish existing obligations at minimum cost with minimal disruption to the Canadian polity. These elements seem to be fundamentally at odds with Indian needs and expectations. A specific examples of this incongruence in Ontario is the exclusion from negotiation of any claims arising from Aboriginal title or treaties concluded prior to Confederation, despite Supreme Court pronouncements such as *Simon* and *Sparrow* flowing from section 35 of the *Constitution Act, 1982*.

Based on the literature cited, the Commission saw the need for a review of existing claims policies, and for public education about the needs and aspirations of Indian peoples in order to create a climate for change.

The report's findings indicate that while the problems of policy and process have long been known, the failure to deal with them has caused frustration

and delay in claims settlement in Ontario. The problems which need to be addressed are not new, but nonetheless, remain unresolved:

1. with regard to the concept of lawful obligation, a functional claims policy must expressly acknowledge that, in assessing governmental conduct past and present, the appropriate standard to be met is that of a trustee or fiduciary;
2. any claims policy must incorporate the Crown's fiduciary obligations over a broad range of transactions, including treaty promises in order to illicit faith in its capacity to resolve claims in a fair and equitable manner;
3. the issue of conflict of interest throughout the process must be resolved if claims are to be fairly processed, validated, and negotiated;
4. terms contained within the specific claims policy must be more clearly defined in order to prevent arbitrary interpretation;
5. the lack of apparent authority of the civil servants sent to the bargaining table must be resolved;
6. the extinguishment factor of the policy, which structures claims settlements to ensure that no continuing obligations of government remain, must be re-examined;
7. appeal mechanisms must be established to ensure independent reviews of decisions taken under the specific claims policy; and
8. provincial involvement and commitment are both desirable and necessary if the Indian Commission of Ontario claims process is to work effectively.

The report also addresses the difficulties attendant upon litigation as a means of settling claims, and reviews the questions concerning the use of the courts as a supplement to negotiations. Fundamental problems with using the courts are identified:

1. the courts are inherently conservative rather than instruments of change;
2. few judges have training in the specialized body of law relative to Native peoples and claims;
3. there is an excessive reliance on technical defences;
4. the scope of judicial remedies is limited; and
5. there is a considerable amount of time and expense associated with litigation.

As a result of these problems, the courts are not seen as a complete alternative to negotiations but as a supplement when negotiations are blocked at key decision points. Other alternatives to the current claims settlement process are, however, presented in the report. These include:

1. adjudicative tribunals;
2. "soft adjudicative" tribunals, in which decisions are not binding in nature but rather presented as recommendations, such as the Waitangi Tribunal in New Zealand;
3. facilitated negotiations, as observed for instance, in the role of the Indian Commission of Ontario;
4. negotiations with binding or non-binding arbitration; and
5. administrative changes, to ensure sustained resources for the claims process.

RECOMMENDATIONS

In its conclusions and recommendations, the Commission reiterates its theme that the events at Oka and intense frustration of Indian people elsewhere had in fact been predicted by every independent review of the process over the past decade. The problems and issues identified in this report were not new, but unfortunately, they had not been heard or acted upon.

The main theme of the recommendations is that in order to determine and give effect to Indian rights in Ontario, the governments of Canada and Ontario should provide a claims resolution process that is fair, expeditious, comprehensive, and has some measure of finality. The Commission divided its recommendations into two sections: the first deals with the specific claims policy, and the second with the claims process. Concerning the claims policy, the Commission made the following recommendations dealing with validation and compensation:

1. that criteria for validation be simplified;
2. that validation criteria state explicitly that technical defences not be taken into account in the validation or compensation processes;
3. that validation criteria not exclude pre-Confederation claims;
4. that detailed reasons supporting the decision to accept or reject a land claim be provided to the claimant and to all other parties;
5. that Ontario be bound by the same validation criteria as Canada;
6. that general validation criteria, which would thereafter be applied on a case-specific basis, be formulated through consultation between representatives of First Nations, Ontario and Canada;
7. that validation criteria be sufficiently broad in Ontario to permit resolution of all Indian land claims, including claims of Aboriginal title to lands and Crown management of Indian assets and Indian rights;

8. that compensation criteria be simplified to ensure that claimants will be compensated for all losses incurred by the acts which gave rise to validation and that arbitrary criteria which limit compensation in a manner inconsistent with legal and equitable principles be discarded; and
9. that the current federal guidelines which indicates that compensation shall be reduced to reflect "degree of doubt" be abolished.

The Commission also makes a number of recommendations aimed at the claims process. These recommendations address the independence of the process, the availability of resources, consenting to the process, the management of the process, its scope, its finality, alternatives to the claims process, and implementation.

1. that an independent body supervise validation and compensation negotiations, with powers greater than those currently vested in the Indian Commission of Ontario;
2. that governments, claimants, and the independent authority have access to the resources needed to deal with claims;
3. that funding to claims be provided through grants for which the claimant would be held accountable, and that an independent funding authority review disputes over the amounts of such grants;
4. that an independent panel approve awards of negotiations, legal and other costs associated with a claim;
5. that all parties submit to the negotiation process, including complying with reasonable deadlines, being bound by admission, and negotiating in good faith;
6. that parties to the process include the claimant, and either Canada or Ontario, or both if they are necessary to resolution of the claim;
7. that where the process determines that Ontario may be liable in respect of the claim, the federal government be jointly liable, with an appropriate arbitration process for determining such responsibility to be agreed to by Canada and Ontario;
8. that Canada establish a separate claims division for Ontario;
9. that the initiation of court proceedings by the claimant not affect the negotiation process unless a court judgement is obtained;
10. that a two-stage model, including a validation and a compensation stage, be submitted for consideration by the parties;
11. that all claims not previously settled and ratified by the claimant be eligible for reconsideration under the new claims policy and process;

12. that Indian claimants not be required to surrender their right to litigate in the event that they are not satisfied with the results of the negotiation process;
13. that the independent authority supervising the negotiations report regularly to provincial legislatures and Parliament on the status of negotiations;
14. that a litigation fund be established to enable Indian people to pursue their claims in courts;
15. that judges be given specialized training before being assigned to an Indian case; and
16. that a tripartite task force be commissioned to develop a model for an Ontario Indian Claims Tribunal as a "third alternative" for resolution of claims.

1991

▲ Native People's Circle on Environment and Development: Draft Report

AUTHOR: Ontario Round Table on Environment and Economy, The Native Circle

YEAR: 1991

ABORIGINAL GROUP: First Nations

TOPICS: Land Use, Development and Management, Resources, Environmental Protection, Economic Development

SUB-TOPICS: development, management, trapping and gathering, fishing/fisheries, forestry/forests, minerals/oil and gas, business development/entrepreneurship

SOURCE: Provincial Commission

BACKGROUND

The government of Ontario established the Ontario Round Table on Environment and Economy in 1988 in order to create a sustainable development strategy for the province. It established six sectoral task forces, including Agriculture and Food, Energy and Minerals, Forestry, Manufacturing, Transportation, and Urban Development and Commerce, as well as a Native People's Circle. The principles of the Round Table include

1. anticipation and prevention of environmental problems;
2. the use of full cost accounting;
3. informed decision making reflecting environmental impacts and long-term goals;
4. living off the interest and preserving the 'natural capital';
5. quality over quantity; and
6. respect for nature and the rights of future generations.

This report, prepared by the Native Circle, is only one in a series prepared for the Round Table.

PURPOSE

The purpose of the Native People's Circle on Environment and Development was to bring an Aboriginal perspective to the Round Table, based on research and formal and informal meetings with stakeholders. It presents Aboriginal views on how the government can help Aboriginal peoples develop strong local economies, preserve the environment, and participate more fully in decisions affecting their communities.

ISSUES AND FINDINGS

The findings of the report were divided into five areas:

1. Aboriginal People in Ontario

The report of Native Circle outlined some of the characteristics of the Aboriginal people in Ontario. According to the 1986 census, there are approximately 167,000 people of Aboriginal descent in Ontario, but participants estimated that the correct number is higher. Although they are a diverse peoples, they share some common circumstances, such as economic disadvantages, and a determination to preserve their heritage and rights as a distinct society. A common feature of their cultures is the emphasis on community, sharing of resources, and consensus-based decision making.

2. Aboriginal Economies

The Native Circle found that Aboriginal people rely on two economies: the cash economy (subsidies, wages, etc.) and the non-cash economy (traditional resources). The difficulties they face in developing healthy local economies include the following:

- (a) a shortage of skills, education and business experience;

- (b) poor access to investment capital, labour and commodity markets; and
- (c) inadequate access to natural resources and technology.

According to the report, a sustainable development strategy must recognize these needs.

The Native Circle made specific observations and recommendations regarding the sectors examined by the Round Table:

(a) Transportation

The report described the need for greater access to markets, jobs and services, which may require subsidization in more remote areas. Also noted was the need for more efficient and inexpensive transportation of goods.

(b) Forestry

The Native Circle saw only limited opportunities for Aboriginal communities to develop self-sufficient forestry enterprises, given that many reserves are too small to support viable forestry operations. The forestry industry should encourage, however, more tenure-sharing arrangements, and the province should diversify its licensing procedures to include Aboriginal communities. Traditional Aboriginal activities of hunting, trapping, gathering and fishing require the maintenance of forest habitat and biodiversity; provisions to this effect should be incorporated into the forest management planning process.

(c) Energy and Mines

According to the report, in instances where the development of major hydroelectric power and mineral resources are a concern to Aboriginal peoples, small hydro developments and other energy alternatives offer economic opportunity. Hydro developments must not violate Aboriginal and treaty rights. In the mining sector, development opportunities for Aboriginal people include exploitation, processing and marketing of reserve resources, income from licences and other agreements, and joint-venture activities.

(d) Agriculture and Food

The Native Circle found that a lack of access to specialized technology has limited Aboriginal participation in agriculture, despite the availability of productive land. The Circle also examined the Indian Agricultural Program of Ontario, which was established in response to the problem that reserve lands could not be used as collateral for loans. Support for cultivation, management and harvesting of specialty crops was suggested.

(e) Urban Development and Commerce

The Native Circle found that many Aboriginal people are migrating to urban areas to take advantage of social and economic opportunities.

(f) Manufacturing

Manufacturing was found to be a source of employment for urban Aboriginal People. Also identified was the opportunity to manufacture and market unique Native products, and to develop secondary industries based on primary resources.

(g) Other Economic Sectors

The Circle discussed a number of other sectors which offer key income-generating activities, including trapping, fishing, the service sector, subsidies, and non-cash activities. Trapping and fishing were seen as environmentally sustainable economic activities which provide a key link between culture and tradition, and opportunities to develop Native land for recreational purposes were seen to have the potential to stimulate the service sector in Aboriginal communities. It was also noted that while subsidies can play a positive role in the development process when they are used as an interim measure, they must be phased out as Aboriginal communities develop their economic base. Finally, non-cash and subsistence activities were recognized by the Native Circle as offering the opportunity to reduce reliance on social assistance, provide for a stable economic base, and help maintain cultural values.

3. Economic Development and the Environment

The Native Circle found that Aboriginal communities need access to an adequate land base and greater control over their resources in order to sustain traditional activities and to develop new ones. The Circle encouraged the efforts of some communities who are developing joint stewardship agreements with the province. It was also established that proprietary rights to resources provide more real economic benefits than do access rights, and that positive environmental and economic effects can be obtained by giving Aboriginal people a stronger role in development decisions. Their participation is often prevented by a lack of financial and human resources.

There is also a need identified for Aboriginal people to increase their participation in mainstream economic development. They have been forced out due to regulations, inability to use reserve land as collateral, lack of professional skills, and limited access to educational facilities.

The Native Circle also emphasized that traditional knowledge of land and resources is found in Aboriginal culture and must be preserved. Aboriginal people place a different value on the environment, which can be used to develop a more comprehensive picture of its true value. The Circle also found that the well-being of Aboriginal communities is integral to sustainable

development, given the extent to which they use the natural resources, and given their knowledge of the area.

4. Legal and Political Issues

According to the report, Aboriginal access to, and control over, land and resources is based on their inherent rights and is governed by treaties and other agreements. Aboriginal economic development must therefore include information on Aboriginal land claims, Aboriginal and treaty rights, constitutional change, Aboriginal self-government, and access to Crown land and resources.

5. Key Themes for a Sustainable Development Strategy for Ontario

To Aboriginal peoples, sustainable development implies social, cultural, spiritual and economic well-being, both presently and in the future. To this end, Aboriginal communities want local development to proceed on their terms, with assurances of full participation and opportunity to determine what is viable. They also want communities' diversity to be respected by the Ontario government, as well as increased ownership and control over development, the settlement of land claims, recognition of their inherent rights, support for their traditional activities, and opportunities to participate in the mainstream economy. Furthermore, the positive role of subsidies must be recognized, though only in so far as it provides a means toward self-sufficiency. Finally, local decision making and traditional knowledge must be valued.

RECOMMENDATIONS

Approximately 60 recommendations are made throughout this report. The final recommendations, however, are those that will be considered by the Round Table as it prepares a provincial strategy for sustainable development. Generally, these final recommendations are as follows:

1. that increased transportation at reduced costs be provided, especially to the North;
2. that joint industry/Aboriginal ventures be established;
3. that energy planning be undertaken to reduce demand and optimize efficiency;
4. that increased business opportunities be developed from resources on or surrounding Aboriginal lands;
5. that ongoing support be provided to trappers;
6. that there be Aboriginal management of the fishery resources;

7. that culturally supportive hiring policies be developed in resource sectors;
8. that Aboriginal peoples and traditional knowledge be incorporated into resource management education and planning;
9. that Aboriginal needs and concerns be reflected in the measurement of progress toward sustainability;
10. that sustainable development be included on the agenda in self-government negotiations;
11. that Aboriginal people have greater access to resources through enforcement of Aboriginal and treaty rights;
12. that land claims be settled before new disposition of Crown land;
13. that provincial legislation, policies and practices respect Aboriginal and treaty rights and inherent rights; and
14. that funding be provided to assist Aboriginal participation in development decisions and to educate non-Aboriginal people about Aboriginal harvesting rights, practices and knowledge.

1992

▲ **Final Report: Select Committee on Ontario in Confederation**

AUTHOR: Ontario Legislative Assembly, Select Committee on Ontario in Confederation, Chair, Dennis Drainville, MPP

YEAR: 1992

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Self-Government, Constitution

SUB-TOPICS: rights, implementation

SOURCE: Legislative Committee

BACKGROUND

The Committee on Ontario in Confederation consulted and collected the views of Ontarians concerning constitutional changes. The issues examined closely resemble those outlined in the federal government constitutional proposals, *Shaping Canada's Future Together*, published in September 1991. The report lists several recommendations for consideration by the government of Ontario when formulating its constitutional position.

PURPOSE

The purpose of the report was to review the current constitutional issues and examine the views of Ontarians concerning constitutional changes.

ISSUES AND FINDINGS

The Aboriginal-specific findings of the Select Committee centred around the issue of Aboriginal self-government. With respect to the federal proposals concerning Aboriginal self-government, the Committee concluded that there was a need to

1. remove the suggested 10-year delay on the entrenchment of self-government;
2. replace the proposed 'justiciable' right to self-government with the inherent right to self-government; and
3. ensure that Aboriginal peoples themselves define self-government according to their own circumstances.

The report also identified some of the concerns of off-reserve Aboriginal people concerning their right to self-government. The Committee heard concerns that models based on land-based self-government may have to be reconsidered given the large number of Aboriginal people who live off-reserve.

RECOMMENDATIONS

With regard to Aboriginal issues, the report makes the following recommendations:

1. that the inherent right to self-government be entrenched in the Constitution, replacing the federal proposal which recognizes the justiciable right to self-government;
2. that the federal government continue its fiduciary responsibilities vis-à-vis Aboriginal peoples; and
3. that Aboriginal peoples be empowered to define for themselves what self-government entails.

▲ Principal Report on New Social Assistance Legislation for First Nations of Ontario

AUTHOR: First Nations Project Team, Chair, Marie Tincombe-Shaw

YEAR: 1992

ABORIGINAL GROUP: First Nations

TOPIC: Social Development

SUB-TOPIC: income support

SOURCE: Provincial Commission

BACKGROUND

The report is the product of the efforts of one of six Project Teams designed to support an external Advisory Group on new social assistance legislation; the Advisory Group was in turn mandated to report to the Legislative Development Section within the Income Maintenance Branch of the Ontario Ministry of Community and Social Services. The Legislation Development Section was responsible for taking action on the recommendations of the Social Assistance Review Committee's (SARC) *Transitions* report concerning the development of new social assistance legislation.

This report is unique among the six Project Team reports. Rather than specifically pursuing the task of developing a legislative option for reform of a particular aspect of the current social assistance system, the First Nations Project Team addressed the system as a whole and how it conflicts with Aboriginal culture, beliefs, and way of life.

PURPOSE

The purpose of the report was to investigate legislative options that will establish a social assistance system better able to meet the needs of on-reserve Aboriginal peoples.

ISSUES AND FINDINGS

The report recounts how the First Nations had well-developed self-governing economies before the settlement of Euro-Canadians. Through the gradual depletion of traditional resources and the institution of the reserve system, the economic self-sufficiency of First Nations came to an end.

The report argues that the current social assistance system is based on Euro-Canadian values and strongly conflicts with First Nations beliefs. These conflicts are rooted in differing views of self-reliance, and the dependence of the social system on the labour market.

According to the report, in Aboriginal society, the unique value of the individual is expressed first and foremost through their contribution to the well-being of the collectivity; self-reliance, independence and competition are therefore not valued by Aboriginal culture. Furthermore, the current dependence of the social system on the labour market is detrimental to Aboriginal communities because of the distance of reserves from major labour markets; most reserves are located far from a labour market and are therefore deprived of the opportunity to participate.

The report investigated five legislative options for the establishment of an Aboriginal social assistance program. The options include:

1. specific changes to reflect First Nations' concerns within the general provisions of provincial social assistance legislation;
2. the introduction of separate, First Nations-specific provincial social assistance legislation;
3. changes to the *Indian Act* permitting First Nations to introduce social services by-laws;
4. the introduction of federal First Nations social services legislation; and
5. the implementation of social assistance legislation within the First Nations.

Due to the lack of federal co-operation on amendments to the *Indian Act*, and the current federal refusal to acknowledge self-government, the Project Team concluded that specific changes to the general provincial social assistance provisions would be the best method of allocating First Nations control over on-reserve social assistance programs. The Project Team also believed that this option would be least likely to be legally challenged since it is an amendment under clear, recognized provincial constitutional authority, whereas the introduction of separate First Nations social assistance legislation might conflict with the federal government's jurisdiction over matters pertaining to Indian peoples and reserves.

With respect to funding, the Project Team believed the current federal-provincial 50-50 cost sharing agreement would be satisfactory. First Nations would prefer, however, a transfer grant approach based on the an annual government-to-government transfer of funds equivalent to the disparity between a First Nation's overall income need and that community's ability to generate the income required independently. In support of this proposal, the report cites an Australian transfer model entitled *Community Development Employment Program*.

RECOMMENDATIONS

The First Nations Project Team makes two principal recommendations:

1. that, in the short term, the Ontario Indian Social Services Council (OISSC) and the Ontario Native Welfare Administrators' Association (ONWAA) be mandated to analyze the Project Team's legislative options and enter into discussions with the Ministry of Community and Social Services regarding concerns they may have with the recommendations contained in this report; and
2. that, conditional upon the acceptance of the report's recommendations, the OISSC and ONWAA develop a plan that details a method of implementation for the recommended legislative option.

Quebec

1988

▲ The Basis of the Quebec Government's Policy on Aboriginal Peoples

AUTHOR: Quebec Ministry of Mines and Native Affairs

YEAR: 1988

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Provincial Government/Aboriginal Relations

SUB-TOPIC: legislation

SOURCE: Provincial Department

BACKGROUND

In 1983, the Quebec cabinet adopted the 15 principles listed below to guide their actions in the area of Aboriginal policy. These principles address the major social and political themes and contain the basis for future policy decisions in the area of Aboriginal affairs. In this cabinet decision, Quebec recognized that

1. Aboriginal peoples of Quebec constitute distinct nations, entitled to their own culture and language and the determination of their own identity;
2. Aboriginal peoples of Quebec have the right to own and control lands attributed to them, within the framework of Quebec legislation;

3. Aboriginal rights are to be exercised by them as part of the Quebec community and do not imply rights of sovereignty;
4. in so far as possible, Aboriginal peoples of Quebec may take part in traditional hunting, fishing, trapping, gathering and bartering activities, subject to specific agreements;
5. Aboriginal nations have the right to take part in the economic development of Quebec and to exploit the lands allocated to them;
6. Aboriginal nations have the right to govern themselves on the lands allocated to them, subject to existing legislation;
7. Aboriginal nations have the right to have and control institutions pertaining to culture, education, language, health, social services, and economic development, subject to agreements between them and the government;
8. Aboriginal nations are entitled to benefit from public funds to achieve their objectives;
9. the rights recognized by Quebec to Aboriginal peoples apply equally to women and men;
10. the protection of existing rights includes the rights arising from land claims and treaty settlement;
11. the province is willing to consider recognizing existing rights arising out of the Royal Proclamation of 1763;
12. the province is willing to consider the recognition of treaties and treaty rights on a case-specific basis;
13. Aboriginal nations may enjoy tax exemptions according to the terms agreed upon between them and the government;
14. the province pledges to consult with Aboriginal nations on matters related to their fundamental rights through mechanisms to be determined; and
15. once established, such mechanisms could be institutionalized to guarantee future participation.

PURPOSE

The purpose of this document is to outline the major government policies and principles which guide the government, its departments and its organizations in their dealings with Indigenous groups. The document encourages individual departments to develop policies founded on the principles contained in the Resolution of the National Assembly.

ISSUES AND FINDINGS

This document outlines principles regarding Aboriginal peoples as they are shown in various policies, mandates and memoranda of the government and its various departments. These include the principles adopted by cabinet, the resolution of the National Assembly in 1985 which recognized Aboriginal rights in Quebec, a Declaration on Ethnic and Race Relations, the mandate of the Quebec delegation at the First Ministers' conference on Aboriginal constitutional matters, and a memorandum of understanding concerning Canada/Quebec co-operation on Native economic development.

According to the document, the inclusion of these policies displays a commitment by the Quebec government to various principles designed to improve the cultural and economic situation of the Aboriginal nations. These principles include the recognition of land and social rights, the reduction of racial discrimination, greater economic self-sufficiency of Aboriginal peoples through resource development and manpower training, and the enhancement of efforts by Aboriginal nations to achieve self-determination.

There are also sector- and/or agency-specific policies included in the report, such as departmental policies regarding the creation and expansion of Indian reserves, Aboriginal topographic place names, and the provision of social services.

Also included in the report are the government orders which deal with the establishment of ministries, agencies or secretariats whose mandate includes the administration of specific Native programs and issues. Most notable among these orders is the explanation of the duties of departmental co-ordinators who act as assistants to the deputy ministers and are responsible for ensuring that the government's policies toward Aboriginal peoples are observed and enforced. These co-ordinators also provide a valuable resource in determining policy initiatives in the sphere of Aboriginal affairs.

RECOMMENDATIONS

This report makes no recommendations.

1989

▲ Drug and Alcohol Abuse in Cree, Inuit and Naskapi Communities

AUTHOR: Interdepartmental Committee on Drug and Alcohol Abuse

YEAR: 1989

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Administration of Justice, Health, Community Services and Infrastructure, Provincial Government/Aboriginal Relations

SUB-TOPICS: law enforcement, substance abuse, recreation, program and service delivery

SOURCE: Provincial Departments

BACKGROUND

In 1978, the National Native Alcohol and Drug Abuse Program (NNADAP) was established by the federal government to clearly define the problems associated with substance abuse within Aboriginal communities and to develop more effective means of intervention. In response to this federal government action, as well as to the appeals of Aboriginal communities in Quebec, the provincial government of Quebec created a new body, the Interdepartmental Committee on Drug and Alcohol Abuse, to study this issue. The Committee comprised representatives from eleven different provincial government departments in order to deal effectively with overlapping jurisdictions.

PURPOSE

The report of the Interdepartmental Committee presents the Committee's findings based on their analysis of previous studies and initiatives, and on direct consultation with regional and local agencies in the James Bay, Northern and Northeastern Quebec areas.

ISSUES AND FINDINGS

The Committee administered a questionnaire to local and regional agencies. This questionnaire asked agencies to define the problem of alcohol and drug abuse in the northern regions for the purpose of determining the local will to solve the problem.

The findings of this process may be outlined as follows:

1. alcohol and drug problems were having rippling effects in all areas of social life in Aboriginal communities, including education, health, crime and employment;
2. funding provided to help alleviate the problem was being directed toward treatment, the costs of which were so great that little was left for prevention;

3. Aboriginal communities were experiencing identity problems, coupled with rapid changes which were destabilizing their society, and creating tension at the individual level. Such tension, the Committee found, was often expressed through substance abuse, which in turn was producing a chain reaction of undesirable social behaviour;
4. unemployment and idleness were identified as the main causes of the excessive use of alcohol and drugs by Aboriginal peoples;
5. the lack of continuity and co-ordination among various government bodies in their relations with Aboriginal communities was undermining the efforts of agencies concerned with education, health, justice, social services, the police forces and local governments to fight alcohol and drug abuse; and
6. Native people were found to conduct themselves more or less in the same manner as other citizens of Quebec. They were not found to encourage criminal and abusive behaviour; however, they were also not seen as actively involved in finding a solution. The Committee emphasized that they must become involved if culturally appropriate means for dealing with such behaviour are to be found.

RECOMMENDATIONS

The Interdepartmental Committee makes several recommendations:

1. that a government task force solicit the support and participation of mayors and band chiefs in northern villages as well as presidents of school and northern organizations in the battle against substance abuse;
2. that a global psychosocial approach, rather than an individual, case-by-case approach, be used;
3. that there be greater participation by local health committees, school boards, parent committees, elders, and religious groups in the battle against substance abuse;
4. that various government agencies co-operate in the development of a substance abuse prevention program and information programs, and that their efforts be effectively co-ordinated;
5. that programs aimed at assisting families with substance abuse problems be developed;
6. that training programs for Aboriginal social workers and police officers be improved;

7. that recreational facilities in northern communities be improved and studies conducted to see how this affects the problem;
8. that the idea of a prison in Cree and Inuit communities be examined and that rehabilitation programs for inmates be enhanced by encouraging respect for Aboriginal culture;
9. that an alcohol and drug abuse treatment centre be created in Inuit territory; and
10. that the enforcement of current drug laws be more strict;
11. that there be increased participation of Aboriginal peoples in the justice system;
12. that broad powers be given to Aboriginal communities regarding alcohol control.

1990

▲ Departmental Policy on Aboriginal Cultural Development

AUTHOR: Government of Quebec, Ministère des Affaires culturelles

YEAR: 1990

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Cultural Affairs

SUB-TOPICS: arts and crafts, history, sites

SOURCE: Provincial Department

BACKGROUND

This document is designed to set out a new policy for the ministry of cultural affairs to correspond to the principles of Aboriginal policy adopted by the Quebec cabinet in February 1983 and passed by resolution in the National Assembly in March 1985. Three of the government's 15 principles specifically concern cultural development. These principles recognize the rights of Aboriginal peoples to their own culture and identity, to control their own institutions in areas related to culture and education, and to benefit from public funds in order to further their pursuits in these areas.

PURPOSE

This report sets forth the policy on consolidating services provided to Quebec's Amerindian and Inuit peoples.

ISSUES AND FINDINGS

The report is divided into two sections. The first outlines the socio-cultural context in which various Aboriginal peoples live, and describes their main cultural characteristics. The second part of the report sets out the general and specific orientations of the new policy, as well as the means by which the policy will be implemented.

1. Socio-Cultural Context

The policy outlines the approximately 50 distinct Aboriginal communities in Quebec according to the nation to which they belong, and their proximity to urban centres. While acknowledging the difficulties involved in describing the reality of such different social environments, the report does make several general observations:

- (a) the concept of culture varies considerably from one Aboriginal community to another, depending on the community's proximity to major urban centres;
- (b) the way in which culture is disseminated varies considerably depending on the milieu;
- (c) there is a wealth of culture, which, if transmitted only orally, risks being lost; and
- (d) Aboriginal peoples' awareness of their identity, culture and heritage is expanding.

The report also recognizes that "new" cultures have emerged, as Aboriginal cultures have adapted to factors imported from the non-Native population. These new cultures, however, remain clearly distinct, and increasingly assertive. The report found that there is a strong focus on the revival and promotion of Aboriginal culture within the communities, as evidenced by the establishment of cultural institutions and activities, and the recognition of Aboriginal artists and craftspeople.

The report outlines the ministry's contributions to cultural development in Aboriginal communities. The ministry has supported a number of Aboriginal cultural institutes, subsidized Cree and Inuit archaeological programs, and provided financial assistance programs for Amerindian and Inuit artists, cultural facilities, research, and exhibitions.

2. General and Specific Orientations

Given the socio-economic context in which Quebec's Aboriginal cultures are situated, and given the basis of the Quebec government's policy concerning Aboriginal people, the ministry established four general policy orientations:

- (a) to encourage Aboriginal people to take greater charge of their own cultural development;
- (b) to actively support Aboriginal people in preserving and promoting their heritage;
- (c) to encourage each Aboriginal nation's affirmation of its cultural identity in the fields of arts and literature; and
- (d) to promote creativity among Aboriginal artists, dissemination of their works and recognition of their professional status.

In order to support these general orientations, the ministry outlined a number of specific orientations:

(a) Co-operation between the ministry and Aboriginal organizations in Quebec

This would involve entering into cultural development agreements with Aboriginal nations or cultural institutions to support various cultural projects, expanding the role of regional offices, and encouraging Crown corporations under the ministry's jurisdiction to carry out activities in Aboriginal communities.

(b) Protection and promotion of the Amerindian and Inuit heritage

This would involve improving the accessibility of archival and other collections on the history of Amerindian and Inuit groups, facilitating the repatriation of heritage property to various communities, promoting the adoption of an archaeological code of ethics, and promoting Aboriginal training and upgrading in fields related to heritage management.

(c) Accessibility of financial assistance programs to Aboriginal communities

This would involve inviting Aboriginal people to sit on selection committees reviewing projects submitted by their communities, introducing provisions into financial assistance programs which would ensure respect for Aboriginal cultural characteristics, and translating documents on the ministry's policies and programs into the appropriate Aboriginal language(s).

(d) Assistance for creative arts and new generations of artists

This would involve providing artists with personal and professional development opportunities, and encouraging young artists to benefit from the experience of professional artists and helping them to disseminate their own works.

(e) Cultural facilities in Aboriginal communities

This would involve giving priority to projects for Aboriginal facilities that are directed toward heritage protection, museology, cultural activities, and the preservation and enhancement of traditional religious sites, implementing new museological methods and concepts which more fully meet the need of Aboriginal communities, and incorporating concrete proposals for cultural facilities for Aboriginal communities into the ministry's three-year plans.

RECOMMENDATIONS

The report contains no recommendations.

1992

**▲ L'avenir politique et constitutionnel du Québec:
les relations entre l'État et les nations autochtones**

AUTHOR: Quebec National Assembly, Secrétariat des commissions parlementaires for the Commission d'étude des questions afférentes à l'accession du Québec à la souveraineté and the Commission d'étude sur toute offre d'un nouveau partenariat de nature constitutionnelle

YEAR: 1992

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Self-Government, Constitution, Provincial Government/Aboriginal Relations, Claims

SUB-TOPICS: jurisdiction, rights, legislation, commission/institutions

SOURCE: Provincial Legislature

BACKGROUND

This document was prepared by the secretariat for parliamentary committees as a summary of the relationship between Quebec and Aboriginal nations. It was intended for use by legislative committee members working on the issues related to Quebec's separation.

PURPOSE

The purpose of the document was to provide a summary analysis of the key issues and concerns raised by Aboriginal nations concerning Quebec's separation.

ISSUES AND FINDINGS

Issues are addressed in six key areas:

1. Constitutional Issues

The report notes that Aboriginal peoples have never had to interact with local or provincial governments since their constitutional status has been under the exclusive protection of the Crown or the federal government since the beginning of their colonization. According to the document, their constitutional interests were not recognized until the 1960s when the groups began to organize. There has been a significant shift in the constitutional interests of Native people during the last 20 years, from a focus on “keeping the reserve system” (requested in front of the Dorion Commission), to “recognizing their existing and ancestral rights, the primacy of these rights over the Charter of Rights and Freedoms, and the right to participate in constitutional talks”, as expressed in post-1982 constitutional negotiations.

2. Socio-Economic Status

According to the report, Aboriginal people account for nearly 1.2% of Quebec’s population. Statistics provided in the report indicate that Native health is significantly worse than the average population, as indicated by lower life expectancy, higher infant mortality, and higher rates of suicide. The document also reports high dropout and unemployment rates, and low income levels among the Native population in Quebec. The extensive use of Native languages, particularly among the Cree, Inuit, Naskapi, Atikamekw, Montagnais, and Algonquin, was also noted.

3. Autonomy and Territorial Claims

Although comprehensive claims are administered by the federal government, Quebec participates in negotiations by virtue of its control of 90% of the provincial lands. According to the report, one-third of Quebec is claimed by the Atikamekw and the Montagnais, and the entire south-west of Quebec is claimed by five Algonquin communities. Moreover, at least 30 specific claims were under negotiations in 1990. The “inherent right” to autonomy, however, has not been defined, and the position of Quebec (as well as Canada) remains focused on protecting the “territorial integrity” of the province (i.e., keeping Native people within the federation).

4. Evolution of Relations with Quebec

According to the report, the Quebec-Native relationship has evolved considerably since the 1960s when large projects to exploit natural resources were launched. In 1971, the Dorion Commission accepted the existence of "certain rights" of Native people over Quebec's territory. In 1975, the James Bay Convention with the Cree and Inuit communities of Northern Quebec provided various rights to these Native groups over two-thirds of Quebec's territory. A similar convention was signed with the Naskapi in Shefferville in 1978. In 1985, the National Assembly recognized the existence of ancestral rights to Native people, and since then, Native issues have gained greater importance in the provincial cabinet, as evidenced by the appointment of a minister for Native affairs. More recently, in 1991-92, the cabinet further elaborated its policy toward Native peoples through a general meeting with all Native groups and various authorities in Quebec.

5. Attitude of Aboriginal People Toward Sovereignty

Several Native groups have expressed their concerns toward Quebec's sovereignty, though a lack of consensus within the Native community has prevented a general policy from emerging. The Assembly of First Nations has expressed support for a renewed federalism in which Quebec and First Nations are considered equals to the rest of Canada. The Huron-Wendat Nation has requested its full autonomy, conditional to a certain adjustment period. The Algonquin have considered using international law to defend themselves against Quebec's infringement of their ancestral rights. The Atikamekw and Montagnais have stated that if Quebec declares independence, it must be committed to at least fostering the gains that Native people obtained under the Canadian regime. Finally, the Inuit have expressed a desire to participate equally in Quebec's project of constitutional re-definition, viewing themselves as an integral part of Quebec's society.

6. International Law Issues of the Sovereignty Project

Under the current state of international law, two issues relate particularly to Quebec's separation: the issues of territory and of the self-determination of Native people. According to the report, Quebec's territory could not be divided in order for Native people to re-enter the Canadian federation, nor for them to become autonomous Native states. It is also improbable that the international community would adopt global rules providing Native people with integral political autonomy. It is possible, however, that the rights related to territory and self-determination might evolve rapidly and the

United Nations might develop new institutions to foster Indigenous rights around the world. In order to get recognition of its independence, Quebec should abide by these international law standards.

RECOMMENDATIONS

No recommendations are provided with the report since it serves primarily as an information package for members of the National Assembly.

Saskatchewan

1984

▲ A Five Year Action Plan for Native Curriculum Development: Report of the Native Curriculum Review Committee

AUTHOR: Saskatchewan Department of Education, Native Curriculum Review Committee

YEAR: 1984

ABORIGINAL GROUP: First Nations

TOPIC: Education

SUB-TOPIC: curriculum

SOURCE: Provincial Department

BACKGROUND

The Native Curriculum Review Committee was established by the Minister of Education on September 27, 1982. Its mandate was to make recommendations to the Saskatchewan Department of Education on principles to serve as the basis for the development of curriculum for Native students and for the facilitation, development, production, evaluation and implementation of that curriculum.

PURPOSE

The purpose of this report is to establish a five-year action plan for the development of Native curriculum. The purpose of the Native Curriculum Review Committee was to ensure that all students and teachers develop an

appreciation of the current and historical situation of Native peoples, that teachers are sensitized to Native and northern issues, and that school curriculum and educational institutions transmit positive and accurate information to help Native students develop a positive self-image and cultural identity.

ISSUES AND FINDINGS

The Native Curriculum Development Team found there to be a lack of baseline data on what programs have been developed, what materials are available and what programs have been successful. These problems are believed to be related to the lack of a provincial policy on Native education.

The Native Curriculum Review Committee found that two streams, with two different processes, were necessary to meet the needs of Native students. The first stream is the integration of Native curriculum development with provincial program development, and the second is the development of special programs to meet the particular needs of Native students.

RECOMMENDATIONS

The Committee made a number of recommendations for Native curriculum development, most of which are focused in the areas of research, data collection, and evaluation:

1. that a Native education policy be formulated on a provincial level;
2. that two members of the Native Curriculum Review Committee sit on the Program Policy Committee which develops and reviews Department policies regarding school curriculum programs to ensure Native concerns are met;
3. that a baseline data survey be conducted to determine what Native education programs are in place in order to facilitate future planning;
4. that questions be prepared to evaluate school programs with respect to Native content and that the results of these evaluations be forwarded to the Committee;
5. that local interested individuals be involved in the evaluation process;
6. that there be Native representation on all task forces dealing with Native curriculum and that they authorize all Native content;
7. that efforts should be made to employ Native people (writers, historians, musicians, elders, artists, interpreters, etc.) in the development of the curriculum;

8. that the Committee be consulted on how to approach elders or enter Native communities and that all material gleaned be reported to the Committee;
9. that commonalities as well as unique local situations be respected;
10. that the Committee identify high quality materials and recommend their use;
11. that special projects specific to the needs of Native children be developed within the Department of Education by the Native Curriculum Development Team;
12. that materials be field-tested in a variety of Native and non-Native settings preceded by workshops with the teachers and administrators involved;
13. that in-service packages be developed by the Native Curriculum Development Team and Regional Curriculum Co-ordinators to assist principals and teachers to understand the new material; and
14. that the Committee be informed of the effectiveness and progress of new programs during the implementation phase.

1985

▲ Education Equity: A Report on Native Indian Education in Saskatchewan

AUTHOR: Saskatchewan Human Rights Commission

YEAR: 1985

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: primary and secondary education, curriculum,
professionals/educators

SOURCE: Provincial Agency

BACKGROUND

In response to concerns over the education of Native students in the province, the Saskatchewan Human Rights Commission launched a process of reviewing reports, publishing proposals, holding hearings, and receiving submissions, all of which culminated in the preparation of this report.

As a result of reviewing various reports and studies, the Commission concluded that students of Indian ancestry are not benefiting equally from the education system. This conclusion spurred the preparation of a discussion paper addressing the problem. The paper was distributed to over 500 parties, and was accompanied by an invitation to participate in public hearings to be held in Prince Albert and Regina in February 1985.

PURPOSE

The purpose of this report was to examine the extent to which Native children were receiving equal benefit from their education.

ISSUES AND FINDINGS

In examining Native education in Saskatchewan, the Commission posed the following questions for consideration at the hearings:

1. Is a comprehensive affirmative action program within the Kindergarten to Grade 12 education system an appropriate measure to consider?
2. The Commission had proposed the development of an affirmative action hiring program, a review of each school's policies and practices, a review of curriculum, cross-cultural training for all teachers, and Native representation at the school board level. Are any or all of these elements necessary?
3. Should an affirmative action program be incorporated into technical institutions, universities, community colleges or other educational institutions? If so, how could they best be implemented?

The Commission was also interested in receiving information on other initiatives or proposals, either under consideration or already in place, which were designed to improve the educational opportunities of Native learners.

At the hearings, the Commission received 41 submissions, with overwhelming support shown for the proposals in the Commission's Discussion Paper. Specifically, there was support for a comprehensive affirmative action program which would include the following:

1. an affirmative action hiring program;
2. a review of each school's policies and practices with regard to Native people;
3. revision of curriculum to include Native content; and
4. cross-cultural training for teachers.

There was consensus on the need for participation by parents and Native students in the school system, particularly at the school board level. There was, however, no consensus on how this process should occur, other than support for the position that Native people actively pursue elections as trustees to Boards of Education.

As a result of its study, the Commission adopted the definition of equality as one that results in "equal benefit", in turn defined as a situation in which "persons of a group or class are not only given equal opportunity to enter into a system but that in addition, the system or institution will be examined to determine whether the minority group has achieved the expected proportionate representation." Based on the statistics and information received by the Commission regarding graduation and dropout rates of Native students, there was widespread consensus that Native students were not receiving equal benefit from the Saskatchewan education system.

RECOMMENDATIONS

In an attempt to remedy the inequities in the Saskatchewan education system, the Human Rights Commission proposed an action plan which included the following recommendations:

1. that every school board in Saskatchewan with a Native student enrolment of at least 5% immediately apply for approval for a plan of action for education equity. This plan was to outline a strategy aimed at improving the situation faced by Native students by:
 - (a) increasing the hiring of Native teachers;
 - (b) reviewing recruitment and hiring practices to determine whether they are barriers faced by Native teachers;
 - (c) expressing a commitment to work with teachers in designing and implementing an "education equity" program;
 - (d) providing cross-cultural training to teachers; and
 - (e) improving the participation of Native parents in the school system.
2. that the Department of Education take the following action:
 - (a) make funds available for the implementation of education equity programs;
 - (b) implement the recommendations in the "Directions" report and the "Five-Year Action Plan for Native Curriculum Development";
 - (c) continue to fund and, if possible, increase funding to programs established for training of qualified teachers of Native students; and

- (d) develop policies, guidelines and funding for alternate forms of education for Native students.
- 3. that parents of Native students seek positions on Boards of Education, that those on-reserve use provisions of the *Education Act* to have their reserves designated as sub-divisions, or that a Native trustee be appointed to the district Board of Trustees.
- 4. that the Saskatchewan Human Rights Commission promote and encourage Boards of Education to voluntarily develop programs for education equity. If, however, a board has not applied for approval for its program by December 1, 1986, the Commission will consider employing section 47 of the *Saskatchewan Human Rights Code* to enable it to order a program of education equity.

▲ Inner City Dropout Study

AUTHOR: Saskatchewan Department of Education

YEAR: 1985

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Education

SUB-TOPICS: primary and secondary education, curriculum, professionals/educators, student support

SOURCE: Provincial Department

BACKGROUND

In 1981, the Saskatchewan Department of Education began a study of dropout patterns in selected inner-city schools in Regina and Saskatoon.

PURPOSE

The overarching purpose of the study was to help improve or establish school programming to prevent the premature withdrawal of students from school. The objectives of the Department were as follows:

1. to determine the number of students withdrawing prematurely from 20 selected schools in the 1980-81 school year;
2. to extract the statistics for Native students;

3. to identify some of the factors related to student withdrawal; and
4. to assess the consequences of dropping out.

The study involved a literature review, a file analysis of student withdrawal forms and other school records, a longitudinal study of 100 1977-78 dropouts from the same schools, and case studies of 35 dropouts from recent years.

ISSUES AND FINDINGS

The report examines dropout rates and patterns, and their relationships with factors such as age, grade, gender, and employment opportunities. Information on these issues is provided for all dropouts in the study, but particularly for Native students.

The literature review provides background information and some benchmark findings against which the results from the remainder of the study could be compared. The review revealed that dropout rates can vary considerably by location and may be related to:

1. students' feelings that the school environment is hostile, indifferent or inflexible;
2. insufficient student contact with school support systems;
3. personal or family problems;
4. indifference to school;
5. preference for employment; and
6. failure in school.

The literature indicates that high Native dropout rates may be explained in large part by factors related to the school environment. This study's results tended to confirm the patterns revealed in the literature.

The study's examination of 1980-81 dropouts revealed a number of dropout patterns. It was found that gender patterns, student ages at time of dropout, age-grade lag patterns, the use of employment as a rationale for dropping out, and other patterns, were all important factors in explaining dropout.

Significant patterns involving Native students were also identified. The study found that Native dropout rates were almost three times non-Native rates, and that Status Indian and Métis students were more than twice as likely to withdraw from school during grades seven to nine than their non-Native counterparts. The findings from the study also established that Native students were more likely to be behind their age group in terms of grade level when they dropped out. Furthermore, Status Indian female students were found

to be more likely to drop out than Status Indian males, while the reverse was true for the total student dropout population. Finally, the study revealed that one of every five Status Indian female dropouts left school before completing elementary school.

The longitudinal analysis of the 1977-78 dropouts outlined the reasons students offered for dropping out, the circumstances surrounding their dropping out, and the consequences they have faced.

1. Reasons

Fifth per cent of student respondents identified school-related reasons for dropping out, 29% gave personal reasons, and 21% gave financial reasons.

2. Circumstances

Fifty-eight per cent of dropouts reported no contact with staff prior to dropping out, 63% did not feel the school provided any alternative people to dropping out, and 28% reported having dropped out of school previously.

3. Consequences

Thirty-five per cent of respondents felt dropping out had been the wrong decision, 26% felt it had been the right decision, 88% stated that they would like to return to school, and 73% found work soon after leaving school. In May 1982, the unemployment rate among dropouts was nearly twice that of their age group in the general population.

The case studies revealed additional personal information, such as particular examples of family socio-economic and educational backgrounds, of the inflexibility of school programs, the absence of personal attention, and visions of future problems and opportunities. Additionally, Native dropouts gave examples of racial discrimination. They reported feeling isolated and unwelcome by students and teachers.

While dropouts present a generally negative picture of the school experience, they also reported positive experiences. They often expressed a desire to gain further education. The authors also felt that the largely bleak experiences of people after dropping out could be used to prevent others from following a similar path.

The report offered some ideas for lowering the dropout rate. The school system, for instance, should aim retention programs at those students who are falling behind in school, the highly transient students, and those who have

failed to form any attachment to the school. The education system should also increase its holding power by increasing its flexibility.

Before offering their recommendations the authors offered four conclusions:

1. the rate of dropouts among Native and Métis students in Regina and Saskatoon inner-city schools is at a high and unacceptable level;
2. the appropriate method of reducing this rate is not singular, clearly defined, or short term;
3. although the solution does not rest solely in the hands of the educational system, all levels of the system should take extra-ordinary measures to reduce the dropout rate; and
4. at least part of the solution in regard to Native students appears to rest in recognition of the importance of delivering culturally sensitive programming.

RECOMMENDATIONS

Based on the various studies included in this report the authors made the following recommendations:

1. that alternative education, including new and modified programs and courses, be expanded in order to increase Native student interest without compromising curriculum integrity;
2. that culturally differentiated programming be developed in recognition of the unique interests and values of Native students;
3. that the number of Native teachers be increased, not only for the purpose of providing positive role models in support of Native students, but also to sensitize the school community to the interests, needs and problems of Native students;
4. that ongoing projects be developed to encourage Native student participation in school activities, making them feel they are an important part of the school community;
5. that intensive short-term instructional and counselling support for high risk, mobile and isolated students be available through in-school and inter-school programming;
6. that schools provide positive support to students who are likely to drop out of school, and that alternatives be developed to make it as easy as possible for these dropouts to continue to receive some benefits from the system;

7. that programs and methods be developed to welcome the return of dropouts to school; and
8. that mechanisms be developed for increasing Native parental involvement in schools.

▲ Reaching Out: Report of the Indian and Métis Education Consultations

AUTHOR: Saskatchewan Department of Education (Arnold Tusa)

YEAR: 1985

ABORIGINAL GROUP: First Nations, Métis

TOPIC: Education

SUB-TOPICS: primary and secondary education, curriculum, professionals/educators, student support

SOURCE: Provincial Department

BACKGROUND

Prompted by concern over the high dropout rate among Aboriginal students, the Minister of Education for Saskatchewan, the Honourable Patricia Smith, commissioned this fact-finding consultation in 1984. The project represented an effort to consult with those directly involved in Native education to examine programming currently in place and to identify existing shortfalls. The project consisted of three phases: visits to southern schools; visits to northern schools; and consultations with special interest groups and individuals.

PURPOSE

The purpose of the report was to seek out, the opinions, views and ideas of those directly involved with Indian and Métis education. Approximately 140 meetings were held to accomplish this goal. The primary objectives were:

1. to seek feedback on local education initiatives in order to determine which have been successful and why;
2. to learn from local residents of the special needs and problems of their local community; and
3. to develop new ways to involve Indian and Métis parents in the education of their children.

ISSUES AND FINDINGS

The report first outlines the situation of Indian and Métis education in Saskatchewan, and then outlines the issues raised during the consultations.

According to the report, the current Native education situation is characterized by a young Indian and Métis population and a high birth rate, resulting in a large and constantly increasing number of Indian and Métis students in school. The issues related to their education are complicated by social and economic issues. The report found that the major obstacle to better education conditions for Indian and Métis students is the absence of open, honest, and clear communication.

Based on consultations with parents, teachers, administrators, students, and other groups, the report outlines a number of issues which were raised repeatedly by the groups:

1. with regard to curriculum, participants noted the need for increased Indian/Métis content, historical accuracy, involvement of Indian/Métis to validate the facts, adequate materials and resources, inclusion of Native languages, community resources, experimental field trips, bias-free testing, and early intervention;
2. the participants noted the need for increased parental support through greater school board representation, volunteer work, parent interest, and a liaison person;
3. the participants identified the need for teachers to be trained in cross-cultural relations and in the prevention of alcoholism and racism;
4. the need for Indian/Métis counsellors, who could empathize with students and discourage dropouts, was identified;
5. to generate a positive self-image, programs such as SUNTEP and NORTEP, which provide students with Indian/Métis role models, were supported;
6. the participants identified the need for alternatives to academics, such as trades;
7. the participants believed that some form of community transition was needed to prepare students to leave home for further education;
8. the participants found that the daily financial expectations of education-related activities were too high for many families;
9. there was found to be a lack of employment opportunities for graduates which led to higher dropout rates and a lack of career/role models;
10. the participants argued that the role of the Department of Indian Affairs and Northern Development (DIAND) was unclear regarding tuition

agreements, as was the relationship between the local school board and the Ministry of Education;

11. the problem of transiency was identified as a problem, as was its resultant absenteeism; and
12. career awareness programs were seen as beneficial for students who have limited role models and are not familiar with the range of career opportunities which exist.

RECOMMENDATIONS

The Task Force made 29 recommendations in 13 categories, based on submissions by participant groups. These recommendations may be summarized as follows:

1. **School level initiatives:** that the adequacy of existing programs be reassessed to positively reflect Indian/Métis culture and encourage participation;
2. **Parents and community support:** that Indian/Métis parents and communities increase their participation and support by contacting schools and participating in school initiatives;
3. **Organizational support:** that Indian/Métis organizations take a leadership role regarding education;
4. **Policy:** that the policy include the policy statement from the "Five-Year Action Plan for Native Curriculum Development", to ensure that both long- and short-term needs are met with accurate reflections;
5. **Employment:** that education authorities employ Indian/Métis people whenever possible;
6. **Training of educators:** that teachers be trained using Indian/Métis professionals and emphasizing cross-cultural and development training;
7. **Curriculum development:** that the recommendations listed in the "Five-Year Plan" be followed, that special programming be provided for English as a second language, and that other northern schools (i.e., those in the Northwest Territories) be consulted for advice;
8. **Indian/Métis involvement:** that a liaison worker be hired to increase Indian/Métis involvement, particularly in the planning and implementation of programs;
9. **Continuing initiatives:** that the Department of Education fund the Community Schools Program and the Saskatoon Native Survival School;

10. **Student evaluation:** that evaluators be properly trained to ensure that standardized testing is not culturally biased;
11. **Student mobility and attendance:** that support programs be provided to students most likely to quit school, that the return of dropouts be encouraged, and that transient files be kept up to date;
12. **Northern issues:** that a program be established to ease the transition southward, and that a mechanism for reviewing organizations and delivery of educational services in the North be established; and
13. **Federal/provincial relations:** that the government of Saskatchewan seek assurance from the federal government that tuition will be paid for all Status Indians attending provincial schools.

▲ Reflecting Indian Concerns and Values in the Justice System

AUTHOR: Joint Canada-Saskatchewan-Federation of Saskatchewan
Indian Nations Justice Studies

YEAR: 1985

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: justice system (integrated versus separate), law
enforcement, legal representation, courts, sentencing and remedies,
corrections, legal education

SOURCE: Tripartite Commission (Federal/Provincial/Aboriginal)

BACKGROUND

In August 1984, the governments of Canada and Saskatchewan and the Federation of Saskatchewan Indian Nations (FSIN) agreed to carry out feasibility studies on certain aspects of the justice system as they relate to Aboriginal peoples in Saskatchewan. This project was to be undertaken by means of research and field studies of the Native communities within the province of Saskatchewan.

PURPOSE

The overall objective of these studies was to examine the current situation of the Indian people of Saskatchewan and to recommend improvements or

modifications that can be made, within the existing constitutional and legal framework, to make the justice system more sensitive to Indian concerns, interests, values and culture.

ISSUES AND FINDINGS

It was agreed by all groups involved that the areas of study would be as follows:

1. law enforcement;
2. corrections;
3. Indian Justices of the Peace and the role of the Peacemaker; and
4. customary law.

1. Law Enforcement

The field of study within this area was divided into three terms of reference:

- (a) examination of the feasibility of reserves, either individually or collectively, assuming responsibility for policing in a manner similar to municipalities, including the establishment of criteria to determine when this would be possible, what legislative changes would be necessary, and what costing arrangements would be appropriate.
- (b) determination of the extent to which Indian communities wish to have responsibility for their own policing; and
- (c) suggestions for improvements that could be made to the RCMP's Indian Special Constable Program.

The residents of the Indian communities and the Indian special constables were contacted and they expressed a number of concerns. In most of the Indian communities visited, members were of the view that their circumstances had changed significantly with the passage of time, as they have evolved and have been influenced by non-Indian society. They also expressed the belief that the traditional ways and cultural values which governed their communities and lifestyles for many years have been lost. In the past, interference from outside law enforcement bodies was rarely needed since the immediate family or community took disciplinary responsibility for any improper conduct. With the impact of outside educational, cultural and institutional influences, the communities now complain of a lack of respect for their elders, the loss of a sense of community responsibility and individual identity, as well as an increase in social problems associated with criminal behaviour.

The development of an independent regional Indian police force was considered desirable. It was felt that such a force would relate better to the

communities' concerns, values and traditions. The Indian communities, however, expressed concern with regard to the establishment of the infrastructure needed to support such a program and to the source of the legislative and financial support.

Support for the RCMP Indian Special Constable program was very strong. The communities suggested that certain modifications be made and that the number of officers be expanded.

Some of the Indian communities reported complaints about the lack of preventative patrols and slow response time. Other communities complained of excessively rigorous enforcement of the law in relation to minor or petty offences. There were also concerns expressed by many communities that those officers who were well received and respected in the community were often transferred; suggestions were made that bands should have some input into recruiting and transferring officers. Finally, it was felt that the communities should have a greater voice in the development of law enforcement policy, including the training of officers in the cultural and traditional values of the communities in which they serve.

2. Corrections

The objectives of the corrections study were to examine the following issues:

- (a) the feasibility of community-based alternatives;
- (b) means of effectively administering these programs at the local level;
- (c) ways in which these programs could be more fully adapted to the needs of Indian people living on-reserve; and
- (d) the potential of new programs to more effectively meet the needs of the Indian communities.

One of the key concerns highlighted in the report addresses the issue of sentencing in the context of Indian communities. One of the major concerns expressed with respect to this issue is the disappearance of traditional practices within the Indian communities to deal with community justice problems.

The fieldwork disclosed a strong desire to restore law and order within the various communities through preventative rather than punitive measures. Many were concerned about the prevention of crime and expressed a desire to attempt to resolve a problem internally before resorting to the incarceration of a band member.

Many communities were troubled by the high number of Indian people in correctional facilities, many because they could not afford to pay fines. The

Indian leaders expressed the view that fines are not a suitable sentencing option for Native offenders because of their inability to pay. Many felt a return to traditional methods of deterrents, such as banishment, shunning, and victim compensation might prove as effective as they had in the past.

The Indian members felt that existing programs to help those within their communities with problems such as alcohol and drug abuse did not receive adequate funding and were plagued with bureaucratic obstacles and uncertainty. Many felt that the current justice system was foreign to their way of life and that treatment within this system was insensitive. The lack of understanding with regard to how the justice system functioned and how to access the different programs offered was also highlighted within the report.

3. Justice of the Peace and the Role of Peacemaker

A Native Justice of the Peace program was established in Saskatchewan in the mid-1970s and was active for approximately two years. Many of the communities consulted experienced problems with the program. One of the concerns was with the government's lack of support for a program that allowed for the participation of Indian people within the criminal justice system; with each turnover in personnel, enlistment of support and re-education was neglected.

In some regions there was a lack of support for the Justices of the Peace. On some reserves, locating an appropriate facility in which to hold court was a problem. As well, the lack of resource persons to assist Justices made it difficult for them to hold court. Due to insufficient training, assistance and supervision, significant difficulties with respect to the administrative and accounting functions of the Justices arose.

With respect to the role of Peacemakers, the report highlights the use of informal dispute resolution mechanisms which exist on several reserves in Saskatchewan. In these programs, the role of Peacemaker was performed either by an individual (respected family members, elders, elected community leaders) or by organizations (including a council of elders). The peacemaking functions include the teaching of Indian values and traditions, the assurance that these values are respected and obeyed, and counselling. Many in the communities saw such a program as a way of returning to solving community problems within the community itself.

4. Customary Law

Throughout the entire report, many of the Indian communities called for a return to traditional values and customs in relation to the justice system. While

it was difficult to identify the precise rules of Indian customary law, it was recognized that general principles did exist. Many of the communities were reluctant to speak about some aspects of Indian customary law due to its sacred nature. Codification of customary law was not seen as possible or desirable. It seemed that many Indian members were prepared to work within existing institutional forms (i.e., courts) but that these structures must be adapted to better reflect the needs of the Indian communities.

RECOMMENDATIONS

The report made over 60 recommendations based on the 4 categories highlighted above. Some recommendations were very general while others were more specific to each of the topics studied. It is not possible to cover all the recommendations in this summary, but some overlapping themes may be readily identified.

One theme that dominated throughout the report was the call for greater participation by the Indian communities in all aspects of the justice system. Many advocated the inclusion of traditional customs and values in the programs administered by the federal government and the government of Saskatchewan on behalf of Native people. The report further recommends study in the area of customary law in order to determine how it can be reflected in the delivery of justice on the reserves by the communities. It was argued throughout the report that the Indian communities themselves are very aware of the many problems that exist (i.e., alcohol and drug abuse) and that it was in their best interest to try and solve them in their own way.

The report recommends the expansion of the RCMP Indian Special Constable program and the reinstatement of the Justice of the Peace program. In both cases, the report calls for enhanced funding and training programs so that those participating can become more responsive to the communities they serve. The report also recommends further study into the role of Peacemakers within the Indian communities so that their responsibilities may be expanded in the mediation of problems and disputes.

The report recommends that the philosophy behind judicial sanctions for Indian people should be consistent with the principle that incarceration be used only as a last resort. Furthermore, financial penalties should only be used in cases where the court is satisfied that the offender is able to pay.

With respect to over-representation in correction facilities, the report recommends the use of community service orders, restitution, compensation and fine options programs as alternatives.

The report also calls upon all levels of government to provide greater education to the Indian communities on how the current justice system works. While many stakeholders called for comprehensive changes to the entire system in the longer term, it was recommended that more be done to help Native people understand the workings of the justice system in the interim. To help de-mystify the system, the report calls for the expansion of community or district workshop development to better inform the Native people.

Overall, the report recommends a community-based solution to the problems within the justice system. It was felt that the needs of the individual communities, their geographic isolation and their cultural differences could best be satisfied through co-operation between all levels of government and the Indian communities.

1990

▲ Report and Recommendations on Treaty Land Entitlement

AUTHOR: Office of the Treaty Commissioner, Treaty Commissioner,
Cliff Wright

YEAR: 1990

ABORIGINAL GROUP: First Nations

TOPICS: Treaty land entitlement, Claims, Land Use, Development
and Management, Federal Government/Aboriginal Relations,
Provincial Government/Aboriginal Relations

SUB-TOPICS: claims, commissions/structures/negotiation processes,
comprehensive claims, non-reserve lands/traditional lands, treaties,
federal trust responsibilities, Crown lands, resources

SOURCE: Provincial Commission

BACKGROUND

The events leading up to the establishment of the Treaty Commission stem largely from the failure of the implementation of the "Saskatchewan Formula". This formula was viewed as a compromise by the Federation of Saskatchewan Indians (FSI), their constituent bands and the federal and provincial governments. According to this formula, the measure of land entitlement due Indian bands was not to be based on population "at first survey"; instead, land quanta were to be divided up according to the treaty band populations as of December 31, 1976. This cut-off date effectively engenders what is known

as the "Saskatchewan Formula". There was general agreement that this formula would be the basis for settling outstanding treaty land entitlement.

Soon it was discovered that there were many problems inherent in the implementation of this settlement proposal. Ideally land selected by the bands was to be from unoccupied Crown lands; however, there was a shortage of this land available in the proximity of the reserves. There were two options; the bands could either purchase privately-owned land or occupied Crown land could be made available for selection. Both of these options were fraught with difficulties. In the former proposal, which government is responsible for funding the purchase of the land? In the latter case, and perhaps a more serious matter, where would lands of sufficient size be found for this selection process?

The federal government felt that the venture to fund bands to purchase privately owned property should be a joint one. The province of Saskatchewan argued that the responsibility rested solely with the federal government. In terms of adequate land selection from occupied sources, the largest and most appropriate blocks were found in federal and provincial pastures, which had been leased to third parties for agricultural pursuits. The livelihood of these individuals depended on whether or not these lands were to be transferred. Should land be transferred, the third parties would be "reasonably compensated"; however, very few of these patrons relished the idea of being displaced even though many stated that they supported the government's attempt to satisfy treaty requirements. More problems were to follow.

It was argued by the Saskatchewan Wildlife Federation that Native people should not be given "special rights" in terms of hunting even though this was essentially guaranteed by the terms of the treaty. The federal government also added to the confusion as the Department of Indian Affairs and Northern Development (DIAND) began to distance itself from the "Saskatchewan Formula" and, in 1990, actually abandoned its use. The government thought that it was patently unfair to give some bands massive increases in land allotment using this formula when bands that had already legally settled using the "date at first survey" criterion received substantially less. The provincial government agreed with this line of thought. After 13 years in effect, the "Saskatchewan Formula" had been abandoned.

PURPOSE

The areas of interest for this Commission are land entitlement and education under treaty obligations. The Commission was established in June 1989, at

the request of the FSI and DIAND, as a non-legal advisory body whose task it was to recommend principles which may be adopted by parties in their efforts to agree on rules of treaty interpretation. With this in mind, the Commission set out to investigate the failure of the implementation of the “Saskatchewan Formula” and to resolve those difficulties which affected that failure. The Commission offers a last attempt to resolve the differences between entitled bands and the respective governments in order to avoid the lengthy and costly process of litigation.

ISSUES AND FINDINGS

The report of the Commission outlines the positions of the various stakeholders involved in the demise of the “Saskatchewan Formula”: the provincial government, the municipal government, the federal government and Native groups.

1. Provincial Government

The province of Saskatchewan’s Indian and Native Affairs Office felt that the amount of land to be transferred under the terms of the “Saskatchewan Formula” was not “readily negotiable”. This criticism applied to both occupied and available property. Furthermore, any formula that would be developed in the future must be applied consistently to all treaty entitlement proceedings whether they be in Alberta, Saskatchewan or Manitoba.

2. Municipal Governments

Municipal governments held that the tax loss associated with transferred lands presented an undue financial burden for them. They maintained that the brunt of these costs belongs to the federal government and should not be the sole responsibility of the municipal governments just because they used to have jurisdiction over the transferred lands.

3. Federal Government

The federal government maintained its position that “lawful obligation” went back to the “date at first survey”. Other arrangements would be unfair to bands which had already settled their claims. The federal government also maintained that the “Saskatchewan Formula” was only a matter of policy, that it did not set a legally binding precedent, and therefore, that it could be changed or ignored.

4. Native Groups

Native groups had a number of concerns. They argued that Bill C-31 registrants increased the band populations and that this is not accounted for in the 1976 formula. They also argued that since there was mutual agreement at the time of the initiation of the Saskatchewan formula, it should still be in effect and not discarded.

The bands also blamed the governments for forcing them to choose third party property if they wished to settle their claims; in some instances, this had caused conflict with surrounding non-Indian groups. Also, because of the lack of success in getting agreements for private lands, bands had to settle for pasture lands which were thought to be sub-optimal.

RECOMMENDATIONS

The Commission came up with a number of recommendations which it thought would mitigate the current situation. The overriding concern of all the bodies involved stemmed from disagreement over the manner in which the amount of land due to bands was to be decided. The Commission proposed a formula of its own, the "Equity Formula". According to this formula, those individuals who are entitled to additional land receive, proportionately, the same as those whose entitlement was fulfilled at the time of the first reserve surveys. If at the date of first survey, for example, there was a shortfall (outstanding acreage due), it would be applied as a percentage of the original acreage, less the land received between the time of first survey and today.

According to the report, it is the federal government, not the provinces, which must ultimately agree or disagree with the above recommendation, for it is the federal government which has the obligation to fulfil treaty requirements. The provinces should, however, have an obligation not to frustrate the attempts of the federal government in this respect. If an agreement is reached, the federal government should formally notify the province of Saskatchewan pursuant to the terms of the *Natural Resources Transfer Act* of 1930.

In the event that there are insufficient lands available for selection, bands should be given a dollar amount per acre for the as of yet unsolicited land. Then, they have the freedom to invest by purchasing privately owned land from willing third parties. If bands choose to purchase available Crown land, then they would receive the difference between the cost of the occupied Crown

lands and private property so that they may in turn purchase the Crown land from the third parties.

It is further recommended that any band whose entitlement under the "Equity Formula" has fallen short of what they would have received under the "Saskatchewan Formula" be entitled to monies based on a value per acre for the difference between the formulas. The federal and provincial governments should share the costs of these arrangements.

If an agreement has been reached, ratification should follow immediately. The sums owed the bands must be payable within seven to ten years and any transferred land which borders a river or lake shall have attached to it no other rights than riparian rights of common law.

1991

▲ Partners in Action: Action Plan of the Indian and Métis Education Advisory Committee

AUTHOR: Indian and Métis Education Advisory Committee

YEAR: 1991

ABORIGINAL GROUP: First Nations, Métis

TOPIC: Education

SUB-TOPICS: primary and secondary education, post-secondary education, curriculum, professionals/educators

SOURCE: Provincial Commission

BACKGROUND

Saskatchewan Education has maintained an advisory committee on Indian and Métis education since 1982. The Indian and Métis Education Advisory Committee (IMEAC) was established in 1989. It comprises representatives of Aboriginal and non-Aboriginal organizations operating in the field of education in Saskatchewan, and it has a broad terms of reference to advise Saskatchewan Education, through the Indian and Métis Education Branch, on matters pertaining to the department's program in Indian and Métis education.

This report, "Partners in Action", was prepared in follow-up to the 1984 report, entitled "A Five-Year Action Plan for Native Curriculum Development". The

recommendations of the 1984 action plan called for the establishment of mechanisms for involving Indian and Métis peoples in the curriculum development process. Also, principles and guidelines for the development of Indian and Métis education curriculum were to be established.

The 1984 action plan culminated in the development of the 1989 Indian and Métis Education Policy from Kindergarten to Grade 12. This policy emphasized the following principles:

1. the opportunity of Indian and Métis peoples to participate fully in the education system;
2. the need to include the different learning styles, languages and perspectives of Indian and Métis peoples in the curriculum, programs, teaching methods and climate in the schools;
3. the need for co-ordination among the federal, provincial, local, and Indian and Métis authorities; and
4. recognition that efforts to improve the situation of Indian and Métis students are best accomplished at the school/community level.

PURPOSE

This report reviews and updates the 1984 action plan in order to reflect the evolving nature of education in Saskatchewan. Through the report, the IMEAC commits itself to the expanded role set out for it by the Indian and Métis Education Policy from Kindergarten to Grade 12 (1989). The policy expanded the role of IMEAC in areas of curriculum, policy, planning, research, and evaluation, as well as in special projects. IMEAC's commitment to this expanded role is expressed throughout *Partners In Action*.

ISSUES AND FINDINGS

The report's content is subdivided into three areas: an update on the implementation of the recommendations of the 1984 report, "the Five-Year Action Plan for Native Curriculum Development"; the identification of new research and evaluation needs; and the development of an action plan for the future.

The 1984 action plan recommended that the following actions be taken:

1. that a Native education policy be developed;
2. that a permanent Native curriculum advisory committee be established, with expanded representation;

3. that the dual concerns of Native students and non-Native students be taken into account in the evaluation of curricular materials and programs;
4. that a baseline data survey be undertaken to facilitate future planning;
5. that Native curriculum development both integrate Native content into the core curriculum through existing structures and procedures, and establish special projects specifically for Native students;
6. that the Native Curriculum Development Team be established for a period of at least five years; and
7. that financial support be provided to ensure that the Native Curriculum Review Committee and Native Curriculum Development Team can fulfil their mandates.

“Partners In Action” found that these recommendations have been largely realized.

The report places considerable emphasis on the importance of research and evaluation as a basis for revising curriculum, updating projects, and identifying new initiatives. The Community Schools Program, for example, is based on research into inner city schools and on the composition of Saskatchewan’s large urban centres; it is particularly helpful for Indian and Métis students in that it encourages community involvement and serves to bridge the gap between the culture of the school and the culture of the home. The Curriculum Evaluation Program is also endorsed in the report for its efforts to evaluate the degree to which learning objectives specific to Indian and Métis content and perspectives are being maintained.

The report also outlines an action plan for the future. This plan focuses on the implementation of the Indian and Métis Education Policy From Kindergarten to Grade 12, namely the establishment of short and long term educational goals, the development of Indian and Métis education programs, the formation of mechanisms through which the direct involvement of Indian and Métis peoples in the education decision making process can be improved, and the assurance of accurate representation of Indian and Métis peoples in all curricula and materials. These objectives are to be achieved through the co-ordination of available resources, the development and evaluation of materials, and the establishment of new teacher education and staff development initiatives, and in consultation with the Aboriginal and non-Aboriginal organizations directly involved.

IMEAC will play an important role in the action plan for the future. It will continue to provide guidelines for curriculum development, support a collaborate process for program evaluation, and encourage further development

of special needs education in order to meet the education needs of Indian and Métis peoples.

RECOMMENDATIONS

IMEAC's recommendations may be categorized as follows:

1. Curriculum Enhancement

IMEAC recommends the development of Indian Languages curriculum, the promotion of diverse cultural perspectives and resources in all aspects of education, and the integration of Indian and Métis content into all curricula.

2. Roles of the Partners in Education

IMEAC recommends that the partners in education articulate a plan to increase local participation in the school system, that universities improve their services through mandatory cross-cultural training components, that Indian and Métis content be integrated into their courses, that Indian language teaching majors be established, and that strategies be developed to increase teacher and administrator participation in Indian and Métis education in-service activities.

3. Policy Implementation

IMEAC recommends that Saskatchewan Education strengthen its working relationship with the band and federal education system, that present programs and curricula be evaluated against the objectives specific to Indian and Métis education, and that Saskatchewan Education support research in Indian and Métis education and further develop the Community Schools Program.

▲ Report of the Northern Economic Development Task Force

AUTHOR: Task Force on Northern Economic Development, Chair,
Joan Duncan

YEAR: 1991

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Economic Development

SUB-TOPIC: regional non-Aboriginal

SOURCE: Bipartite Commission (Provincial/Aboriginal)

BACKGROUND

Northern Saskatchewan had been plagued with underdevelopment and a heavy reliance on the welfare system. To address this situation, the Northern Economic Development Task Force was established on January 8, 1991 and subsequently reported to the Honourable Grant Devine, Premier of Saskatchewan, the Honourable Grant Hodgins, Minister of Indian and Métis Affairs, and the Honourable Jack Wolfe, Minister of Community Services, on its findings. The Task Force was to explore the factors that had created this situation and to recommend initiatives to resolve it. The purpose of the Task Force was to hear specific recommendations which could be implemented, rather than merely documented as other task forces had done.

PURPOSE

The Task Force was mandated to seek the views of northern people regarding the best way to shape the future of economic development in northern Saskatchewan. To this end, the Task Force was asked to meet with the people of northern Saskatchewan to hear their views on community and regional economic development, resource management, use of existing resource revenues, land ownership, land use, and other economic initiatives, and subsequently to recommend a plan of action to government. The Task Force was also to consider options for the development of Batoche as a tourism and Métis cultural centre.

In fulfilling its mandate, the Task Force held nine public and several informal meetings throughout northern Saskatchewan. The Task Force also received written and oral submissions and reviewed earlier studies related to economic development in northern Saskatchewan.

ISSUES AND FINDINGS

Two key themes recur throughout the Task Force report and guide much of its work:

1. the inextricable link between economic development and human resource development; and
2. the belief that northern communities and families must be able to do things for themselves, make their own decisions, and solve their own problems in their own way.

In providing a historical perspective on economic development in northern Saskatchewan, the Task Force noted a number of problems which differentiate

the situation of northern Saskatchewan from that of the southern regions of the province:

1. modern municipal government structures were not introduced in the North until 1983, and there is no ability to establish regional structures of governance outside community boundaries;
2. almost all northern land is Crown-owned, which limits opportunities to obtain freehold title or to establish market-driven land values;
3. the primary piece of legislation governing northern land use is the *Forest Act*, which has limited ability to deal effectively with other land and resource issues; and
4. economic infrastructure investment is seriously lacking.

The Task Force outlined a list of factors used to explain the lack of development in the north, including remoteness and poor accessibility, high transportation and energy costs, small population, an inexperienced and untrained labour force, a lack of local capital, a lack of access to and inability to use the land and its resources, and the lack of available community and regional services. This issues had previously been met with government money, subsidies and programs. According to the Task Force, however, this approach no longer works for the following reasons:

1. northerners do not want, or expect, government to do everything for them;
2. senior governments do not alone have the financial flexibility to stimulate economic development;
3. there is no effective and growing partnership between the public and private sectors; and
4. the North is inextricably linked to a global market place, and its economic development must respond to world, national and provincial events and trends.

The Task Force examined each of the economic development sectors, described some of the major changes and significant events which have affected the North's economy during the eight years previous to their study, and suggested opportunities for further development in the future. A brief summary of these detailed findings is as follows:

1. traditional industries, such as trapping, fishing, gathering, subsistence agriculture, and small-scale forestry have been in general decline since the early 1980s, largely due to such factors as pressures from environmental groups, competition from sports fisheries, and pressure for agricultural land leases. The report found, however, that these industries, particularly

gathering and small-scale forestry, still exhibited potential for future economic development;

2. principal industries, such as mining, forestry, and tourism industries, have performed well since the early 1980s, and offer significant employment potential for northerners and northern Aboriginal people; and
3. other industries, such as energy, transportation, commercial agriculture, financial services, local government, public sector, construction and communications, were also seen to present opportunities for economic development, particularly the energy, commercial agriculture, and construction industries.

Common to many of the varied presentations and submissions received by the Task Force was a number of underlying themes identified by northerners as prerequisites for economic development:

1. the need to reverse the current trend toward "welfare dependence" by supporting the participation of northerners in economic development;
2. the opportunity to increase northerners' control and influence in such areas as land use, land ownership and resource management;
3. the need for northerners to share more visibly and more substantially in resource development revenues;
4. the opportunity for northerners to work in closer co-operation and partnership with the private sector and other levels of government to further develop and diversify the northern economy;
5. the recognition that traditional industries must remain as important elements of the northern lifestyle and economy, and that special government efforts are required to help protect and diversify these industries;
6. the need for governments to reduce excessive regulations and red tape and to better co-ordinate their programs;
7. the need to ensure that information regarding programs and business opportunities is widely available throughout the North;
8. the need for increased investment in community infrastructure to enhance the quality of life in the North and to ensure attractive and stable sites for further private investment;
9. the need to better integrate both human resource development and economic development among the Métis people of Saskatchewan; and
10. the need to support both human resource development and economic development among the Métis people of Saskatchewan.

RECOMMENDATIONS

The Task Force endorsed a number of principles to guide actions aimed at improving the economic development situation of people in northern Saskatchewan. In general, these principles would direct future economic development in a such as to ensure that the people of northern Saskatchewan:

1. play an integral role in making economic development decisions;
2. are given the structures and mechanisms through which they can enhance and diversify the northern economy in a way that reflects their own needs and aspirations;
3. participate in and benefit from northern development;
4. develop their human resource potential in order to take advantage of the wide range of available economic opportunities;
5. work in partnership with all levels of government and the private sector to realize the opportunities before them;
6. are provided with the necessary infrastructure to facilitate expansion and diversify the economy; and
7. are not forced to sacrifice their history and culture in the name of economic development.

Based on these guiding principles, the Task Force outlines the following recommendations:

1. Support for Regional Economic Development

The Task Force recommended that a Northern Economic Development Board be created with responsibilities for regional economic development and for the management of the Northern Revenue Sharing Trust Account (NRSTA), that excess revenues accruing to the NRSTA be dedicated by the Board to various economic development initiatives, and that immediate interim funding be provided to economic development organizations in northern Saskatchewan.

2. New Land Ownership and Co-Management Opportunities

The Task Force recommended that the government offer for sale main trappers' and fishermen's cabin sites to support traditional industries, that northerners be eligible to purchase Development Options which would make Crown land available at preferred rates, and that government and interested northern communities enter into Resource Co-Management Agreements and establish Resource Co-Management Boards.

3. Métis Cultural and Human Resource Development Initiatives

The Task Force recommended that a Métis Heritage Trust Fund be established and dedicated to human resource development to provide skills for Métis to actively participate in the economy, and that a cultural, recreational and tourism centre be established on Métis land in Batoche and managed by the Batoche Committee of the Métis Society of Saskatchewan.

4. Access to Financial Services

The Task Force recommended that changes be made to the Northern Revolving Loan Fund (NRLF) to make District Loans Committee members more representative of the region, to assume an increased level of risk, to increase support to first-time borrowers, and to enhance information sharing and co-operation among lending and business development corporations.

5. Local Delivery of Local Priorities

The Task Force recommended that government extend capital construction activities to northern communities whenever possible, that the federal (Canada Mortgage and Housing Corporation) and provincial (Saskatchewan Housing Corporation) governments work with northern communities in an effort to increase local involvement in housing-related business and employment opportunities, and that the federal and provincial governments better co-ordinate their efforts to support northern communities.

6. Northern Infrastructure

The Task Force recommended that the federal and provincial governments, in conjunction with the Northern Economic Development Board, establish joint agreements to address issues of infrastructure, that multi-year cost-sharing agreements be established to improve road service and to provide related training and employment programs in the North, and that SaskPower and SaskEnergy be encouraged to continue working co-operatively with northerners to ensure adequate energy supplies for future economic development.

7. Traditional Industries

The Task Force recommended that government continue to provide financial support for the commercial fishing sector, open up new markets for Northern products through foreign trade offices, support the diversification of the commercial fishing industry, allow the harvesting of firewood for personal

use within specific areas without a permit, and undertake research and development into any potential relationship between traditional activities and tourism (e.g., snowmobile adventures, wilderness survival programs, etc.).

8. Follow Up

The Task Force recommended that it be reconvened in April 1992, to review and report to government and northerners on the progress made in implementing these recommendations.

1992

▲ Report of the Saskatchewan Indian Justice Review Committee

AUTHOR: Saskatchewan Indian Justice Review Committee

YEAR: 1992

ABORIGINAL GROUP: First Nations

TOPIC: Administration of Justice

SUB-TOPICS: law enforcement, legal representation, courts, sentencing and corrections

SOURCE: Tripartite Commission (Federal/Provincial/Aboriginal)

BACKGROUND

The Saskatchewan Department of Justice, the government of Canada and the Federation of Saskatchewan Indian Nations agreed to establish a Saskatchewan Indian Justice Review Committee for the period June 7, 1991 to December 7, 1991. Although there have been numerous Canadian studies completed and many recommendations made in recent years, the implementation of recommendations has often been a difficult process and meaningful change has been slow in coming. The Indian Justice Review Committee was given a short timeframe in which to identify practical solutions and initiatives that could be implemented immediately, or within a reasonable time period.

PURPOSE

The purpose of the Saskatchewan Indian Justice Committee was to facilitate consultation on the criminal justice system as it relates to Saskatchewan Indian people and communities. More specifically, it was to make

recommendations relating to the delivery of criminal justice services for the development and operation of practical, community-based initiatives intended to enhance such services. The Committee was to report its recommendations to the federal and provincial governments and to the Federation of Saskatchewan Indian Nations.

ISSUES AND FINDINGS

This report constitutes a valuable beginning to focusing discussions on the changes needed to ensure the respect and confidence of the Indian People of Saskatchewan in the justice system. Two important elements confirmed by the Committee in making their recommendations were:

1. that meaningful changes can only come about when the affected community is actively involved in deciding what changes are to be implemented, and shares in the responsibility for making such changes; and
2. because each Indian community is at a different stage of development they are also at different stages of readiness for change. A project or initiative that may be right for one community may not be right for another. The unique and special circumstances of each community must be recognized.

The Committee also acknowledged that without major efforts to improve the social and economic conditions of Indian people, changes to the criminal justice system will have only a limited success.

The correctional data collected by the Committee indicated that Aboriginal people are disproportionately represented in correctional facilities. While this indicates over representation at the final stages of the criminal justice process it does not shed light on the root causes of such disproportionate representation. The Committee looked at several areas for answers. They included: youth justice, policing, legal representation, court services and corrections.

Youth justice was an important priority for the Committee. A disproportionate number of Aboriginal youth were being dealt with under the *Young Offenders Act*. It was revealed that Aboriginal youth suffer from problems of low self-esteem, hopelessness, anger and despair and that there is a need to connect Aboriginal youth with their elders and cultural heritage to promote Aboriginal role models and to address the problems of Aboriginal youth in a holistic manner.

With respect to policing, the Committee repeatedly heard of the need for Aboriginal people to actively participate in the delivery of policing services.

The Committee pointed out that policing is a common point of contact between the Aboriginal community and the criminal justice system. Therefore, policing often contributes to the alienation, cultural insensitivity and systemic racism which Aboriginal people encounter in their dealings with the criminal justice system.

Current efforts to recruit and employ Aboriginal officers by major municipal police forces have met with failure due to the inability of conventional recruitment practices to effectively reach out into the Aboriginal community, and because many Aboriginal people do not meet entrance requirements.

The Committee found that the virtual invisibility of Aboriginal officers within police forces contributes to a widely shared perception that the police fail to give Aboriginal communities the level of service they require.

Aboriginal peoples' knowledge of criminal justice processes and legal representation has been frustrated by a number of factors, including difficulties experienced in obtaining information and legal support as well as an understanding of the criminal justice process.

Legal aid was also recognized by the Committee as a primary point of contact between Aboriginal people and the criminal justice system. Concerns about cultural sensitivity, language barriers and appropriate access to legal services were identified as having a significant impact on an Aboriginal person's perception of, and access to, the criminal justice system.

The Committee also found that Aboriginal peoples' and communities' experiences with courts can also be negatively affected by the lack of appropriately trained and staffed interpreter services, unfamiliarity with criminal justice processes and terminology, and difficulties experienced by witnesses and victims in particular, in understanding and participating in court processes. The Committee also heard that matters involving Indian communities should be dealt with in close proximity to them.

With respect to corrections, the Committee encountered particular concerns in relation to Aboriginal youth.

Given the high percentage of Aboriginal offenders in correctional facilities, the need for more effective cross-cultural and race relations training was identified. Currently there is no comprehensive ongoing program to teach staff about Aboriginal culture, spirituality and political aspirations. Both federal and provincial inmates identified a lack of pre- and post-release planning services to assist their reintegration into the community.

Finally, the Committee identified a number of overarching concerns which it felt had a direct impact on Aboriginal people and the criminal justice system. They were identified as racism, family violence, and the critical need for cross-cultural training. The Committee felt compelled to stress that unless these concerns were addressed and dramatic changes were introduced to bring about significant improvement in the social and economic circumstances of Saskatchewan's Aboriginal people, little would be accomplished by way of the suggestions contained in the report.

RECOMMENDATIONS

This report contained 90 recommendations for making the criminal justice system more responsive to Indian people. Most recommendations dealt with improving sensitivity toward and awareness of Aboriginal concerns, and cross-cultural and race-relations training for non-Aboriginal police officers, judges, Crown prosecutors, legal aid staff, court officials, corrections staff and those who work with Aboriginal young offenders.

Recommendations were made to increase support services and spiritual teaching and programming in correctional facilities. The Committee also recommended that police forces develop programs to assist and expand the number of Native officers and make greater use of Native justices of the peace, especially in northern Saskatchewan. In general, greater participation was encouraged for the Aboriginal community at all levels of the criminal justice process.

▲ Report of the Saskatchewan Métis Justice Review Committee

AUTHOR: Saskatchewan Métis Justice Review Committee, Chair,
Judge Patricia Linn

YEAR: 1992

ABORIGINAL GROUP: Métis, Youth

TOPICS: Administration of Justice, Family/Family Relations, Justice
and Corrections

SUB-TOPICS: policing, courts (structures and procedures), sentencing
and remedies, corrections, legal education, family violence

SOURCE: Bipartite Commission (Provincial/Aboriginal)

BACKGROUND

The Saskatchewan Métis Justice Review Committee was established to look specifically at the needs of the Métis community in the justice system.

PURPOSE

The review committee's mandate was to facilitate consultation on the criminal justice system as it relates to Saskatchewan Métis people and communities and to prepare recommendations relating to the delivery of criminal justice services to Saskatchewan Métis peoples and communities, and more particularly, for the development and operation of practical, community-based initiatives to enhance such services.

The committee was to focus on and suggest practical changes and initiatives that might be implemented in the short term.

ISSUES AND FINDINGS

The committee identified six priority areas for review:

1. Youth Justice;
2. Policing;
3. Legal Representation;
4. Sentencing Alternatives;
5. Court Services; and
6. Corrections.

Within each of these areas of study, a number of common issues were identified. As with many other studies, lack of participation by the Métis community in the development and delivery of justice services was emphasized throughout the report. Not only was it an issue with respect to the development of programs, but it was found that very few members of the Métis community were employed by various agencies within the justice system. The absence of Métis personnel further adds to the problem of communication (or lack of) between the justice system and Native communities within the province.

Another common issue identified by the Committee was the limited reflection of Métis culture and traditions within the various programs delivered to the Native community. Whether it involved youth counselling or interaction with the police and court systems, very little attention was given to the traditions of the Métis peoples.

The lack of understanding of the Métis peoples with respect to the workings of the justice system is also identified as a major problem area in the report. Many do not understand how the system works and therefore do not feel it can be respond to their needs and concerns.

The report addresses the issue of racism within the justice system, and concludes that the lack of understanding of Métis peoples and their culture by the various participants within the justice system adversely affects these communities.

The committee considered the problem of family violence within Métis communities, and the absence of initiatives to address this very specific and serious problem.

RECOMMENDATIONS

Recommendations contained within the report reflect the fact that a number of significant issues reappear within each of the major areas examined by the Committee.

The committee recommended that governments, Métis and Indian organizations implement a data collection system to provide detailed information which would allow a comparison of Aboriginal and non-Aboriginal experiences within the criminal justice system. This data would assist in identifying who specifically is in frequent contact with the system and therefore the type of programs that need to be implemented.

With respect to participation, the committee recommended the establishment of employment equity programs within youth services, police, court and correction systems, to reflect better the population they serve. The ongoing data collection effort would assist these agencies in understanding the level of contact of Native peoples with the criminal justice system.

The report calls for the creation of various committees to increase the number of Native people actively involved in the development of new programs by different justice agencies. For example, within Youth Services, the report recommends the creation of youth justice committees to assist in the disposition of cases involving Aboriginal young offenders. The membership and responsibilities of such committees would be developed through consultations between the various levels of government and Aboriginal communities. Similar committees would be established within police, court, legal aid, and corrections agencies as well.

The increased participation of Native peoples within the justice system would alleviate the problems of communication and understanding which pervade the system. Further, it was recommended public legal education

materials be developed to assist Aboriginal people to understand the justice system in general, and police and court processes in particular, and this material should be made available in Aboriginal languages. The report also calls for the development of new programs in education to allow Native people to become active participants in the criminal justice system.

The report recommended cross-cultural and race relations training and educational programs for young offenders' program staff, police, court and correctional staff. Such training would be provided to all new employees, and on an ongoing basis as in-service training, and would include a strong Aboriginal component to familiarize participants with the history and contemporary situation of Saskatchewan Métis peoples.

The Committee also called for the establishment of complaint procedures within each of the agencies involved in the criminal justice system.

The Committee stressed the importance of developing custody and sentencing programs that focus on the spiritual and cultural alternatives that are available within Native communities.

The Committee specifically emphasised the problem of family violence within Native communities and recommended that the governments of Saskatchewan and Canada, and Native communities consider the establishment of family courts to address family violence issues. As well, the report calls for the development of a protocol and network to assist in educating and co-ordinating the work of agencies dealing with family violence in the Aboriginal community.

Finally, the report recognized the Métis position with respect to their stated goal of self-determination. Although the Committee did not have the mandate to consider or make recommendations relating to Métis self-government, it acknowledged their position.

Overall the Committee's recommendations were to provide a basis for greater involvement within the criminal justice system by Aboriginal communities. While the federal government does not envisage a separate system of justice for Aboriginal peoples, greater community involvement within the justice system through self-government initiatives were viewed as both possible and desirable.

▲ Report of the Task Force on Saskatchewan's Future in Confederation

AUTHOR: Task Force on Saskatchewan's Future in Confederation

YEAR: 1992

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Self-Government, Constitution

SUB-TOPICS: implementation, jurisdiction, development

SOURCE: Provincial Commission

BACKGROUND

The Task Force on Saskatchewan's Future in Confederation was established in August 1991 to explore constitutional issues of particular concern to Saskatchewan in the midst of the "Canada Round" of constitutional negotiations.

PURPOSE

This report outlines the views expressed by the people of Saskatchewan during public meetings, formal hearings and in written briefs. It is organized as an attempt to offer a quantitative assessment of responses made at the meetings, hearings, and in the briefs.

ISSUES AND FINDINGS

The Task Force dealt with the broad spectrum of issues related to the constitutional debate. Issues specific to Aboriginal peoples, which constituted only one set of issues within this spectrum; included the following:

1. Distinct Society

The issue of bilingualism and the status of Quebec generated the most heated debate and the greatest polarization of views. The majority of participants wanted Quebec to remain part of Canada but many felt that no preferential treatment or special constitutional considerations were warranted. The situation of Aboriginal peoples was often compared to that of Quebec as many felt that Aboriginal peoples "deserved" recognition as a distinct society more than Quebec. Some worried about the boundaries of a sovereign Quebec and what this would mean to the Aboriginal people of Northern Quebec.

2. Dispute Resolution

There was a strong willingness among all participants to support and resolve disputes over land claims and treaty rights. Many of the non-Aboriginal

participants, however, suggested that once land claims and other treaty rights were resolved, Aboriginal people should receive no other special benefits or status and that they should be subject to taxes.

3. Education

Some participants suggested that education curriculum must have a greater emphasis on, and a more accurate interpretation of, Aboriginal history. Many participants in the hearings referred to the inaccuracy of some of the information cited regarding the situation of Aboriginal people, referring, for instance, to Aboriginal people as a uniform group who “don’t pay taxes”.

4. Bill C-31

Participants from northern communities expressed regret and dissatisfaction that Bill C-31 did not guarantee additional land for people who, by virtue of this Bill, became eligible to be reinstated. Others criticized the fact that Bill C-31 excludes many second generation people from the benefits of Indian status.

5. Self-Government

Discussions regarding self-government were often frustrated by the lack of an accepted definition of the term. Most participants expressed support for self-government if it would facilitate the social and economic independence of Aboriginal peoples. Many Aboriginal participants suggested that self-government be financed through natural resource revenue-sharing.

The example of the Navajo tribe in the United States was given as a viable model of self-government. Others felt that a municipal style of government with provisions for justice, education and health care systems would be more appropriate. Most preferred that these “new” governments be established within the framework of the Canadian Constitution.

6. Métis Issues

The Task Force attended the Métis Society of Saskatchewan’s General Assembly in order to enhance their understanding of Métis issues. The Métis’ primary concern was that while they are recognized as Aboriginal people in section 35 of the Constitution, they do not enjoy the same rights as other Aboriginal peoples, namely a recognized entitlement to land, special educational opportunities, and the guaranteed right to pursue traditional endeavours such as hunting and fishing. A large majority of Métis people

expressed support for self-government. Participants also supported the Métis Nation's right to determine its own membership.

Most Métis participants felt that their affairs should fall under the jurisdiction of the federal government, as is the case with other Aboriginal peoples. Non-Aboriginal participants frequently emphasized their belief that the federal government must exercise its responsibility for all Aboriginal peoples and that provincial involvement should be minimal.

7. Representation

There was some consensus that groups such as women, Aboriginal people and francophones outside Quebec must have a greater and more meaningful involvement in the parliamentary process. There was, however, only limited support for the allocation of a specific number of seats to these groups.

RECOMMENDATIONS

No recommendations were made by the members of the Task Force.

**Summaries
of
Reports by Territorial Bodies**

Northwest Territories

1983

▲ Learning: Tradition and Change

AUTHOR: Legislative Assembly of the Northwest Territories, Special Committee on Education, Co-Chairs, Bruce McLaughlin and Tagak Curley

YEAR: 1983

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Education

SUB-TOPICS: professionals/educators, curriculum, adult education, vocational training

SOURCE: Legislative Committee

BACKGROUND

The Special Committee was established in view of the many educational problems faced by the people of the N.W.T., and in particular northern Aboriginal peoples. These problems were identified as including high dropout rates, poor comprehension skills, poor parent/teacher relations, low recruitment of Native teachers, a curriculum inappropriate to northern life, lack of proper high school facilities, and a limited continuing and special education facilities.

PURPOSE

The purpose of the Committee was to examine current problems, review existing legislation and policy and make recommendations for reform. The Committee was also asked to conduct public consultations, and to initiate research projects to demonstrate new approaches.

ISSUES AND FINDINGS

There are seven major areas discussed in the report. These are administrative structure, school programs, language programs, teaching staff, special services, adult education and implementation.

Administration: Although administrative structure were to have been decentralized, this had not occurred. Yellowknife still dictated philosophy,

policies and priorities, and was still responsible for budgets and staffing. It was recognized that there was an urgent need to redefine the roles of senior administrators in the Department of Education and to establish elected school boards to be responsible for local decisions in education.

School programs: Two factors were said to determine the quality of school programs in the N.W.T.: the effectiveness of programs, and the experience of teachers who deliver them. Official policy for curriculum development must recognize substantial differences among the many communities and varied regions of the N.W.T.

In the area of **language**, it was noted that the increased use of Native languages would strengthen Native students' general use of languages and enable them to learn more effectively about every subject in the curriculum.

Teaching staff was an area of great concern to citizens of the N.W.T. There were found to be an insufficient number of teachers in the N.W.T. and only 43 out of 738 were specially trained for teaching in the North. It was determined that education services require a teacher-training program that is based on the recruitment of persons who are particularly well suited to the many challenges of teaching in a northern environment, and must incorporate orientation and in-service training for all school personnel. Teachers arrive in the North without any knowledge of the history of northern education, without training in English as a Second Language (ESL) and without experience working with classroom assistants.

It was determined that schools were not responding to the local needs for special services, and that this should then be under local control. All people, regardless of their abilities, should benefit from education.

Education of adults was found to be very inadequate. It was suggested that what the North needed was an alternative to "southern" education. One alternative would be a traditional university in a central location in the N.W.T. offering a traditional university curriculum. It was said that adult education must take into account current economic and industrial developments and manpower requirements. There was an identified need for adult education programs to be available locally and subject to community control.

RECOMMENDATIONS

Adminstration: The Committee recommended devolution of education administrative responsibilities to divisional boards, and establishment of a Secretariat for Learning and Centres for Learning and Teaching to respond to Native demands.

School programs: It was recommended that responsibility for curriculum development also be devolved to divisional boards, and the Department of Education fund research activities in relation to curriculum development.

Language: Divisional boards would also determine language programs. The board would choose the language to be used, train educators and develop programs in all subjects.

Staffing: This was also recommended as a divisional board responsibility. Mandatory orientation was recommended as was teaching assistants playing a larger role in classroom activities. Special Services programs: The Committee suggested these be offered at the community level for all who might require them. It was also recommended that special needs children be integrated into regular classes.

Adult education: It was recommended that an Arctic College offer post-secondary school programs across the N.W.T., with each campus developing its own specialization. Arctic Colleges would offer education from Grade 11 up. Locally established colleges would come under the jurisdiction of the divisional board.

It was recommended that the Committee's mandate be changed to a Task Force on Implementation and that funds be made available to implement the recommendations.

1985

▲ Report by the Task Force on Spousal Assault

AUTHOR: Task Force on Spousal Assault, Chair, John Bayly

YEAR: 1985

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Family Relations

SUB-TOPIC: family violence

SOURCE: Territorial Commission

BACKGROUND

In response to the grave situation of spousal assault, the Executive Committee of the government of the Northwest Territories approved the appointment of the five-member Task Force in May 1984. The Report of the Task Force on Spousal Assault was prepared for Dennis Patterson, Minister Responsible

for the Status of Women. The report is a survey rather than an analysis of the problems of spousal assault.

PURPOSE

The purpose of the Task Force was to travel throughout the N.W.T. to discuss spousal assault with residents and representatives in various communities. Its general mandate was to examine the nature and extent of spousal assault in the N.W.T. Specifically, it was to fulfil the following tasks:

1. report to the Minister Responsible for the Status of Women on the nature and effectiveness of government agency responses;
2. offer recommendations on how existing budgets and personnel might be more effectively employed;
3. identify new measures which could be undertaken to deal with the problems of battered spouses and their families not already receiving assistance; and
4. raise awareness of the problem of spousal assault across the N.W.T.

ISSUES AND FINDINGS

The Task Force presented some general findings in its report. The members found spousal assault to be a large and growing problem in many northern communities, which most often claims women as the victim, although men have also been known to suffer from assaults. The report noted that many victims considered being beaten as a normal part of life, and batterers thought beating their spouses was their right. The Task Force also found that in many settlements, there is the attitude that spousal assault occurring behind closed doors can be ignored, condoned and sometimes even encouraged; some community institutions, however, such as alcohol committees, band and regional councils, have condemned spousal assault outright.

The Task Force defined spousal assault as "violence, both physical and psychological, expressed by a husband, wife or lover toward his or her mate . . . directly or indirectly condoned by the traditions, laws and attitudes prevalent in the society in which it occurs." Task Force members found spousal assault to be a learned behaviour, passed from one generation to the next, with a long history dating back to pre-contact time, though Aboriginal people said it has become more frequent and more serious. Aboriginal people told the Task Force that it is not an accepted part of cultural behaviour among most peoples, but that they are much less openly critical of one another and less likely to intervene. The report also emphasized that spousal assault is not a Native or non-Native problem.

The Task Force examined the initiatives being undertaken to address spousal assault. It found that many groups were trying to draw attention to the problem in order to find shelter for those in need. Ad hoc protection services for Native women were being developed and community meetings on family violence and spousal assault were taking place.

The Task Force made a number of observations regarding victims. They found that victims in their homes often live in fear, cut off from the rest of society. The report identified a number of services victims needed:

1. medical attention, with few questions asked;
2. access to counselling and information on services relating to spousal assault;
3. protection provided by the RCMP, even though they may be reluctant because of fear to call, to lay charges or to give evidence;
4. visible, vocal, and unconditional support from their families and communities;
5. the opportunity and ability to make their own decisions;
6. available crisis shelter accommodation in the N.W.T.;
7. greater awareness on the part of doctors and nurses of the other resources in the community which could assist victims of spousal assault; and
8. family life education for children who witness and suffer from violence, where they are taught the illegality and immorality of family violence.

The report also made a number of other findings with respect to the situation of spousal assault in the Northwest Territories. The Task Force found that, like victims, batterers also need counselling and treatment, but are usually unwilling to participate. Psychological and alcohol problems were particularly evident in many batterers. Alcohol, although not the root cause, was found to be a contributing factor to assault and the problems of alcohol abuse and spousal assault were treated as interrelated in many of the communities. In 'wet' communities assault was readily apparent; however, it was also found to occur in 'dry' communities, perhaps as a result of illegally brewed alcohol.

The Task Force also found that there was a perceived injustice in the way that batterers and victims were treated by the courts. The Crown attorney acts for the batterer who does not need to say anything in court proceedings, where he/she is innocent until proven guilty. The victim, on the other hand, is compelled to give evidence and does not have the Crown attorney or anyone acting on his/her behalf. Furthermore, sentences that are handed down to batterers do not generally deter further battering.

The Task Force members examined other approaches and services which might provide assistance to victims, batterers and the communities in which they

live. They support the employment of an inter-agency approach, including social workers, nursing stations, hospitals, community health centre personnel, and police, so that each professional is aware of the abilities and commitments of the others and they can work co-operatively to address the situation of abuse more effectively.

RECOMMENDATIONS

The Task Force made several general recommendations, including:

1. that the government of the N.W.T. catalogue and make available the published materials collected by the Task Force;
2. that the government of the N.W.T. allocate sufficient resources to make collecting, cataloguing and distributing information possible;
3. that the Ministerial Committee remain in existence and act as an inter-agency policy committee to facilitate the implementation of their recommendations; and
4. that the Committee be responsible for the preparation of an annual report on implementation.

Recommendations specific to spousal assault were exhaustive. The most prominent of these recommendations are as follows:

1. that information on issues related to spousal assault be widely distributed throughout the N.W.T.;
2. that victims be assisted in finding safe, immediate shelter, paid for by the government;
3. that victims and affected children have access to counselling;
4. that the interests of the victim be represented by an advocate in the judicial process;
5. that the establishment of shelters be encouraged;
6. that community and government initiatives to assist victims and their families in transition remain flexible, as some families may stay in the community, while others may leave, temporarily or permanently;
7. that batterers be assisted in obtaining treatment or counselling;
8. that Native social workers be encouraged with educational leave and bursaries to attend university programs in social work so that they may return to the north better qualified to deal with the social problems of family violence;
9. that the RCMP provide special training on spousal assault investigation and case preparation; and

10. that the relationship between drug and alcohol use and spousal assault be highlighted in education and community awareness programs, and that counselling for these problems be recognized and supported.

1986

▲ Report of the Task Force on Aboriginal Languages

AUTHOR: Task Force on Aboriginal Languages, Co-Chairs, Fibbonie Tatti and Edna Elias

YEAR: 1986

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Language, Education

SUB-TOPICS: protection and preservation, primary and secondary education, adult education, curriculum, professionals/educators

SOURCE: Territorial Commission

BACKGROUND

While the concern to preserve and promote Aboriginal languages both within the community and within the home, it was the guarantee of service the French language, as an official language of Canada, that brought Native peoples' concerns out.

PURPOSE

The Task Force was created by the government of the Northwest Territories to make recommendations on how the Aboriginal languages of the North should be used, developed and promoted.

ISSUES AND FINDINGS

There are three major areas of discussion in the Task Force report:

1. language and its recognition;
2. language in the educational system; and
3. identification of areas and institutions needing increased skills in Aboriginal languages.

Language was defined as not only a means of communication but an integral part of the Aboriginal culture. The request for recognition of Aboriginal

languages was also a request for greater respect for Native culture in the North. Many people in the North were unhappy that Aboriginal languages were not given the same status as French and English.

Participants' views on where responsibility for language should rest were divided, but it was agreed that Aboriginal peoples are the best protectors of their own languages and should ultimately have responsibility for their future.

Granting Aboriginal languages "official status" would implement their use by government in communicating with citizens, while also requiring that citizens be prepared to use these official languages in their dealings with, and participation in the institutions of government.

Within the educational system in the late 1950s and early 1960s there was a steady erosion of Aboriginal languages. Today, many Aboriginal people have partial but not complete knowledge of both their Native language and English. In many instances, Aboriginal parents do not have a sufficient understanding of English to monitor the progress of their children, and teachers did not encourage the use of the Native languages. The result is that many people are not proficient in either language.

The people of the North want the right to bilingual education (English as a Second Language, and primary instruction in the regional language). The viability of bilingual and unilingual instruction to be offered in major centres was recognized.

The report stresses the need to link language and culture through the educational curriculum. Students should be instructed in their Native language as well as in their culture. Field trips were seen as a way of meeting this need. It was also suggested that educational materials reflect Aboriginal views and outlooks rather than simply the content of translated southern texts. Other educational materials, such as tapes of elders recounting Aboriginal history were among the suggestions for improving the Aboriginal content in northern school curricula.

It was suggested that all teachers receive a level of training in an Aboriginal language, and that Aboriginal language instructors be proficient.

The need for adult instruction for both Aboriginal and non-Aboriginal people in the area of Aboriginal languages was recognized.

Interpretation and translation services of the territorial government and services by non-northern governments were identified as being in need of improvement and enhancement.

Interpreters and translators in the North face greater responsibilities and fulfil a broader range of functions than their southern counterparts. It was suggested that there be a recognition of this field as a professional occupation, and that there be more interpretation and translation services provided within communities where there was a demand.

Within the government of the Northwest Territories, there was encouragement for the voluntary bilingualism of officials in Aboriginal languages.

It was suggested that maps of the Northwest Territories be revised to reflect the adoption of Aboriginal names.

The general indication was that an Aboriginal network of businesses and people would be needed to meet the demands associated with improved use and recognition of Aboriginal languages (e.g., Aboriginal publishing house to print materials in Aboriginal languages).

Outside the government of the Northwest Territories, the Task Force was of the opinion that safety-related and government information should be offered in Aboriginal languages. The provision of health services in Aboriginal languages was a major concern among Task Force participants.

RECOMMENDATIONS

The Task Force made recommendations in six areas. In the area of official status, it was recommended that the *Official Languages Act* be amended by the government of the Northwest Territories, to include the right to use one's Aboriginal language in the courts, when receiving public services including medical and social services, and in the Legislative Assembly of the N.W.T.

In the area of new institutions, the Task Force recommended several be established within the existing government system to assist Aboriginal peoples in protecting and promoting their languages and culture. The Task Force recommended that an Office of the Commissioners of Aboriginal Languages be set up with both a Dene and an Inuit Commissioner. The Task Force also recommended that a ministry be established with jurisdiction over major areas affecting Aboriginal languages, and with responsibilities in the areas of education, government interpreters and cultural programs. The ministry would also be responsible for establishing an inquiry into the standardization of Dene writing systems.

In the area of education, the Task Force recommended a committed bilingual education system in primary schools, and a choice of bilingual or unilingual systems at secondary levels. Unilingual education would need to be offered

in major centres to meet the needs of the non-Aboriginal population. The Task Force also recommended an increase in Aboriginal language programs for adults.

Within the government of the N.W.T., the Task Force supported a public service able to deal with Aboriginal people in the language of their choice.

Outside the government of the N.W.T., the Task Force supported recommendations for increased use of Aboriginal languages by the northern air travel industry.

1989

▲ The SCONE Report: Building Our Economic Future

AUTHOR: Legislative Assembly of the Northwest Territories, Special Committee on the Northern Economy

YEAR: 1989

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Economic Development, Economic/Social Development, Political Development/Relationships

SUB-TOPICS: regional non-Aboriginal, business development/entrepreneurship, institutions

SOURCE: Legislative Committee

BACKGROUND

The Legislative Assembly of the Northwest Territories established the Special Committee on the Northern Economy (SCONE) in 1987 to examine economic development in the Northwest Territories (N.W.T.). The Committee conducted public hearings in all 24 regions of the Territories from September 6, 1988 to June 15, 1989, gathering the public's opinions on current economic development strategies and on the future economic development of the N.W.T. The Committee also reviewed a variety of background research studies on topics relevant to economic development in the N.W.T.

PURPOSE

The Committee was to create a plan that would guide government in its efforts to foster and promote viable economic development in the Northwest Territories.

ISSUES AND FINDINGS

The issues and findings of the Committee are presented in six chapters in the report. Beginning with an history of economic activity and development in the N.W.T., the Committee highlights the shift in this century from the exploitation of renewable resources to non-renewable resources, the growth of government influence in community development, problems with schooling, and the desire for self government. The Committee concluded that the N.W.T.'s future success depended upon education, organization and discipline.

The second chapter of the report contains a profile of the N.W.T. economy and a summary of the Territories' economic problems, derived from the Committee's "Summary of Public Hearings: What Residents of the Northwest Territories Think of the Economy". A range of problems are identified including structural problems such as the following:

1. a lack of balance in the economy;
2. low value-added manufacturing capability;
3. a low level of local/territorial government control;
4. an inadequate and expensive transportation system;
5. an insufficient number of trained people which requires the import of people from the South;
6. poor access to financial and banking resources; and
7. inadequate schooling for much of the population.

Additional problems were identified with government policies and programs, including ineffective small business and private sector development policies (particularly privatization programs), excessive bureaucracy and paperwork requirements, and inadequate support at the local level. Social problems, such as alcohol and drug problems, were also presented.

The third chapter examines existing economic development strategies and practices. According to the Committee, the current economic development strategy in the N.W.T. concentrates on the development and strengthening of small private businesses. To succeed, the strategy assumes that there already exists an entrepreneurial spirit and necessary economic conditions in the community and that the workforce has the proper skills and education to engage in successful private business opportunities. The Committee found that for many communities this strategy assumes too much. Moreover, the strategy was found to be too one-dimensional in its approach; business development must be part of a more integrated approach if it is to prove effective in underdeveloped communities.

The Committee divided the N.W.T. into developed and underdeveloped communities. The developed communities are normally regional, or resource-based centres with better external links to the rest of the world and they are predominantly non-Native. Underdeveloped communities are located in more remote areas, have no viable private sector, few links to the rest of the world, low education levels, and are predominantly Native. The underdeveloped communities have very little or no core private sector experience and are consequently unable to build upon state-sponsored small business development initiatives.

The Committee concluded that the government must develop a two-pronged strategy. For the developed communities the strategy must be to promote small business development and to maintain a viable business climate. For the underdeveloped communities, however, the government must attempt a new strategy based on personal development (education and training), community and regional development (reorganization and power-sharing), and cultural development through support for the domestic economy.

The fourth and fifth chapters of the SCONE Report explore several issues, which the Committee labelled "myths and trends". Chapter four identifies a number of economic myths that the Committee wanted to debunk. The Committee felt that too many people believed in these myths as solutions to the economic problems of the North. Some of the myths identified are as follows:

1. that the private sector must be the engine of economic development;
2. that the key to [northern] economic development rests in non-renewable resources;
3. that the settlement of land claims will solve the economic development problems of underdeveloped communities;
4. that the government of the Northwest Territories is powerless to affect the economy of the N.W.T.; and
5. that having economic policies is the same thing as having economic development.

In chapter five, the Committee identified several trends that it believes will influence economic development in the region:

1. the population of the underdeveloped communities is growing at three times the national average;
2. the majority of Native students are dropping out of school before completing Grade 10;
3. the territorial government is entering an extended period of fiscal restraint;

4. increasingly, services will be provided by non-government organizations;
5. there is a steady trend toward regionalization and regional development;
6. the federal government will continue to devolve services to the territorial government, and inter-governmental co-ordination will become much more difficult; and
7. there is a trend toward the use of more sophisticated communications technologies.

Based on the findings of the previous chapters, the Committee laid out the guiding principles for its economic development strategy:

1. the economic strategy must be tailored to the needs of the N.W.T.;
2. development must be sustainable;
3. government must create and promote an economic development ethic in all its departments;
4. the strategy must be based upon integrated strategic planning at all levels of the economy;
5. economic development must be community-based and reflect community values;
6. economic development must be regionally based and directed;
7. the economic development strategy must reflect an entrepreneurial spirit and the use of appropriate technologies;
8. community awareness and personal development are essential to all economic development; and
9. an economic development strategy must be based upon the ability to mix various options and approaches.

RECOMMENDATIONS

The Committee made thirty separate strategic recommendations, in three primary categories. The majority of the recommendations address the development requirements of the underdeveloped communities. They are, however, believed to respond to the developed communities' needs as well.

1. People Development

These recommendations address education and training issues. The Committee called for a literacy campaign in all communities, with a permanent Literacy Council to guide it. The Committee admitted it did not have an answer to the problem of schooling, but recommended a variety of mechanisms and ideas that a stay-in-school strategy could explore. The Committee specifically

recommended reducing the pupil-teacher ratio and setting up Outward Bound-type programs. A final recommendation called for reorganizing adult education and training programs to achieve a more co-ordinated and appropriate program. The Committee specifically suggested improved courses in management training, board development (i.e., training for board and committee members), the trades, and the environment.

2. Policy and Program Development

The Committee recommended first and foremost the implementation of a sustainable development strategy, as it discovered that there is no single issue of more importance to northern residents than protection of the environment. Such a strategy can or must include a permanent round table on the environment, a review and correction of existing incentive programs, establishment of an Environmental Adviser who reports to the Legislative Assembly, annual audits and reports on the environment, and a public education campaign on the principles of sustainable development.

The Committee recommended conducting several reviews of existing policies and programs. It specifically called for a review, with the federal government, of all transfers, payments and federally-funded programs to ensure that these instruments support, rather than impede, economic development by ensuring that they respond to the development needs of northern residents. The Committee also recommended establishing a Public Service Commission, and a review of the public service, including the Affirmative Action Policy. The goal of the Commission and of the review would be to restore and ensure the competence, integrity and objectivity of the public service. Additionally, the Committee recommended a review of the business practices of the territorial government to provide more business opportunities for local communities, including tendering and purchasing practices.

The Committee also presented a set of recommendations regarding various community and business policies of the territorial government. The Committee recommended changes to ensure that individual communities have greater control over their local resources. It also recommended recognizing Co-ops as small businesses with training potential, and allowing communities to negotiate a variety of contracts, such as construction, maintenance, and housing, over a five-year period.

Several other recommendations were directed toward changes in federal government policies in the North in view of the unique circumstances of the northern economy and for northern people. The Committee recommended that the government of the Northwest Territories seek an exemption for the

N.W.T. from the Goods and Services Tax, that the federal government establish a Personal and Corporate Tax Regime for northerners, and that the federal government provide the mineral exploration industry with tax incentives for exploration.

The bulk of the recommendations in this category, however, called for establishing new programs or modifying existing ones. Some examples are traditional harvesting support programs; an import substitution strategy; a comprehensive evaluation system for all economic development-type policies, programs and projects; a communications technology research project; a program to extend banking services to more communities; an arts and crafts support program; a tourism strategy; improved and enlarged daycare programs; and residential-type alcohol treatment centres.

3. Organizational Development

The recommendations to improve the development capacity of the government of the Northwest Territories, the region and the communities, call for the establishment of permanent cabinet-level Committees for Economic Development and Social Development. The purpose of these committees is to provide leadership and co-ordination to the efforts of the government. The Committee also recommended the development, in partnership with the federal government, of an Economic Development Agency. This is seen as important in light of the phasing out of the Department of Indian Affairs and Northern Development's (DIAND) Northern Program. DIAND's responsibilities are being distributed to other federal departments and agencies and it is the Committee's view that this development will create co-ordination problems for the government of the Northwest Territories.

The Committee also recommended providing funding to communities to hire permanent Development Officers. The Development Officer would work for the local municipality or community as a member of the management team, and be responsible for a broad range of socio-economic development tasks, such as community research, strategic planning for community and personal development, co-ordinating and organizing the various participants in the development process, consulting with local organizations and outside sources, and acting as an advocate on behalf of the community.

The Committee's final recommendation was to reorganize the Departments of Renewable Resources and Economic Development and Tourism. The purpose of this reorganization is to rationalize the departments' respective responsibilities with a sustainable development concept and to improve their co-ordination in pursuing the goal of sustainable development.

1990**▲ Mackenzie Delta-Beaufort Sea Plan Options Paper**

AUTHOR: Mackenzie Delta-Beaufort Sea Regional Land Use Planning Commission

YEAR: 1990

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Land Use, Development and Management, Resources, Environmental Protection, Economic Development, Political Development/Relationships, Transportation

SUB-TOPICS: land-use planning, zoning, development, management, wildlife, fisheries, forests, oil and gas, regional non-Aboriginal

SOURCE: Territorial Commission

BACKGROUND

This report describes the main characteristics influencing land use planning in the Mackenzie Delta-Beaufort Sea region. Land use planning was facing several challenges at this time: it had to accommodate a number of belief systems and ways of life, while attempting to preserve the region's natural resources; it had to adjust to changing administrative systems; the Inuvialuit and the Dene/Métis land claim agreements required, or were requiring, complex adjustments, and the federal government was gradually devolving its mandate for managing public lands to the territorial government; and it had to fit the development of non-renewable resources and changing technology within conservation goals.

The Mackenzie Delta-Beaufort Sea Regional Land Use Planning Commission had conducted land use planning in the region since 1987. The Commission was to produce a draft regional land use plan by 1990. The Commission, through consultation, identified concerns and interests, proposed goals and principles, and outlined a strategy for land use in an Interim Report, released in August 1988. This Options Paper represents the next step in the process; it defines the options on which the recommendations of the Commission would be based.

PURPOSE

The Commission's purpose was to

1. institute a community-based planning process, which arrives at a fair balance of land and resource use;
2. develop land and resource plans based on community and regional priorities;
3. develop an enduring planning capability in the region;
4. establish the planning process in the communities by the recognition and support of community working groups;
5. draft a land use plan that would:
 - (a) identify goals, options and constraints for land use;
 - (b) advise on preferred and/or priority uses of specific areas;
 - (c) encourage activities which conserve, use and/or develop land and resources with minimal land use conflicts; and
 - (d) recommend simpler, clearer, more accountable decision-making processes; and
6. publicize the existence and objectives of the land use plans.

The Commission further identified three goals of the land use plan:

1. to conserve, in perpetuity, the basic resources of land, water, air and wildlife on which the communities of the region depend;
2. to maximize sustainable use of the region's resources; and
3. to maintain the greatest range of options for community use and development.

The Commission defined conservation as

reflected by an attitude toward the use of natural resources dictated not by immediate gain but by appreciation of their value in the natural system. Conservation is the management of human use of the region so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations.

ISSUES AND FINDINGS

Based on its terms of reference, its three goals and its definition of conservation, the Commission proposed a strategy for land use that was comprised of four parts. These parts were intended to be incorporated into land use authorities' planning, management and decision-making processes. The Commission felt the strategy would help resolve conflicts among land uses and develop the

region in a sustainable manner. These are the four parts of the Commission's strategy:

1. A System of Protected Areas

These areas should be defined at the community level by Community Working Groups, with additions from the many other agencies that administer protected areas. Protection for these areas would take one of three forms:

- (a) absolute year-round protection from activities that threaten the valued resources;
- (b) protection during critical seasons from activities that threaten the valued resources; and
- (c) regulation of land use activities and resource management strategies.

The Commission believed that much of the conflict associated with land use would be reduced if the areas were defined this way. The Commission planned to release a separate document on protected areas with site-specific information and recommendations.

The Commission found that there was no organization yet identified to take the lead role in overseeing such a system. Moreover, there were limited methods available in the N.W.T. for ensuring the kinds of protection this system required.

2. Active Community Participation in Land Use Decisions

The Commission envisioned organizational structures and mechanisms, such as Community Working Groups, which would involve community members in land use decisions. Essential to this part of the strategy was the development of community conservation plans, which would be based, in part, on the established protected areas mentioned above, and would give the working groups a framework within which to work.

The form and formal role of these Community Working Groups, and their relationship with existing land use management bodies, had yet to be established.

3. Effective and Integrated Resource Management

This element would rely on joint management, direct consultation and improved information exchange among the communities and other land users to resolve conflicts. The Commission explained its role in this system as a catalyst, encouraging an integrated approach to conflict resolution and

providing a forum in which issues could be examined from a regional perspective.

The Commission found that there was a need for the federal and territorial government departments responsible for managing land, water and renewable resources to develop policies embracing the concept of joint management.

4. Information Management

The Commission found that many of the problems associated with land use conflicts began from inadequate information or unequal distribution of information. This part of the strategy is intended to improve information production and exchange among land users, managers, and land use decision makers. Community land use information would be widely accessible and a Geographic Information System would be used to improve dissemination and use of the information.

RECOMMENDATIONS

Although the Commission indicated that on several issues it had received sufficient information to identify its preferred option, it did not make any recommendations in this report. It planned to submit its recommendations after additional comments were received and reviewed in a separate draft plan for land use in the region by early March of 1990. (This report was released in January 1990.)

The Commission did, however, provide some insight into options on which it was considering making recommendations. The paper organizes these within five land use sectors: renewable resource conservation and management; non-renewable resource development; transportation; tourism development; and military activities. It also addresses the question of implementation, included here as the sixth item.

1. Renewable Resource Conservation and Management

General issues: The Commission believed there had been some progress in developing community conservation plans, and that this should continue to be a priority. The Commission was considering recommendations on how it could contribute to the process in those communities without a plan. Moreover, the Commission was considering a cultural and educational immersion program for outsiders who would be working in the region to improve their understanding of the region's resource management environment and regime.

Transboundary resource management: The Commission felt that agreements between the appropriate authorities from the relevant resource management departments were the best way to deal with transboundary issues. The Commission was also considering recommendations on transboundary forest fire control and on the incorporation of community priorities into the research and dissemination of information on transboundary concerns, especially global concerns.

Renewable resource development: The Commission stated that the research required to determine whether a resource is capable of sustaining economic activity should be undertaken prior to renewable resource development. It was considering recommendations on how to ensure that knowledge gaps are filled and information is exchanged. Additional recommendations under consideration in this regard included the potential use of the region's limited forestry resources.

2. Non-Renewable Resource Development

Oil and gas exploration and development: The Commission's principal concerns were the determination of where pipelines should be established for transporting oil and gas southward and the assurance of community consultation as early as possible into the process of pipeline route planning and other non-renewable resource development projects.

Release of lands by Canada Oil and Gas Lands Administration (COGLA) for exploration purposes: The Commission was considering recommendations on ensuring the presence of community views early on in the COGLA release approval process.

Environmental rehabilitation: The Commission indicated its preference for using pipelines over tankers for transporting oil and gas, because industry appeared to be more advanced in handling pipeline problems than tanker spills. The Commission was considering recommendations on improvements to safety standards and enforcement, on oil spill preparedness and contingency planning, on giving a single body the authority for responding to spills, and on maintaining containment and clean up equipment throughout the region or on every vessel to allow for a more rapid response.

Granular and quarrying resources: The Commission was planning to make specific recommendations about a regional granular management plan.

Mining: The Commission believed that the people of the region should have first priority for using the carving stone and copper there. It was considering recommendations on asserting community control over the sale of these resources.

3. Transportation

Ground transportation: The Commission was considering recommendations on ways to ensure that communities are consulted on road priorities and route selection prior to making such decisions at the territorial level. It also was considering recommendations regarding monitoring hunting and fishing activities along roadways.

Water transportation: The Commission was considering recommendations concerning new legislation to protect the proposed areas designated for marine protection. Also under consideration were recommendations on urging those with an interest in shipping to work together to designate preferred shipping routes, to conduct research on the impacts of shipping on marine wildlife and habitat, and on establishing a communication and consultation network to resolve conflict. Other issues of concern were shipping in the Prince of Wales Strait area during winter, compensation for communities that are adversely affected by ship traffic, managing the divergent uses of Tuktoyaktuk Harbour and Kugmallit Bay, and improving community consultations on the effects and regulation of dredging in the region.

Transportation of dangerous goods, spills and waste management: Recommendations under consideration paralleled those addressed under environmental rehabilitation: single authority for responding to spills, contingency planning for a rapid and effective response, and compensation policies. Additionally the Commission was considering recommendations on a waste management strategy that would encompass minimization, recycling, transportation, handling, storage, and disposal of all forms of waste.

4. Tourism

The Commission was considering recommendations concerning the establishment of a regional tourism strategy, a tourism network to ensure communication among the communities, government, industry, tourism societies, and tourists, and a tourism resource person in each community to act as a liaison between the tourists/tourist groups and the community/regional land management groups.

5. Military Activities

The Commission's concerns were mainly focused on Department of National Defence (DND) consultation and planning with communities to minimize negative environmental impacts and reduce conflicts.

6. Implementation

The Commission envisioned a catalytic role for itself throughout the process. It was considering ways it could track land use issues, assist in conflict resolution, channel conflicts to the appropriate fora, assess whether recommendations are being implemented and are working as hoped, disseminate information, promote public education, determine research needs, assist in developing community conservation plans, and facilitate the monitoring, planning, and resolution to transboundary resource management matters. The Commission were considering recommendations on the mechanical issues of implementing the plan.

1991

▲ Report of the Traditional Knowledge Working Group

AUTHOR: Northwest Territories Department of Culture and Communications

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Territorial Government/Aboriginal Relations, Elders, Political Development/Relationships

SUB-TOPICS: institutions, program and service delivery, co-operation, roles, knowledge, participation

SOURCE: Territorial Department

BACKGROUND

There has been increasing public interest in gathering and applying Aboriginal peoples' knowledge, especially traditional knowledge, to help address many of the North's most pressing problems. Though Dene, Inuit, Métis, and Inuvialuit people collectively represent the majority of the population in the Northwest Territories, their social, economic, ecological, resource management and other knowledge and experience has been largely ignored within the Northwest Territories public institutions. In recognition of this and of rising public and international interest, Dennis Patterson, Leader of the Government of the Northwest Territories, established the Working Group on Traditional Knowledge in October 1989.

The establishment of the Working Group broadened and made formal the traditional knowledge activities of an ad hoc private/public group that had

been working to co-ordinate activities, primarily in the renewable resources area. The newly established Working Group comprised representatives from several government agencies and representatives from Aboriginal and non-Aboriginal organizations. The group worked with elders in developing the issues, findings and recommendations contained in this report.

PURPOSE

The Working Group's overall objective was to work together to document traditional knowledge and seek its application by government and other agencies in appropriate situations. The Group's terms of reference called on it to

1. define traditional knowledge;
2. assess its current and potential use within government and non-government departments and organizations;
3. assess the obstacles to increasing the influence and application of traditional knowledge; and
4. recommend initiatives to eliminate the identified obstacles, increase the sharing of information, resources and funding among government and non-government organizations (NGOs), measure and evaluate the progress of government agencies in their use of traditional knowledge, and carry the work and suggestions of the Working Group forward.

ISSUES AND FINDINGS

Traditional knowledge is defined in the report as

knowledge that derives from, or is rooted in the traditional way of life of Aboriginal people. [It] is the accumulated knowledge and understanding of the human place in relation to the universe. This encompasses spiritual relationships, relationships with the natural environment and the use of natural resources, relationships between people, and, is reflected in language, social organizations, values, institutions and laws.

Traditional knowledge appears in many forms. There are geographic variations, as the people of a specific geographic area adapt to their particular environment. The local expression of traditional knowledge is called "local knowledge" in the report.

Members of the Working Group concluded that the use of traditional knowledge was increasing within the N.W.T., though overall, few departments or NGOs had made serious attempts to understand or incorporate traditional

knowledge into their institutional practices or programs. The report does, however, describe certain situations in which traditional knowledge was used. The assessment of the extent and appropriateness of the use of traditional knowledge proved difficult for the Group. Many of the assessments were made with incomplete knowledge of the situation, the requirements of affected Native people, and of other conditions, making it difficult to determine how traditional knowledge was being used and if it was being used appropriately.

Aboriginal elders suggested that if the government was to reflect the people that it serves, then it must increase the influence and use of traditional knowledge. The appropriate use of traditional knowledge must become a guiding principle for all laws, policies, programs, and services. The elders working with the committee identified the following priorities:

1. Education

Traditional knowledge should be formally included as part of the education of young people. The goal must be to educate young people so that they will be able to live in both the traditional and Euro-Canadian worlds.

2. Leadership

Government leaders must follow more closely the traditional ways. In doing so, they provide a visible expression of respect for the value of traditional knowledge for the community and for the young people.

3. The Role of Elders

Elders should have a formal advisory role, and should be provided with the resources to support their efforts to actively promote and teach traditional knowledge.

4. Institutions

Institutions should be changed to accommodate the values and ways of thinking that traditional knowledge represents. The changes should respect and foster the traditional values that have always ensured their survival: self-reliance, co-operation, self-respect, equality, pride, and respect for the land and all living things.

5. Social Problems

Social problems should be handled within communities, with the assistance of elders, rather than by separating people from the community or from one

another. The elders are willing to resume the traditional responsibility for resolving social problems in their community.

6. Renewable Resources

The current system, in which government practices guide the management of the land and the wildlife, must change. Efforts at co-management must be expanded to give the people more say in the use and management of resources.

7. Documentation

The elders are adamant about recording, in writing, their view of the world, their values, and information about traditional lifestyles, so that they will not be forgotten.

The report outlines the main obstacles to a wider use of traditional knowledge within public institutions:

1. a lack of commitment and co-ordinated effort to act;
2. the lack of access to and sharing of the information which does exist; and
3. insufficient formal channels for those with traditional knowledge to participate in government policy decisions.

The Working Group developed a set of principles to guide government and non-government organizations in increasing the influence of traditional knowledge in northern society. The principles are intended to act as a framework for detailed recommendations:

1. all laws, institutions, programs and research have a cultural base;
2. programs and services of the government of the Northwest Territories should be delivered according to the manner, values, customs and knowledge of the people being served;
3. effective northern government and a socially and economically healthy society is best achieved by incorporating traditional knowledge into decision making;
4. decision making should rest as closely as possible with those affected;
5. the territorial government recognizes the urgency of preserving the traditional knowledge of the North;
6. traditional knowledge can best be preserved and promoted by Aboriginal people;
7. traditional knowledge is best preserved through use;

8. knowledge bases must be recognized and actively supported in order for them to grow and flourish;
9. the use of traditional knowledge concepts depends on the maintenance of Aboriginal languages;
10. oral tradition is a reliable source of information and knowledge; and
11. cultural groups are best able to identify holders of their traditional knowledge.

RECOMMENDATIONS

The recommendations of the Working Group may be summarized as follows:

1. Commitment

The Working Group recommended formal actions on the part of the government of the Northwest Territories to (1) issue a Declaration of Recognition and Support for Traditional Knowledge which commits the government to agree on a definition, apply traditional knowledge within laws, policy, programs and services, designate lead agencies within the government to co-ordinate and promote the use of traditional knowledge, and recognize that there is a cultural base to all institutions, laws and policy; and (2) to designate a traditional knowledge co-ordinator within each department.

2. Elders Council

The Working Group recommended that the Legislative Assembly work with Aboriginal cultural organizations to establish a Territorial Elders Council, which would be recognized as an traditional knowledge advisory body to members on constitutional development, legislation, and policy, as well as a source of nominations for government positions.

3. Creating Awareness

The Working Group recommended that the government of the Northwest Territories, Aboriginal cultural organizations and the Territorial Elders Council develop and implement a comprehensive education and promotion campaign aimed at the general public, and a mandatory traditional knowledge awareness training program for all territorial government employees.

4. Improving Access and Sharing Resources

The Working Group recommended the Science Institute of the N.W.T. amend its mandate to become the central agency responsible for collecting, storing, and distributing traditional knowledge research.

5. Research and Documentation

The Working Group recommended developing and implementing a policy for the research and documentation of traditional knowledge and its use. This policy should include, among other things, consideration of ownership and copyright of traditional knowledge, appropriate methods of research with elders, standards of payment for informants, teachers and consultants, and training for community researchers. The mandate of the Department of Education's Centres for Teaching and Learning should be expanded to encompass research activities necessary to develop culturally-based curricula, programs and learning materials.

6. Support for Aboriginal Cultural Organizations

The Working Group recommended that the territorial government increase its funding to Aboriginal cultural organizations, communities and individuals for traditional knowledge initiatives.

7. Aboriginal Languages

The Working Group recommended that the territorial government's Aboriginal Languages Implementation Plan recognize the essential role of Aboriginal language fluency and literacy in revitalizing and increasing the use of traditional knowledge.

8. Professionalism

To improve the acceptance of traditional knowledge among scientists and other professionals, the Working Group recommended creating opportunities for professional exchanges among traditional knowledge holders and scientists and professionals. Additionally, it recommended actions on the part of the government of the Territories to accommodate, through flexible job and work requirements, employees who pursue traditional knowledge research, education, and other activities.

9. Issues and Influences Outside the N.W.T.

The Working Group recommended that the government of the Northwest Territories and the Territorial Elders Council jointly advocate and lobby the appropriate federal departments to remove barriers to the successful use of traditional knowledge within the N.W.T.

10. Carrying the Work Forward

The Working Group recommended the establishment of a Traditional Knowledge Co-ordinating Committee with representatives from all relevant groups to co-ordinate implementation and monitoring initiatives associated with traditional knowledge.

11. Financial Implications

The Working Group recommended that the Traditional Knowledge Co-ordinating Committee identify the present and potential financial, political and social benefits of traditional knowledge use.

12. Monitoring and Evaluation

In light of the belief that information on the current and potential use of traditional knowledge within the N.W.T. is necessary for proper evaluation of future efforts, the Working Group recommended that the government sponsor an independent study of its current and potential use of traditional knowledge.

▲ Working Together: A Strategy for Suicide Prevention in the Northwest Territories

AUTHOR: Northwest Territories Department of Social Services

YEAR: 1991

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Health

SUB-TOPICS: mental health, suicide

SOURCE: Territorial Department

BACKGROUND

During a special session of the Legislative Assembly, a discussion was held on the problem of suicide in the Northwest Territories. At that time, it was recommended that a suicide prevention program and strategy be developed for the Northwest Territories. To this end, a Northwest Territories Forum on Suicide Prevention was held in Rankin Inlet, March 30 – April 2, 1990, to collect input at the community level.

PURPOSE

The purpose of the initiative was to propose a comprehensive strategy for suicide prevention in the Northwest Territories.

ISSUES AND FINDINGS

The proposed suicide prevention strategy emphasized three essential components:

1. core support and services;
2. inter-agency co-operation and co-ordination; and
3. youth suicide prevention.

According to the report, core support and services should consist of research, training, and information. In the area of research, the government of the N.W.T. should oversee the development of a resource library and the preparation of a suicide prevention directory. An N.W.T.-specific training curriculum should be developed to enable regional care givers to meet, discuss, and treat the issues and concerns of suicide prevention, high risk identification, and post-intervention services. Information packages and seminars should be used to increase education with respect to suicide prevention within the community and within the school system.

Inter-agency co-operation and co-ordination should be promoted to improve suicide prevention awareness in all community services and to promote all aspects of mental health. The report suggested that two pilot projects to test inter-agency co-operation be initiated, one in the Eastern Arctic and the other in the western N.W.T.

The report argued that youth and suicide prevention programs should concentrate on the high risk age group of 15 to 24 years of age. The emphasis should be on the direct involvement of youth in addressing the problem of suicide. The development of peer group and friendship clusters should be promoted as prevention initiatives, as these mechanisms have in other instances been proven a positive and effective methods of reducing the incidence of suicides and suicide attempts.

RECOMMENDATIONS

The report presents the following recommendations for a suicide prevention strategy for the N.W.T.:

1. that the strategy be open-ended to allow communities to develop specific action plans tailored to local situations and needs;
2. that the Department of Social Services monitor and evaluate the suicide prevention system if and when it is implemented; and
3. that constructive feedback on the proposed approach be welcomed and that further recommendations concerning the suicide prevention approach be considered for incorporation into the strategy.

1992

▲ Reshaping Northern Government

AUTHOR: Government of the Northwest Territories

YEAR: 1992

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Territorial Government/Aboriginal Relations, Community Institutions, Political Development/Relationships

SUB-TOPICS: jurisdiction, program and service delivery

SOURCE: Territorial Government

BACKGROUND

The report was prepared in response to the desire among northerners for changes in government. In particular, they wanted their government to be more reflective of northern culture, to be simpler, and to transfer more responsibility to communities. These concerns had been reflected at various forums and discussions held throughout the North on topics such as land claims, Aboriginal self-determination, and the constitution, all of which had called for a more open and efficient government.

PURPOSE

The report outlines a plan of action for reshaping the government of the Northwest Territories (N.W.T.). Its purpose is to provide an opportunity for Members of the Legislative Assembly (MLAs) to discuss and review what changes the government proposes, how it plans to proceed, and what the timetable for implementation will be. This report outlines how the territorial government, Aboriginal groups and local/community groups might work together to transfer government programs to the community level.

ISSUES AND FINDINGS

The report raises a number of issues, focusing primarily on the transfer of responsibility to the community level. This transfer would entail “community ownership” of programs and services, including the power to set their own funding priorities.

The report outlines a number of that make up the implementation plan:

1. Deficit Reduction

According to the report, deficit reduction must be addressed immediately to avoid increasing debt, which might in turn result in drastic tax increases and large service reductions. The Territories’ small tax base and its under-developed economy were seen to exacerbate the debt problem. The N.W.T.’s 1991-92 operating deficit was reported as \$50 million, and its 1992-93 as \$100 million.

2. Program Reductions

The report suggests that programs be reduced because of the large deficit. Such measures, however, should be undertaken in a way which minimizes the impact on services to N.W.T. residents.

3. Program Integration

The report proposes that program integration be implemented. Program integration involves combining and simplifying similar and complementary programs to make them more efficient, more effective, and less expensive

4. Departmental Consolidations

According to the report, departmental consolidations will increase operation and program efficiency, integrate programs, and rationalize their delivery system.

5. Rationalization of Boards and Agencies

This rationalization will involve assessing each board’s current mandate and function, and drafting options for elimination, consolidation or down-sizing.

6. Transfer to Community Government

According to the report, the authority of communities must be recognized and resources must be transferred to enable them to make decisions regarding

the programs and services to be delivered. This process will entail the following:

- (a) deciding which responsibilities will be transferred;
- (b) defining community government (this has proven to be an ongoing process due to changes with the results of land claims, self-government negotiations, and constitutional processes); and
- (c) conducting community and government transfer talks to determine the contents of a Community Transfer Agreement. A Community Transfer Agreement would outline the responsibilities being transferred, minimum standards, resources being transferred, and other details.

7. Streamlining

The seventh and final issue addressed in the report is the examination of the restructuring involved in the streamlining of the government's central machinery and decision-making processes.

RECOMMENDATIONS

The report advanced several recommendations with regard to the implementation of the issues outlined above:

1. To reduce the deficit, it is recommended that spending restraint be extended, that the efficiency and effectiveness of government operations be enhanced, that revenues through taxation and user-pay initiatives be increased, and that financial arrangements with the federal government be reviewed.
2. To implement program reduction, it is recommended that program efficiencies be increased through improved management, that changes be made to method of payments (user pay and fee schedules), and that services be reduced.
3. To integrate programs, it is recommended that new program outlines be drafted along with new delivery models, that programs be revised, and that consultations be held with affected parties.
4. To consolidate departments, it is recommended that the first consolidations be Education and Culture, Corrections and Justice, and Government Services and Public Works, and that the second consolidations be the Petroleum, Oils and Lubricants Division of Government Services under the N.W.T. Power Corporation, Employment with Education and Culture, and Health and Social Services.

5. It is recommended that the review of boards and agencies already in progress take approximately 18 to 24 months to complete.
6. It is recommended that all programs and services be considered available for transfer, and that resources sufficient to alter or redesign programs to meet local needs be provided.

▲ Working Toward A Common Future: Phase I Report

AUTHOR: Commission for Constitutional Development,
Chair, J.W. Bourque

YEAR: 1992

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Constitution, Constitutional Development, Political
Development/Relationships

SUB-TOPICS: documents, rights, development

SOURCE: Territorial Commission

BACKGROUND

With the impending division of the Northwest Territories (N.W.T.), the political leaders in the New Western Territory saw an opportunity to develop a people-driven process to draft a constitution for the Territory. Representatives from the major Aboriginal groups and the government of the Northwest Territories formed an informal group known as the Committee of Political Leaders. They established the Commission for Constitutional Development made up of individuals nominated by the Inuvialuit Regional Corporation, the Dene Nation, the Métis Nation, the Sahtu Tribal Council, the territorial government, and western members of the Legislative Assembly.

PURPOSE

The Commission's Terms of Reference required that its Phase I report recommend principles which should form the foundation of a constitution. The purpose of the chapter is to make a number of recommendations, which are based upon presentations made by members of the public, legal and technical advice, and the views of Commission members.

ISSUES AND FINDINGS

The discussion which follows is organized in the general order of 10 subjects that might appear in a New Western Territory constitution.

1. **definitions** of the terms used in the remainder of the report.
2. **a name for the New Western Territory** – which should reflect the people who live there and therefore, be taken from an Aboriginal people's language.
3. **the foundations of the New Western Territory** – a preamble, like the Canada Clause, that would reflect a description of the people, a statement of their common values, and a statement of responsibilities, to balance the constitution's statement of rights.
4. **special rights** – whether re-affirming the *Canadian Charter of Rights and Freedoms* would be necessary. Some groups felt that the Charter should be strengthened and supplemented to include women's rights, such as protection for themselves and their children against violence and the right to reproductive freedom. It was also felt that the right to refuse medical treatment should be included, along with a Human Rights Code, workers' rights, environmental rights, and social rights.
5. **First Peoples' rights** – the inherent right to self-government, including the right to use their own languages. This right to self-government might include the right of First Nations to opt out of the New Western Territory constitution process and seek a direct link with the federal government. The Commission found that a new constitution would have to be consistent with Aboriginal and treaty rights and would have to recognize the commitments made to Treaty and Métis First Nations.
6. & 7. **orders of government** – how the government should be structured. Some favour strong central governments while others favour regional, district, and/or community governments. The underlying theme was that the authority to govern must flow from the people upward. Taxation powers were also discussed, particularly in the context of whether the level of government which spends the money should also be responsible for raising it.
8. **institutions of government** – whether the government should follow a public or Aboriginal form, or a combination of both. The report found that the central government is unlikely to follow an Aboriginal form but that it should represent all cultures. The question of who appoints the judiciary resulted in some debate; a number of Aboriginal people indicated that they wished to set up their own judicial system and the Native Women's Association wanted Aboriginal justice councils to be established to handle family law. There

was also some discussion on whether a Commissioner of the New Western Territory was necessary.

9. **the right to vote and to stand for office** – which stimulated much discussion. The Committee wanted to leave open the possibility of traditional forms of representation, at least at the district level. There was much discussion about guaranteed representation versus proportional representation.
10. **the amending process** – the issue of the constitution as a federal statute which could be amended by the federal government without consultation with the people. There was also some concern about how the amendment process could be initiated and whether public hearings needed to be held.

RECOMMENDATIONS

The recommendations follow the same 10 sections as the issues and findings.

1. **definitions** – no recommendations.
2. **the name for the New Western Territory** – The Commission recommended that the name come from an Aboriginal language but that the name selection process and the description of the geographic area of the territory not be decided upon until Phase II.
3. **foundations** – The Commission recommended that the preamble include a description of all the peoples of the New Western Territory as well as a statement of their common values such as respect for the land, a desire to promote harmony among all cultures, a belief that authority belongs to the people and flows upward, and a desire to create a balance between the rights of individuals and collective rights. The Commission also recommended that a decision on whether a statement of basic responsibilities is to be included should be left until Phase II of the Commission's work.
4. **special rights** – The Commission recommended that the rights and freedoms set out in the Charter be re-affirmed. The Commission also recommended immediate legislation to recognize midwifery, but deferral of discussion on any other additional rights for women until Phase II. The Commission recommended that the new constitution include the right of competent persons to refuse treatment to prolong life for themselves and their children and also that consultations take place to consider the development of a Human Rights Code. The issues of workers' rights was deferred to Phase II as was a separate and enforceable charter for environmental rights. Finally, the Commission recommended the introduction of a social charter and set out what it should include; however, it postponed the issue of enforceability until Phase II.

5. **First Peoples' rights** – The Commission recommended that a constitution uphold and protect the right to self-government and recognize First Peoples' languages as official languages. It was also recommended that groups be allowed to opt out of the new constitution and seek a direct link with the federal government. The Committee recommended that the spirit and intent of all treaties be upheld and protected, as well as the Aboriginal rights of Métis, and future self-government agreements of the Gwich'in Comprehensive Claim agreement.
6. & 7. **orders of government** – The Commission recommended that the constitution reaffirm that authority flows upward from the people, but that a definition and ratification process be left to Phase II. It was recommended that any authorities not identified in the constitution become the responsibility of the central government. Also recommended was the establishment of a district order of government, with the people in each district having a voice in deciding the appropriate form of government for that district, and with each district assuming power at its own pace. Finally, the Commission recommended a central government, with the balance of power between the two levels of government, as well as their respective powers of taxation, to be left to Phase II.
8. **institutions of government** – The Commission recommended that the district governments have a legislative, executive and, if necessary, judicial branch. The central government would also have these features. Recommendations on the exact model were left to Phase II. The Committee also recommended that the people have input into appointments to courts and other bodies of a judicial nature as long as it did not prejudice the independence of the judiciary. Finally, the Commission report recommended the establishment of an Ombudsman.
9. **the right to vote and to stand for office** – The Commission recommended that representation in the law-making branches of the districts reflect the wishes of the residents living within their boundaries. It was also recommended that the central government be representative of all residents of different cultures and genders, and that the various options be discussed in Phase II.
10. **an amending formula** – The Commission recommended that the amending process be the exclusive right of the people of the New Western Territory and that the constitution outline provisions to this end.

Yukon

1986

▲ Speaking Out: Consultations and Survey of Yukon Native Languages: Planning, Visibility and Growth

AUTHOR: Government of Yukon and Council for Yukon Indians
(Daniel L. Tlen)

YEAR: 1986

ABORIGINAL GROUP: First Nations

TOPICS: Language, Education, Communications

SUB-TOPICS: protection and preservation, promotion

SOURCE: Territorial Government/Aboriginal Organization

BACKGROUND

There has been great concern over the status of the Aboriginal languages of the Yukon. There have been few young children learning these languages as their first, or mother tongue; as a result, the very survival of these languages as living, spoken and functional languages has been in question.

In order to gain a fuller perspective on the current state of Yukon languages, and to provide a set of suggestions for promoting and enhancing these languages, a fact-finding consultation was commissioned in November 1985. The consultation process was established jointly by the Council for Yukon Indians and the government of the Yukon. These consultations with Yukon residents, both Native and non-Native, were designed to address issues concerning the evolution of the Aboriginal languages of the Yukon.

PURPOSE

The consultations were designed to answer the following questions:

1. How strong or viable are Yukon Native languages, and how much importance do Native people attach to language in the transmission of their culture?
2. What programs are in place to teach, document and promote Yukon Native languages?
3. What is the role of Yukon Native languages in the public school system?

4. How do land claims and evolving constitutional issues relate to the future of Yukon Native languages?
5. What measures can be taken in the next decade to ensure the survival of Yukon Native languages?

ISSUES AND FINDINGS

Consultations were held with students, parents, elders, school committee members, Native language instructors, and principals, teachers and administrators. A number of groups and organizations with particular interests in language and culture were also asked to participate, including the Yukon Indian Cultural Education Society, the Yukon Native Language Centre, and the Curriculum Department of the Council for Yukon Indians.

The report sketches the current situation of Yukon Native languages and presents an overview of existing language programs in schools, communities, and organizations. It also outlines some of the explanations which have been offered for the decline in Native language use in recent years:

1. mission and residential schools made young Native people feel ashamed of their traditional languages and cultures;
2. public education in the Yukon has tried to assimilate Native people into the mainstream of Canadian society;
3. broadcast and print media have ignored Yukon Native languages; and
4. Native parents have begun to consciously speak English rather than a Native language.

The report found that Native languages are spoken fluently by a population that is over the age of 40. It also found there to be a very positive and broad-based perception of the importance of maintaining and promoting Yukon Native languages.

Three important themes were addressed repeatedly during the study:

1. the need for language initiatives to be carefully planned in a co-operative manner;
2. the need for Native languages to be more visible; and
3. the need for Yukon Native languages to grow and evolve from a highly developed oral system to a highly technical literate system.

The report summarizes the consultations in considerable detail. In general, there was considerable consensus among all groups consulted concerning the

value of promoting Native languages. The recommendations from these groups included the following:

1. that there be greater parental and community involvement;
2. that more Indian cultural content be introduced into the curriculum;
3. that Native language programs be expanded to include pre-schools and night classes for adults;
4. that summer camps with Native language immersion be established; and
5. that ongoing training for Native language instructors be supported.

RECOMMENDATIONS

The report offers recommendations which are classified under four main headings:

Language Awareness

1. that each community take steps to assess the current state of the Aboriginal language(s) in its area;
2. that Native groups and organization take immediate action to determine the role of Native languages in their charters and mandates, and that Native political boards implement policies which will entrench recognition of Aboriginal languages within their communities;

Language Initiatives

3. that band councils develop specific measures to promote and ensure the use of Native languages;
4. that school committees recognize and support Native language programs as legitimate courses in the public school curriculum;
5. that Native languages be used and incorporated into religious materials of all denominations;
6. that the Yukon Native Language Centre (YNLC) continue to receive support for its various Aboriginal language programs;
7. that the YNLC establish an Advisory Board to represent the six Yukon Native languages;
8. that the Northern Native Broadcasting station (CHON-FM), increase its Native language programming, implement translation facilities, and develop Native television programming;
9. that the Council for Yukon Indians Curriculum Development section continue to produce classroom materials;

Education

10. that the Yukon Department of Education take steps to ensure the provision of Native language programs, the expansion of these programs, and the training of teachers;

Political Considerations

11. that the government of Yukon draft a policy statement recognizing the uniqueness of Yukon Native languages to affirm its intent to implement policies which will support efforts to maintain and promote these languages;
12. that the government of Yukon assess translation services required by Native people in areas such as justice and health care;
13. that the government of Yukon ensure that the Education Ordinance includes a provision for Native language instruction in the school system; and
14. that the Council for Yukon Indians ensures that legislative protection of Native language rights are included in the land claims Agreement in Principle and Final Agreement.

1987

▲ Kwiya: Towards a New Partnership in Education

AUTHOR: Joint Commission on Indian Education and Training,
Chair, Mary Jane Joe

YEAR: 1987

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: facilities/institutions, curriculum, fiscal
relations/responsibilities

SOURCE: Bipartite Commission (Territorial/Aboriginal)

BACKGROUND

The Commission was set up to investigate why Yukon Indian people had not taken full advantage of, or had been unable to take full advantage of, the educational opportunities available to all Yukon people.

PURPOSE

The purpose of the Commission was to provide recommendations to the government and the Council for Yukon Indians (CYI) for changes to procedures, practices and policies, which would ultimately make the education system more responsive to the needs of Yukon Indian people.

ISSUES AND FINDINGS

The Commission focused its discussions in four general areas:

1. education in the Yukon (past and present);
2. levels of education attainment and participation by Indian people;
3. the general social and cultural circumstances of Indian people in the Yukon; and
4. the need for specific reforms in education.

The examination of Yukon education, both past and present focused on the effects of residential schools, and the absence of an updated agreement between the Yukon territorial government and the federal government on educational responsibilities.

Neither government would accept responsibility for the failures of Indian education policy. The policy of “equality of access”, as it existed then, denied Indian people in the Yukon an equal opportunity in education. No research had been completed which would explain the low levels of educational attainment of Indian people.

It appeared that the greatest obstacle to improved participation by Indian people in the education system was the desire by the government to retain exclusive control in the management and delivery of education and training programs. Community schools’ lack of involvement and understanding of the Indian community was a major obstacle to the success of an integrated education system. The gradual weakening of the role of school committees and other advisory structures had enhanced the control of the Department of Education at the expense of parents and students.

Lack of recognition at the official level had significant implications in terms of educational outcomes for Indian students and Indian participation in the economy.

There were seen to be significant educational benefits associated with cultural programming.

Educational reform was said to be achievable only through working partnerships with Indian organizations.

RECOMMENDATIONS

The Committee made four formal recommendations:

1. that the governments of Canada and Yukon officially recognize equality of opportunity in education for Indian people;
2. that formal recognition be given to Indian culture as an integral part of the Yukon;
3. there be recognition of the immediate need for an Indian Education Commission to represent the interests of Indian people; and
4. that the government of the Yukon, in partnership with Indian people, initiate specific legislative, policy and structural reform in Yukon's education system.

▲ Report of the Education Act Task Force

AUTHOR: Education Act Task Force

YEAR: 1987

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPIC: Education

SUB-TOPICS: primary and secondary education, curriculum, professionals/educators, student support

SOURCE: Territorial Commission

BACKGROUND

The Education Act Task Force was initiated in 1986 when the government of Yukon established a Steering Committee to observe the developments of the new legislation concerning education in the Yukon. The members of the Committee consisted of representatives from the Minister of Education, the Yukon Teachers' Association, the Council for Yukon Indians, the Education Council, and the Department of Education. The Committee established a five-step plan to prepare the new education legislation:

1. preparation of option papers dealing with education matters;

2. public meetings and preparation of this report;
3. preparation of a Plan of Action by the Minister of Education based on this report;
4. drafting of a new Act based on public comments on the Plan of Action; and
5. tabling of the Education Act in the Legislature in the fall of 1988.

The Education Act Task Force carried out its mandate through territory-wide public consultations.

PURPOSE

The purpose of the Education Act Task Force is defined in its mandate:

1. to investigate and report on concerns with the present *Yukon Education Act*;
2. to investigate and report on the areas of importance not addressed by the Act; and
3. to offer recommendations regarding legislative provisions which should be in the new Act.

ISSUES AND FINDINGS

The Task Force examined issues in eight areas raised during the public consultations:

1. Philosophy of Education

Task Force members found that the public wanted the philosophy of education to be defined in the new Act, and that concepts such as the right to education for all children be included. The new Act should also reflect the tradition and cultural views of the Aboriginal peoples, and it should recognize the value and need for parental participation.

2. The Student

The Task Force established the value of compulsory attendance, and the need to deal with truancy by remedial procedures, as necessary prerequisites to a quality education. The consultations also raised issues related to special needs students, particularly the need for students to be able to stay in the public school system as long as they need, and the need for alternative schools, including correspondence courses, to operate under the standards of the Department of Education. Regarding student costs, the Task Force members

concluded that costs due to vandalism to schools should be the responsibility of the parents of the child(ren) responsible, but that accommodation while attending school outside of the home community should be subsidized. The establishment of a supervised group home to provide stability to the students studying far from their home communities was also suggested.

3. The Curriculum

The Task Force report suggested that the curriculum be more relevant to the Yukon and that it reflect teaching methods more appropriate for Native students. The need for increased inter-departmental and inter-agency co-ordination regarding special needs students was also identified, as was the need for special programs, including life skills and vocational programs. According to the report's findings, French immersion teachers should be properly qualified, and should begin teaching French at the Grade 1 level. Native language instruction was also seen as important, beginning at the (pre-) kindergarten level, as an immersion or as a core course. The Task Force found support for the continuation of the Lord's Prayer, but suggested that a comparative religion course might be offered to help eliminate prejudice.

4. General Provisions of the Act

There were a number of proposals for redistributing the time of the school year; many felt that the day should be lengthened to provide time for Native curriculum, extra programs, etc. A preference for more patriotism in the school system was also expressed.

5. Role of Parents and the Public in Education

The Task Force report emphasized the need to increase local control over education. This was supported by many residents who wanted to contribute to school-related decisions, including the development of cultural curricula, hiring of teachers, and determination of school dates. It was suggested that the new Act provide for the establishment of elected school boards. The new Act must also meet the goals and objectives of the Native and non-Native students. To fulfil the needs of Native students, Native education programs and a Native Education Centre should be provided for in the new Act. The Act should also recognize the necessity of parental involvement.

6. Powers and Duties of Officials

Concerning the Superintendent of Public Schools, there was some concern that the official be a professional educator. There were many suggestions

offered concerning the role of Principal, including expanding the role to include advising the Department of Education regarding teachers' qualifications, hiring, and (re)assignments, and acting as a liaison with the community and the School Committee. Vice-Principals should act as a resource person for the Principal regarding evaluations. There was also support for the suggestion that the role of teachers include being obliged, via the Act, to report cases of suspected child abuse to the Principal and the Department of Health and Human Resources, with the assurance that their identity would be protected.

7. Employee Management

According to the consultations, teacher qualifications should remain as provided for in the present Act; teachers should teach only grades for which they have received training. Evaluations of teachers should be performed regularly, as required by the Act, and should be conducted by the Superintendent. Regional Superintendents and Principals should also be evaluated.

8. Policy Matters

According to the Task Force findings, policy matters should be addressed by developing effective regulations or policies, but should not be incorporated into the new *Yukon Education Act*, given the tendency for policy to change on a regular basis. Comments on particular policy issues follow:

- (a) there was support for a decrease in the student/teacher ratio;
- (b) more teachers were found to be required in the lower/primary grades;
- (c) class splits between kindergarten and grade 3 or 4 were ineffective;
- (d) it was suggested that there be a policy regarding promotion of students based on "true continuous progress rather than a policy of continuous promotion";
- (e) there was seen to be a need for a program to train Yukoners in teaching and particularly to encourage Native people to enter the teaching profession;
- (f) there was some suggestion that teachers should be required to upgrade their skills, and that they should all receive cross-cultural training;
- (g) there was support for the establishment of high schools in each community so that students would not have to leave their home community;
- (h) the establishment of an orientation period for students entering high school was supported;

- (i) there was seen to be a need for more trained social and career counsellors in the schools;
- (j) there was agreement that bus transportation should be a local decision;
- (k) parent resolution workshops for parents and teachers were suggested as a way to increase parental involvement in education; and
- (l) it was also suggested that Native parents might increase participation in parent-teacher meetings if they were to be held in band halls.

RECOMMENDATIONS

Specific recommendations were made throughout the report regarding the concerns raised in connection with each issue. In general, the Task Force calls for a restructuring of the Act to recognize the present will of the people of the Yukon, particularly as it pertains to Native content, and to ensure enough flexibility to deal with different needs as they develop. The Task Force also recommended that

1. the right of all Yukon children to quality education, including those with special needs, be enshrined in the new Act;
2. parents be encouraged to adopt a more participatory role;
3. the new legislation be accessible by the general public (i.e., that it be available in the appropriate languages);
4. the new Act specify that attendance at school is compulsory;
5. the new Act include a statement recognizing the right to alternative education;
6. the relationship of discipline to inappropriate behaviour be recognized and treated by discretionary discipline, dismissal, or suspension;
7. a Native Education Centre be established;
8. the Act allow communities to progress through three different levels of control over education;
9. para-professionals be recognized as a valuable part of the education system;
10. a maximum number of students per class be established; and
11. counsellors be provided to assist students with drug and alcohol dependencies and social problems, as well as with academic and career counselling.

Summaries of Reports by Other Organizations

1967**▲ Indians and the Law**

AUTHOR: Canadian Corrections Association, Chair, Dr. Gilbert C. Monture, OBE

YEAR: 1967

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: law enforcement, courts and corrections

SOURCE: Non-Government Organization

BACKGROUND

This survey grew out of a previous project committee that had been established to investigate the administration of justice as it related to Aboriginal people. The survey was commissioned after the project committee realized that a more extensive analysis would be needed in order to understand the problems Aboriginal people experienced with the law in light of economic conditions, cultural patterns, minority group status and other underlying factors.

PURPOSE

The aim of this survey was to identify and examine the underlying factors contributing to problems experienced by Aboriginal people in the legal system, and to prepare recommendations which could be implemented without delay on a national scale.

ISSUES AND FINDINGS

Three areas were examined in the survey:

1. the extent to which Aboriginal people come into conflict with the law in Canada;
2. law enforcement, judicial and correctional processes as they relate to Indian people and Inuit;
3. the effects of law enforcement, judicial processes and corrections on Indian people and Inuit.

Recommendations were to be made on the basis of information obtained, and in relation to the steps required to improve or establish new services for Indian people and Inuit in conflict with the law.

As the study progressed it became clear that in order to examine the extent to which Aboriginal peoples are in conflict with the law, the larger issues associated with the social and economic conditions of Aboriginal peoples would also have to be addressed. The survey identified that Aboriginal people are in cultural, social and economic isolation from the rest of the population and are thus poorly prepared to enter the mainstream of Canadian life.

The majority of Aboriginal people lack access to basic services, let alone access to sophisticated services such as employment counselling and placement, child and family services and recreation.

Alcohol was found to be a significant problem, with liquor infractions frequently linked to crimes such as theft, assault, and break and enter. The survey identified the use of alcohol as a mechanism that not only allowed Aboriginal peoples to "escape" their present circumstances and problems, but also enhanced the status and social acceptance of the offender with his peers. Moreover, few recreational services and programs existed to provide young Aboriginal people with alternatives to drinking.

It was also apparent from statistics and observations that Aboriginal people were being convicted under sections of the *Indian Act* for behaviour that was not an offence under provincial legislation. Aboriginal people were being indicted for offences that did not constitute criminal offences for non-Aboriginal people.

With respect to the survey's review of legal processes and corrections, the following observations and findings were made. In general, Aboriginal peoples felt there was an inadequate level of police protection on Indian reserves and poor police response in handling urgent matters. This was complicated by jurisdictional overlap between police forces. The relationship between police and Aboriginal peoples was seen to have reached a stage where bitterness prevailed on both sides.

The survey found that the RCMP and provincial police forces could usefully re-examine the adequacy of current levels of service delivery. In addition, jurisdictional problems needed to be alleviated.

It was also discovered that Aboriginal people had little understanding of their legal rights, of court procedures and of resources available to them (legal aid), and that this contributed to high rates of recidivism. In remote areas, legal counsel is particularly difficult to obtain.

Furthermore, few Aboriginal people understood the nature of probation, and the process itself was not geared to meeting their general needs. While most judges wanted to use probation as an alternative to incarceration, the practical limitations of probation as it applied to Aboriginal people precluded its use.

Statistical data revealed a dismal picture of Aboriginal peoples in correctional institutions. Many Aboriginal people were in corrections because they were unable to pay fines, and many were repeat offenders.

Information obtained by the survey also indicated that many Aboriginal peoples could be better dealt with through alternatives to incarceration. In fact, incarceration served only to expose them to criminal elements previously unknown. Few inmates seemed to be rehabilitated as a result of their correctional experience.

Very few correctional institutions had special programs in place for Aboriginal peoples, even where the majority of inmates were Aboriginal. Those institutions that did have programs were underfunded and therefore limited in their effectiveness.

RECOMMENDATIONS

The survey recommended significant change in law enforcement, and in judicial and correctional services for Aboriginal peoples.

Substantial increases in expenditures, and in the provision of services by federal and provincial agencies were recommended in order to deal effectively with the massive social and economic problems of Aboriginal peoples, which contributed to the difficulties they encountered with the law.

An increase in expenditures for services such as housing, health, employment counselling and recreation was recommended. More specifically, the survey suggested that better educational programs would be essential to encourage familiarity with legal processes, and awareness of the effects of alcohol abuse. In addition, it was recommended Indian Constable programs and correctional and parole services be expanded to deal with Aboriginal special needs. Only through such measures would the social, economic and political disadvantages of Aboriginal peoples be alleviated.

1984

▲ Mayor's Task Force on Indian and Métis Initiatives: Report on Urban Native Economic Development

AUTHOR: City of Regina

YEAR: 1984

ABORIGINAL GROUP: First Nations, Métis

TOPICS: Economic Development, Employment Development

SUB-TOPICS: regional Aboriginal, business
development/entrepreneurship, training/skills development

SOURCE: Municipal Government

BACKGROUND

This report was written in response to the growing number of Indian people moving to urban areas, who, unlike non-Aboriginal people, were not participating in the economic developments taking place in these areas. The Mayor's Task Force was established to examine Native economic development and the role of the municipality in this area in order to avoid duplication in future program creation. In 1982, the Mayor's Task Force and the Advisory Committee identified four priorities for review:

1. employment and training;
2. economic development;
3. recreation and leisure; and
4. health.

Specific initiatives had been developed and were being implemented in all areas except for economic development. Because, however, employment and training are integral to economic development, both are served by the initiatives established for employment and training.

PURPOSE

The purpose of the Task Force was twofold:

1. to provide a proposal for an Urban Native Economic Development Planning (UNEDP) Unit to establish an economic development plan for Regina; and
2. to create a Native Economic Development Officer position on a contract basis to implement the UNEDP Action Plan.

ISSUES AND FINDINGS

The report outlined a number of economic development approaches considered by the Task Force and presented its findings concerning Native employment in urban areas.

1. Economic Development Approaches

The Task Force outlined the three existing federal approaches to promoting economic development. According to the report, the federal government could work either through the Canada Employment and Immigration Commission (CEIC) whose role is limited to employment, through the Department of Regional Industrial Expansion (DRIE) which has no mandate to direct province-wide programs, or through the Native Economic Development Program, which only services remote areas. The report also noted a federal/provincial approach, with tourism and business taking the lead role in economic development. As well, three proposals were submitted to the Task Force:

- (a) the Association of Métis and Non-Status Indians of Saskatchewan proposed the idea of a non-profit Saskatchewan Native Economic Development Foundation;
- (b) the Saskatchewan Association of Friendship Centres outlined its establishment of an CEIC-funded economic development corporation to improve the socio-economic status of urban Métis, treaty and non-status Indian people in 12 urban communities; and
- (c) the development of a provincial agency to overcome the problems of 'soft' social development issues (i.e., training), and a 'hard' commercial focus.

The Task Force also considered a tripartite federal/provincial/municipal approach to economic development using a Joint Planning Agreement with cost-shared funding.

In general, the Task Force found that there was no comprehensive set of policy goals at the provincial level and that there was a need for co-ordination among the three levels of government, Native communities, and the private business sector.

2. Native Urban Employment

According to the Task Force, economic issues are the primary stimulus for urban migration, particularly among younger people and females. The urban Native unemployment rate is approximately three times higher than for non-Native people. Their jobs are heavily concentrated in the low-skill/low-wage areas of construction, manufacturing/processing, and the service sector. A majority of urban Native people are dependent on transfer payments. The Task Force concluded that strategies must address barriers to labour force entry and employment confronting women, who form the majority of migrants and who often head single parent families. Native-owned businesses must also be promoted.

Based on its findings and observations, the Task Force proposed the establishment of a municipal Urban Native Economic Development Planning Unit to play the lead role in facilitating and co-ordinating the planning process. The planning and co-ordination would be conducted by an economic planning consultant who would liaise with the federal, provincial and municipal governments, Native groups, private businesses, academic institutions, and would develop the Action Plan as part of a joint, tripartite undertaking. The proposal also includes the establishment of the position of Economic Development Officer, whose primary task would be to assist Native business persons.

RECOMMENDATIONS

The Task Force recommends the establishment of a municipal Urban Native Economic Development Plan, an accompanying Action Plan, and the creation of the position of Economic Development Officer to assist Native business persons.

1986

▲ Report of the Mission on Low-Altitude Jet Overflights of Labrador and Northeastern Quebec

AUTHOR: International Federation of Human Rights

YEAR: 1986

ABORIGINAL GROUP: First Nations

TOPICS: Claims, Environmental Protection, Intergovernmental Relations

SUB-TOPICS: comprehensive claims, specific claims, Aboriginal/municipal relations

SOURCE: Non-Government Organization

BACKGROUND

At the time of the investigation by the International Federation of Rights, considerable tension had developed between the Innu of Labrador and Northeastern Quebec, and both the military at the Goose Bay base and the neighbouring non-Aboriginal community of Happy Valley.

The military base in the Goose Bay region was being used for low-altitude flight training by NATO countries. These flights were to have been governed

by a directive requiring flights to observe a distance of four kilometres from any human presence or caribou herds. The Innu claimed that their camps had been flown over repeatedly, and in many cases intentionally. Military authorities did not deny the possibility that such incidents had occurred but argued that it was because band councils had refused to inform them of the locations of their camps.

The tension between the Innu and non-Aboriginal community of Happy Valley was based on the latter's economic dependence on the continued activities of the base and its support for the possible expansion of military activities at Goose Bay. This had created not only tension between the non-Aboriginal community and the Innu, but also the possibility of violence.

Aggravating these situations was the widespread belief that the rights of the Innu had been repeatedly denied or unrecognized. The government had sold land which had been traditionally occupied by the Innu to private hunting and fishing clubs. The Churchill Falls hydro-electric project had been developed against the expressed will of the Innu, who were opposed to the flooding of an important part of their most productive lands. Furthermore, two comprehensive land claims by the Labrador and Quebec Innu were, at the time of the report's publication, still at the stage of negotiation, and little progress had been made.

Under these circumstances, the International Federation of Human Rights launched a field mission to investigate the validity of human rights violation allegations by the Innu of Labrador and Northeastern Quebec. The Innu petition was based on the adverse effects of low-altitude, military jet aircraft overflights on their communities.

PURPOSE

This report includes the field mission's final conclusions and the delineation of the principal problems, arrived at from the testimony gathered by the mission and from observations made in the field.

ISSUES AND FINDINGS

The International Federation of Human Rights found that certain internationally recognized natural and legal human rights of the Innu were being violated by the ongoing military aviator training activities of both Canada and NATO Forces in the Goose Bay region. Such flights were found to generate conditions harmful to the physical and mental well-being of the Innu population, as well as to their collective cultural welfare, given that the flights were seen to impair their traditional way of life.

The field mission identified a number of adverse impacts of low-altitude overflights, including shock, hearing problems, the poisoning of the environment by exhaust emissions (which also cause a burning sensation in the eyes), and the deterioration and possible extinction of wildlife. In addition, the traditional way of life of the Innu was found to be impaired, based largely on the encroachment of military activities on fishing and hunting territories. It was felt that the intolerable disturbance and the high stress levels placed on families living in the area could lead them to abandon the area, and consequently, much of their culture.

The Innu also alleged that part of the ancestral territory of the Innu was being used by the military base at Goose Bay without consultation with or authorization by the Innu people. As a result, the Innu expressed fear that the planned expansion of the military base would threaten their unresolved land claims in the area.

RECOMMENDATIONS

The International Federation made the following recommendations:

1. that low-altitude overflights be discontinued until the related problems, primarily the Aboriginal land claims issues, have been resolved;
2. that an independent commission be created to report on the situation and make specific recommendations prior to further development of military expansion plans for Goose Bay;
3. that federal authorities take immediate action to defuse the potentially violent situation that exists; and
4. that the non-Aboriginal community be assured of future economic stability which is not necessarily dependent upon the military training activities.

▲ Les services médicaux du Québec (région 10-A): analyse de la problématique et recommandations

AUTHOR: Projet Nord (Michel Morissette and André Tourigny)

YEAR: 1986

ABORIGINAL GROUP: Inuit

TOPIC: Health

SUB-TOPICS: primary and secondary health care, health care professionals

SOURCE: Non-Government Organization

BACKGROUND

This report was written in reaction to the ongoing provincial rationalization of health services. Specific problems were identified in northern Quebec, particularly the need for better access to general and specialized health services through improved transportation services. The report was to serve as a working document for consultations with the Inuit and other Native groups in northern Quebec. It was also to be used as the basis for a written submission to the Rochon Commission on health services in Quebec.

PURPOSE

The purpose of the report was to assess the level and quality of past and present health services in northern Quebec, based on such indicators as the rate of hospitalization, frequency of evacuations to the south, and levels of satisfaction expressed by the parties affected (administrators, patients, doctors).

The study was also to identify the causes of the fluctuations, and particularly the growth, of health services utilization rates. The factors to be considered included sanitary conditions, demographics, socio-cultural evolution, economic conditions, and public administration and political constraints on health services.

ISSUES AND FINDINGS

The report's findings are based on four primary issues analyzed in the report:

1. Human and Material Resources, and the Structure of Health Services in the Region

The report identifies several problems related to the structure of health services in northern Quebec:

- (a) the services offered by the two hospitals in the region suffered from inefficiencies caused by the duplication of their mandates and lack of co-ordination with hospitals to the south; and
- (b) many health services personnel in northern Quebec travelled north for short periods of time and then returned to southern Quebec, resulting

in a high turnover, and a large number of non-Native nurses and doctors not well versed in either the language or the culture of northern Quebec.

2. Rate of Utilization, as Evidenced by Hospitalization and Evacuation Rates

The report employed an extensive analysis of hospitalization and evacuation data, from which the following conclusions were drawn:

- (a) the growth and pattern of hospitalization has not been affected by the construction of the Ungava hospital;
- (b) there has been an increase in the rate of hospitalization for blood-related problems, but a decrease for parasitic problems;
- (c) Montreal is becoming the largest recipient of evacuated patients; and
- (d) the level and nature of emergency evacuations has not be controlled properly.

The report identifies a number of options available to reduce evacuations for health checks ("control" visits):

- (a) visits by doctors to the North should be performed by only a specified number of doctors, to guarantee a certain continuity of service;
- (b) evacuations should be reviewed and information should be exchanged between doctors in the North and in the south in order to verify the need for evacuation; and
- (c) gynaecological services and certain surgical services could be offered in the North.

3. Provision of Direct Services to Patients Evacuated to the South

The report also addresses the constraints and opportunities affecting the services provided to evacuated patients in Montreal and Quebec City, and makes the following observations:

- (a) the number of evacuations is growing rapidly;
- (b) evacuations are improperly executed largely due to the high turnover of health services personnel;
- (c) there is a growing number of English- and French-speaking Inuit, which reduces the need for interpreters in southern hospitals; and
- (d) there is consensus on the need to reorganize services for Inuit patients, which will facilitate the implementation of solutions.

According to the report, three options had been identified to improve the services offered to evacuated patients:

- (a) impose changes in each of the two service units (Quebec and Montreal), but this is considered costly and long, with relatively poor results in terms of improving user satisfaction and better control of operations;
- (b) centralize all services in Montreal in order to streamline costs and benefit from the better interpretation services available in Montreal, the only major obstacle being that the airplane-ambulance is based in Quebec City; and
- (c) merge all services to northern Quebec and Northwest Territories Inuit into one unit, the problems being that there may be problems of jurisdiction as two governmental bodies are involved, and there may be certain resistance on the part of personnel to this sort of change.

4. Quality of Support Mechanisms for Providing Services

The research team put forth the following options for improving the quality of support services in the northern Quebec region:

- (a) diversify the human resources used;
- (b) delegate health control and education responsibilities to trained assistants;
- (c) improve the work conditions in the region and encourage the integration of personnel into northern Quebec society in order to improve productivity and recruitment of new and more competent personnel;
- (d) improve the use of informatics in managing the files of patients; and
- (e) use the techniques of telemedicine to put specialists in contact with the patients over long distances, and to enhance health education efforts.

RECOMMENDATIONS

The report offers four sets of recommendations which may be categorized as follows:

1. General

The report recommends that consultative mechanisms to co-ordinate the two northern Quebec hospitals be established, including the exchange of personnel and resources and the creation of a joint recruitment and financing system.

2. Organizational Support

The report recommends that support programs and exchanges from south to north be established, that certain services be provided in the North, especially health checks and consultations, and that certain training programs be offered jointly with the Kativik school board.

3. Technical Support

The report recommends that the use of radiology and telemedicine/teleconference services be considered, and that certain heart disease control equipment be purchased for use in northern Quebec.

4. Direct Services to Patients

The report recommends that the options reviewed in the report concerning services to evacuated patients be further examined, that an ad hoc committee be established to design a functional system for the reception and allocation of patients, and that these activities be co-ordinated with northern health authorities.

1987

▲ A New Justice for Indian Children: Final Report of the Child Advocacy Project

AUTHOR: Children's Hospital of Winnipeg Child Protection Centre,
Child Advocacy Project (S. Longstaffe and B. Hamilton)

YEAR: 1987

ABORIGINAL GROUP: First Nations

TOPICS: Child Welfare, Family/Family Relations

SUB-TOPICS: adoption/foster homes, family violence

SOURCE: Non-Government Organization

BACKGROUND

The impetus for this report was the growing problem of child sexual abuse and the need for information to address the problem effectively. The Child Protection Centre has as its goal the operation of a program which will focus on preventing and treating child abuse and neglect. The Centre sponsored the Child Advocacy Project from 1983-1984 as a means of

documenting and studying some dynamics of sexual abuse; it involved children treated at the Children's Hospital of Winnipeg.

The project had a three-part mandate:

1. to delineate victim and offender population characteristics;
2. to identify and describe reasons for any failure to meet the medical, legal or protective needs of the child; and
3. to determine whether Native children were at increased risk for a system-based failure to meet their needs.

One of the primary challenge facing the project was to find relevant but traditional means of addressing the problem of Native child abuse and integrating them with mainstream approaches.

The Child Protection Centre sponsored the Child Advocacy Project to contribute to knowledge in the field of child sexual abuse. The project consisted of III phases: phase I involved the collection of data on child sexual abuse victims treated at the Children's Hospital; phase II involved analysis of the data collected in phase I; and phase III addressed child sexual abuse on Manitoba Indian reserves. The need for phase III was identified in the results of phases I and II; it was found that the dynamics of child sexual abuse on Manitoba reserves were distinct from those characteristic of both urban Aboriginal and non-Aboriginal situations. It is this third phase of the Child Advocacy Project on which this report is based.

PURPOSE

The objectives of Phase III were to

1. explore and identify through individual case and family study, those factors responsible for failure in the provision of legal, medical, and social services to Indian children on Manitoba reserves;
2. develop a collaborative working relationship with Native organizations in order to ensure accurate information exchange, better communication, and provide education and training; and
3. formulate case-related intervention plans that test possible strategies for addressing the identified factors, and provide support to the victim, family, and local service providers.

ISSUES AND FINDINGS

The report identified five types of issues: family and community issues; multidisciplinary teams; child welfare; medical issues; and legal issues.

1. Family and Community Issues

The most commonly identified family and community issue was the general lack of knowledge about child sexual abuse. It was found, however, that education of the general public is becoming a greater priority for medical and social services. The lack of knowledge is exacerbated by functions of "social disorganization", such as alcoholism, crime, suicide, mental illness, and loss of traditional values. Isolation is another problem making it difficult to channel resources and trained personnel to these areas.

2. Multidisciplinary Teams

An important concern identified in the report was the lack of a multidisciplinary approach; this was often found to result in poor communication and role disputes. There is also the problem of a lack of co-ordination between tribal groups. From these concerns, there was found to be a need for a multidisciplinary team to deal more effectively with child sexual abuse on reserves.

3. Social and Child Welfare

Issues related to social and child welfare include inadequate staff training and high turnover rates. Intergenerational abuse was also identified as a result of the historical failure of the social service system to identify and intervene in child sexual abuse cases on reserves. Another issue concerns the unsatisfactory placement of abused children (foster homes). The final issue relates to follow-up treatment; in Manitoba, it was found that such services are limited and/or inaccessible, given that many are privately operated.

4. Medical Issues

Medical issues identified relate primarily to a lack of training and experience. It was found that there is insufficient medical expertise and skills in child sexual abuse available at the local level, particularly with regard to interviewing abused children.

5. Legal Issues

The final area concerns legal issues. They include intimidation of victims by offenders; inadequate case planning (investigation, trial, etc.) which increases the potential for memory loss and intimidation; hesitation on the part of many judges to convict without corroborating evidence to support the child's credibility; the unavailability of treatment for convicted offenders; and the general lack of appropriate training.

RECOMMENDATIONS

The report's recommendations are intended to provide realistic targets for the protection of the legal, social and medical rights of children on Manitoba Indian reserves. To this end, the report recommends:

1. the establishment of ongoing training initiatives for medical personnel, RCMP, Crown attorneys and judges, including training on proper procedures and investigation, and their role in multidisciplinary teams;
2. the consideration by the Attorney General's office of a program addressing the co-ordination problems inherent in reserve-based child sexual abuse cases;
3. the establishment of a program for preparation of child witnesses in sexual abuse cases for rural areas;
4. the initiation of a program promoting the use of a multidisciplinary approach, which could serve as a foundation for a community-based approach in which non-native institutions and methods might be adapted for use in reserve communities;
5. the commitment of new resources toward the development of a treatment capacity in each reserve for both victims and offenders;
6. the development of more safe placement options for abused children; and
7. the realization of co-ordinative, integrative and organizational efforts in order for the above recommendations to be implemented.

1988

▲ **Aboriginal Rights in Canada: An Agenda for Action**

AUTHOR: Canadian Bar Association, Special Committee on Native Justice

YEAR: 1988

ABORIGINAL GROUP: All Aboriginal Peoples

TOPICS: Self-Government, Constitution, Federal Government/Aboriginal Relations, Claims, Administration of Justice

SUB-TOPICS: treaties, jurisdiction, legislation, policy, negotiations structures and processes, legal education, legal representation, courts

SOURCE: Non-Government Organization

BACKGROUND

The Canadian Bar Association Special Committee on Native Justice was established in 1986 with a two-year mandate, in an environment of growing concern for the injustices experienced by Aboriginal peoples in the Canadian legal system, and in recognition of the special responsibility of legal professionals to address problems.

Overall it was expected the Committee's work would contribute to a greater understanding, especially by lawyers, of the special position of Aboriginal peoples in Canada and in Canadian law.

Although the report is directed at the legal profession, it sets out a comprehensive agenda and set of recommendations for the future for all Canadians and Canadian governments.

PURPOSE

The terms of reference for the Special Committee on Native Justice required it to inquire into and report on

1. the legal rights and positions of Aboriginal peoples, with special reference to questions of Aboriginal title to land, the right to self-government, the legal status of treaties and treaty rights, federal and provincial policies and the role of the courts with respect to Aboriginal rights and land claims;
2. the accessibility and representativeness of the legal system for Aboriginal people in Canada and;
3. the status of Native law courses and programs.

ISSUES AND FINDINGS

The Committee considered all issues identified in its formal terms of reference.

It reported on the confused state of Aboriginal law in Canada, and the significant number of outstanding legal issues, especially those relating to the nature and content of Aboriginal rights in Canada.

The Committee found both shortcomings and positive developments in current approaches to self government (i.e., constitutional recognition, community-based negotiations and models/arrangements, comprehensive claims negotiations, public forms of government and federal policy initiatives.)

The Committee commented on northern political development and self-government for northern Aboriginal peoples, recognizing the federal

government's traditional opposition to ethnic forms of government, and Aboriginal positions which, though not opposed to self government through public government, called for safeguards to be built in (i.e., residency requirements as a pre-requisite to political participation).

In examining the historical and contemporary status of treaties and treaty issues, the Committee determined that a new policy environment would be a prerequisite to constructive dialogue and negotiations in relation to treaties, treaty obligations and treaty rights. Judicial resolution of treaty issues was viewed as problematic because of differences in treaty interpretation by non-Aboriginal people and governments, who interpret treaties according to their written content, contrasted with the Indian view of treaties which relies extensively upon verbal understandings reached through treaty making processes, with actual treaty documents being of secondary importance.

The Indian view also sees treaties as social and political compacts, establishing nation-to-nation relationships, military and trade alliances, protectorate arrangements, a basis for the provision of health, education, social services economic benefits and resources, and an acknowledgement of Aboriginal self-government. The Committee found that many Indian groups supported revisiting the treaties to explore their spirit and intent, or their nature and scope in modern terms, and for the purposes of clarification, renovation, renewal or implementation.

In respect of federal constitutional responsibilities for Aboriginal peoples, the Committee was of the view that section 91(24) clearly allowed the federal government to exercise its authority (and assume responsibility) in relation to all Aboriginal peoples, not just Status Indians and Inuit. Federal responsibility for all Aboriginal peoples would be critical to social, economic and political progress and the achievement of equity nationally between Aboriginal peoples. The Committee found that the needs and goals of the Métis, non-status and off-reserve Indian people had historically been consistently overlooked by governments, academics, media and the public generally.

In considering dispute resolution, the Committee reviewed the current status of negotiations and adjudication in relation to different issues, and within a range of forum including the courts, bipartite and tripartite structures such as the Indian Commission of Ontario, and under established claims policies and processes. Advantages and limitations associated with each are discussed in the report, with the Committee stating its conclusion that while negotiations are preferable, there are situations where adjudication of some form may be necessary.

With respect to institutions and educational facilities of the legal profession, the Committee found a paucity of courses (including regular law school curricula and continuing legal education seminars/workshops), as well as a limited number of students focusing on Aboriginal law in Canada. Likewise, the Committee found that in respect of the judiciary, justices often would be hearing and deciding cases in an area of Canadian law of which they had limited prior knowledge, with this situation contributing to the general distrust of Aboriginal peoples for the justice system.

RECOMMENDATIONS

The report contains 30 recommendations covering land claims, self-government, constitutional development, federal/provincial responsibilities, federal policies/programs and legal education.

With respect to claims the Committee recommended the adoption of the recommendations of the Coolican Report on comprehensive claims and more specifically: land claims negotiations processes should not require the surrender of treaty rights; agreements to be concluded without the requirement of a settlement on all aspects of Aboriginal rights and title; provincial participation in negotiations affecting provincial jurisdiction; rejection of the doctrine of Aboriginal title being extinguished on the basis of being “superseded by law”; expansion of land claims agenda to include self-government “issues”; continued research on options for claims negotiations, mediation and adjudication; a focus on fundamental rather than technical issues is specific claims; and establishment of a specific claims tribunal.

On constitutional issues the Committee recommended a resumption of constitutional conferences, a constitutional guarantee of a court enforceable “distinct” right of Aboriginal self-government and mechanism for negotiations; and continued non constitutional negotiations of self-government arrangements.

With respect to treaties, the Committee recommended establishment of a Royal Commission to examine treaty questions; remedy of treaty based grievances including the impairment of treaty rights; and the non-derogation of federal treaty obligations through international treaties.

With respect to federal and provincial responsibilities and policies, the report recommended the extension of federal jurisdiction over all Aboriginal peoples including the Métis; removal of discrimination on the basis of Aboriginal origin in federal programs/policies; provincial involvement in the promotion of Aboriginal social, economic, political interests.

In terms of new institutions, the Committee recommended the establishment of a federal Aboriginal Land Acquisition Commission to purchase lands for the purposes of securing a land base for Métis, non-status and off-reserve Indian people, and establishment of an Aboriginal Rights Commission with investigative, reporting and dispute resolution functions and powers.

Finally, recommendations incorporated the establishment of an Aboriginal rights litigation fund; consideration of more effective, alternative judicial remedies; Canadian participation in the international development of Aboriginal rights and law; and recommendations for enhanced education and training for legal professionals in the area of Aboriginal rights and issues through Canadian law schools, law societies/branches, and other associations and institutes for legal professionals.

▲ **Locking Up Natives in Canada: A Report of the Canadian Bar Association Committee on Imprisonment and Release**

AUTHOR: Canadian Bar Association, Committee on Imprisonment and Release (Michael Jackson)

YEAR: 1988

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Administration of Justice

SUB-TOPICS: Justice system, courts, sentencing and remedies, corrections

SOURCE: Non-Government Organization

BACKGROUND

The Canadian Bar Association recognizes the growing and disproportionate numbers of Aboriginal people in Canadian prisons and jails. This overrepresentation has been attributed to poverty and to alcohol. The Canadian Bar Association, however, points to the historical process of colonization, and the extent to which this has dispossessed and marginalized Aboriginal peoples, as the underlying factor contributing to social unrest and high crime rates amongst Aboriginal people. The Report, therefore, views reform as contingent upon the right of Aboriginal peoples to self-determination, and to address the effects of colonization.

PURPOSE

The primary purpose of the Report is to make recommendations on the nature of the legal regime surrounding the practice of imprisonment; in doing so, it recognizes the frequency of imprisonment as a sanction in Canada and the need for alternatives. It also sets out to examine the spectrum of reform measures which have been advanced by Indian organizations, criminal justice professionals and government bodies, to address the problems of the existing system in its treatment of Aboriginal peoples.

ISSUES AND FINDINGS

The findings of the Report are divided into two sections: the first section examines Native justice systems that have been implemented with varying levels of success, both in Canada and abroad; the second section deals with the situation of Aboriginal people in prison and makes recommendations for change within the existing order.

The section on Native justice systems is subdivided into three sub-sections:

1. **The concept of Aboriginal courts:** The Report looks at the structure and operation of Aboriginal courts in the United States, Australia, and Papua New Guinea. The examination concludes that most examples of Aboriginal courts have operated with limited success, largely because they have been imposed on Native communities rather than developed by Native communities themselves, and because they have been modelled on conventional court systems rather than on the Aboriginal cultures of the communities they serve.

The court system with the greatest potential for application is seen as that of the Village Court in Papua New Guinea, where there is a combination of customary and common law, and where mediation and dispute resolution are the primary objectives.

2. **Aboriginal justice systems in a Canadian context:** The Report looks at the Canadian history of Aboriginal justice systems, with particular emphasis on Justices of the Peace operating under s.107 of the *Indian Act*, and the more recent efforts to appoint Native Justices of the Peace. Both initiatives were seen as unsuccessful because they involve adaptation of European concepts of laws, courts, and sanctions.
3. **Sentencing of Aboriginal people:** The Report focuses on past and present efforts to accommodate Aboriginal peoples within the existing structures and to make the criminal justice system more sensitive to the needs of Aboriginal offenders. These initiatives have included: the Native Court Worker Program;

the James Bay and Northern Quebec experience; the Inumarit of Arctic Bay (N.W.T.); the Lay Assessors Program on Christian Island; and pre-trial diversion programs. These initiatives illustrate how Native communities can devise justice mechanisms which integrate traditional practices into a contemporary social context in ways which are distinctively Native, rather than versions of non-Native programs with the only variation that Native people sit in the seats or offices ordinarily occupied by non-Native people.

The second section of the Report focuses on the situation of Aboriginal people in prison. Several ongoing themes and problems are identified:

1. a lack of understanding on the part of non-Aboriginal correctional workers;
2. low levels of Aboriginal participation in programs;
3. an overall unfamiliarity with the operation of the system on the part of Aboriginal people;
4. a greater likelihood on the part of Aboriginal people to participate in programs run by Aboriginal organizations not seen as part of the system;
5. limited success in recruiting Aboriginal people to work in correctional settings;
6. a greater likelihood on the part of Aboriginal offenders to waive their rights to a parole hearing, and to be less familiar with parole regulation; and
7. less likelihood Aboriginal people will receive full parole, and a greater likelihood for parole to be revoked for technical violations.

RECOMMENDATIONS

The Report outlines seven recommendations:

Alternative Native Justice Systems

1. The Canadian Bar Association endorses the development of parallel Native justice systems and recommends that governments should allocate criminal justice research funds for the development of pilot projects of working models of contemporary Native justice systems.

Sentencing of Native People

2. Governments and the judiciary should support initiatives undertaken by Native communities and organizations designed to incorporate community values in regard to the diversion of cases out of the criminal justice system and the sentencing of Aboriginal offenders.

Native People in Prison

3. The federal government should enact framework legislation to enable Native people to assume control of correctional processes that affect them. The legislation must be open-ended enough to allow for a wide variety of culturally-based correctional arrangements. This approach is not dependent upon any constitutional amendment and while such provisions could be part of more comprehensive Native Claims Settlement involving self-government, this approach could be implemented in advance of such settlement.
4. Specific guarantees should be provided in correctional legislation relating to the practice of distinctive religions and spirituality by Native prisoners. These guarantees should provide for Aboriginal spirituality to be accorded the same status as other religions.
5. Correctional legislation should require the correctional system to make available programs which are particularly suited to serving the spiritual and cultural needs of Aboriginal offenders and, where numbers warrant, programs for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life. The design and delivery of such Native programs should be done in consultation with Native prisoner groups and Native correctional organizations, and should be contracted to an appropriate community-based Native organization wherever possible.
6. Correctional legislation should be enacted to allow bands and community councils greater involvement in planning community release for offenders.
7. Correctional legislation should be enacted to provide for an affirmative action program for the hiring and promotion of Aboriginal professional staff to work with Aboriginal offenders. Any such program shall be developed and implemented with the direct participation of Aboriginal organizations involved in the correctional area.

▲ A Study of the Unmet Needs of Off-Reserve Indians and Métis Elderly in Saskatchewan

AUTHOR: Senior Citizens' Provincial Council

YEAR: 1988

ABORIGINAL GROUP: Non-Status, Métis, Urban Aboriginal People

TOPICS: Institutions, Programs and Services, Culture, Elders

SOURCE: Non-Government Organization

BACKGROUND

The Saskatchewan Seniors' Provincial Council met with the Minister of Social Services in 1985 to express their concern about the province's Native elderly. The province granted the Senior Citizens' Provincial Council full funding to do a comprehensive study.

PURPOSE

Of the provinces, Saskatchewan is second only to Manitoba in the proportion of its population which is of Native ancestry. The purpose of this study was to determine the unique problems and needs of the Native elderly.

The Council identified four primary objectives: (1) to identify the unmet needs of Indian and Métis elderly in off-reserve settings in Saskatchewan; (2) to understand how these needs differ from those of other seniors; (3) to promote an understanding of how these needs can be met through culturally appropriate policies, program design and service delivery; and (4) to produce a resource document which would be of use to Aboriginal organizations as well as policy makers.

ISSUES AND FINDINGS

The survey covered 476 elderly Aboriginal people, defined as age 50 and older, in southern Saskatchewan.

The Council found that 72% of the total sample of Native elderly had less than Grade 9 education. They were also found to have a low level of employment; only 27% of the working age population reported income from part-time or full-time employment of either themselves or their spouse.

In terms of living arrangements, the Council found that two living situations predominate: the low-income elderly person living alone, and the multi-generational family pooling resources to survive. Many are dependent upon obtaining rental accommodation in the private market. Initiatives to improve the housing situation must therefore include provisions that affect the standards of private rental units.

Like many low-income people, urban Native households have been found to have relatively high mobility rates. The reasons most often cited were that

the unit was physically uncomfortable or ill-suited to their needs. Three other significant reasons cited were neighbourhood or social problems, a desire to follow children, or a need to increase proximity to services.

The Council found that inadequate nutrition, substandard living conditions and low levels of education have contributed to high Indian morbidity and mortality statistics. Six out of every 10 Native elderly persons perceive their health to be only fair or poor, which is 20% higher than that of other Saskatchewan urban seniors. In comparison to other Saskatchewan seniors, a greater proportion of Native elderly have trouble walking, leaving the house and getting in and out of a car. Services which might improve mobility are noticeably absent.

The Council established that the majority of those surveyed preferred that their care be handled by their children, in situations where there are opportunities for reciprocal caregiving. When their families could not meet these needs, it was evident that the provincial system of long-term care was not sensitized to the special cultural concerns of the Native elderly and hence was not a preferred option.

The Council noted that a significant percentage of those sampled have lives which centre around the home. Transportation difficulties and poor health may keep them home more than they desire; others, however, take pleasure in crafts and other home activities.

The Council found that there is a need for services that are comprehensive enough to meet the overall needs of the diverse population.

RECOMMENDATIONS

No recommendations were presented in this report. The Council felt that conclusions and recommendations should be proposed only after consultation with Aboriginal peoples and organizations in Saskatchewan.

1989

▲ **Breaking Barriers: Report of the Task Force on Access for Black and Native People**

AUTHOR: Dalhousie University, Task Force on Access for Black and Native People, Chair, A. Wayne Mackay

YEAR: 1989

ABORIGINAL GROUP: First Nations

TOPICS: Education, Social/Cross-Cultural Relations

SUB-TOPICS: post-secondary education, racism, anti-racism, co-operation

SOURCE: Non-Government Organization

BACKGROUND

The Task Force on Access to Dalhousie for Black and Native People is situated in a context which recognizes

1. the historical oppression and economic deprivation of the Black and Micmac communities in Nova Scotia,
2. that education is a basic human right which should be broadly accessible to all segments of society, and
3. the importance of education in securing meaningful employment in a society increasingly dominated by science and technology and in which unskilled and semi-skilled work is becoming less readily available. For these reasons, access to education for members of traditionally under-represented segments of society was seen as a priority.

Dalhousie's efforts to provide access to education for Blacks and Micmacs were concentrated in two major areas: the preparation of students to enter and succeed in regular degree programs (e.g., the Transition Year Program and the Law School Program for Indigenous Blacks and Micmacs), and specifically designed professional programs (e.g., Micmac Bachelor of Social Work Program and the Certificate in Community Health). The University also had a faculty, Henson College of Public Affairs and Continuing Education, with a mandate to improve access for students with varied educational needs and backgrounds.

PURPOSE

The Task Force on Access to Dalhousie for Black and Native People was established by Dalhousie University's President to study and report on the role the University should play in the education of the region's indigenous Black and Native people. The mandate of the Task Force was as follows:

1. to review existing programs and resources at Dalhousie which serve the Black and Native communities;
2. to consult with leaders and representatives of these two communities, with provincial and federal government officials, and within the university community;

3. to propose by June 30, 1989, a strategic plan whereby Dalhousie can most appropriately serve the needs of the Black and Native communities, and the role which the Transition Year Program should play in the fulfilment of this plan; and
4. to contribute to the evolution of an overall university policy on affirmative action and to the awareness of the university and the wider community concerning access to education.

ISSUES AND FINDINGS

Consultations, hearings, and written submissions identified the following topics as key concerns:

1. **The school system in Nova Scotia:** Both Black and Micmac communities perceived significant racial barriers in Nova Scotia's schools that needed to be eliminated before large numbers of indigenous Blacks and Micmacs would be able to gain access to university education through regular channels.
2. **The role of the University:** To improve access of Blacks and Micmacs, the University might provide financial incentives and assistance, and prepare prospective teachers and counsellors to work with students of different ethnicity or race.
3. **Dalhousie's image:** Two perceptions of Dalhousie were identified: the first is that the university is remote from the province's Black and Micmac communities and does not provide a supportive environment for its members; the second is that Dalhousie is not committed to providing higher education for the province's Micmacs and Blacks, as seen by its budgetary treatment of programs which respond to the needs of Native people.
4. **The Transition Year Program (TYP):** The TYP is a program designed to prepare Blacks and Native people lacking the formal academic qualifications for admission to first year university. There was strong support for the continuance of the program but problems related to the program's image, funding, success rate, and long-term impact were identified. Suggestions to improve the program included increasing its resources, integrating the program more closely with the rest of the university, recruiting indigenous Black and Micmac program staff, making the program a credit class, and enhancing linkages with the Micmac and Black communities.

RECOMMENDATIONS

Based on the Task Force's findings, the following recommendations were proposed:

1. **Promoting Black and Micmac participation in undergraduate programs:** The Task Force Report recommended the establishment of outreach and recruitment programs within the province's Black and Micmac communities, renewable scholarships, greater access to bursary funds, and summer and part-time employment opportunities for Black and Micmac students, the establishment of a Black counsellor and a resource centre for Black Canadian students, and adequate facilities for the Native Education Counsellor.
2. **The future of the Transition Year Program:** The Task Force Report recommended the continuance of the Transition Year Program, with priority given to mature students, and to Black and Micmac students, the assurance of adequate funding for the program, the establishment of administrative positions to be filled by culturally sensitive staff, the enhancement of Black and Native community involvement in the program, and the integration of the program into undergraduate faculties.
3. **Promoting participation in professional programs:** The Task Force Report recommended that committees be established in professional faculties to assess the participation of Blacks and Micmacs and to design and implement a plan to meet their needs.
4. **Complementary initiatives:** The Task Force recommended the establishment of an effective overall policy and plan to increase the accessibility of Blacks and Micmacs, the appointment of Blacks and Micmacs to the Board of Governors, the recruitment of Black and Micmac faculty, the establishment of graduate fellowships for indigenous Blacks and Micmacs, representation of Blacks and Micmacs on a new Community Relations Council, the creation of credit courses in the history and culture of Black and Micmac communities, the design and implementation of a workshop for faculty on cross-cultural relations, and the offering of university courses in Black and Micmac communities,
5. **Funding:** The Task Force recommended that funds be raised to implement the measures recommended in the report, and that the University increase its financial commitment to the education of indigenous Blacks and Micmacs.
6. **Implementation:** The Task Force recommended that the Black Canadian Students' Association and the Dalhousie University Aboriginal Students' Association be consulted with respect to recommendations made in this report, and that every effort be made to implement the recommendations within one year of the report's submission.

▲ The Report of the Task Force on Race Relations to the Board of Trustees of the Winnipeg School Division No. 1

AUTHOR: Winnipeg School Division No. 1, Board of Trustees, Task Force on Race Relations

YEAR: 1989

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Education

SUB-TOPICS: primary and secondary education, curriculum, professionals/educators, student support

SOURCE: School Board

BACKGROUND

The Task Force on Race Relations was established by the Board of Trustees as part of the ongoing commitment of Winnipeg School Division No. 1 to equity and progress in the area of multiculturalism.

PURPOSE

The Task Force was created to make recommendations to the Board of Trustees with respect to the enhancement of educational opportunities for all ethnic and racial groups within the Winnipeg School Division, with a particular emphasis on Aboriginal groups.

ISSUES AND FINDINGS

The issues and findings were categorized into four general areas:

1. Personnel Policies and Practices/Racial Incidents

Forty per cent of all submissions made to the Task Force emphasized the need to implement affirmative action programs in all personnel categories. The call for affirmative action was based on the belief that it was necessary for the staff of the Winnipeg School Division to reflect the multicultural reality of the students in order to present positive role models and enhance the self-esteem of the students.

Twenty-six per cent of the submissions addressed the area of racial incidents. Presenters advocated the creation of policies and procedures to deal with real

or perceived incidents and the establishment of the position of Race Relations Officer.

2. Aboriginal Issues

The Task Force heard 34 submissions related to Aboriginal issues. The issues discussed were the creation of an Aboriginal school run by Aboriginal educators or of an alternative school organized within the jurisdiction of the School Division.

3. Curriculum/Staff Development

Forty-eight per cent of the submissions called for some form of curriculum review, evaluation or change. The majority encouraged the development of curriculum reflective of the multicultural composition of the student population. There was widespread support for the removal of stereotypical materials and for the development of opportunities for the study of representative works from all ethnocultural and Aboriginal groups. Submissions also reflected concerns that students were being streamed into lower level courses or programs as a result of their ethnocultural or Aboriginal backgrounds. Calls were made for partial or complete change to the current practice of school prayers and the inclusion of Heritage Language Programs for Aboriginal and Vietnamese students. Mandatory in-service training for all staff on multicultural and Aboriginal issues was also discussed.

4. School-Community Relations/Support Services

Approximately 37% of the presentations to the Task Force emphasized the importance of positive relations between the school and the community. The need for interpretation services was discussed, as well as additional support for inner city residents.

RECOMMENDATIONS

The Task Force made recommendations in eight areas:

1. Racial Incidents

The Task Force recommended the adoption of a statement of philosophy based on Article 1 of the United Nations Universal Declaration of Human Rights. They also recommended a detailed review and revision of all existing policies, rules, regulations, practices, procedures, and staff development sessions, and the development and communication of a procedure to review and record complaints of racial incidents.

2. Race Relations Position

The Task Force recommended that the position of Race Relations Co-ordinator be established.

3. Personnel Policies and Practices

The Task Force recommended that the School Division commit itself to the development and maintenance of practices designed to eliminate and prevent discriminatory barriers in the workplace. This would include an employment equity program for all levels that would be monitored on an ongoing basis, and an aggressive outreach program. Current staff training and development practices would be expanded to include career development for targeted groups and training for all staff on employment equity issues.

4. Aboriginal Issues

The Task Force recommended the development of special initiatives to hire Aboriginal people and the adoption of an Urban Aboriginal Education Advisory Council to replace informal dialogue. This Advisory Council would report to the Board of Trustees on the feasibility of establishing a Survival School. The Task Force also recommended that an Aboriginal Writer in Residence position be established, and that ethno-demographic data be collected to gain a more complete picture of Aboriginal students' placement and retention in schools. The Task Force recommended that a wide range of Aboriginal literary works be included in course work at all grade levels and that existing program initiatives directed to Aboriginal persons be maintained. The Task Force supported the establishment of Aboriginal language programs in schools.

5. Curriculum

The Task Force recommended that all materials be reviewed to ensure that they reflect a commitment to equality and that they are representative of all ethnocultural and Aboriginal groups served by the Division. They also recommended that curricula be reviewed on an ongoing basis and that regular consultation be established with relevant community agencies and cultural communities to aid in curriculum development and implementation. The Task Force recommended that schools' "hidden" curricula be assessed to ensure that all students are given equal opportunities within the system and that celebrations, school prayers, holidays, displays and cafeteria menus reflect the cultural diversity of the school population. It was further recommended that the feasibility of school-based child care programs for

children of students be examined. The Task Force also made recommendations to ensure that recent immigrants are not streamed unfairly.

6. Staff Development

The Task Force recommended that in-service education related to race relations, multicultural education and equality issues be mandated for all staff at all levels and that pre-service education be made a condition of employment.

7. School and Community Relations

The Task Force recommended that the Division conduct regular meetings with members of the community and actively recruit candidates from the Aboriginal and ethnocultural community to serve in an advisory capacity on committees, parent councils, etc. At the school level, the Task Force recommended an orientation program for new teachers to familiarize them with their school community environment and widespread publicity of school events and programs within the community. It was further recommended that the Division strongly encourage the involvement of parents in the school and that informal orientation and training sessions be held. The Task Force also recommended clear and accessible communication to parents concerning the progress of their children with an emphasis on positive achievement. Finally, regular contact with community agencies and the use of school facilities for community events was recommended.

8. Support Services

The Task Force recommended that the Division expand services that involve liaison with the community and that the position of Aboriginal Community Liaison Officer be established as soon as possible. The Task Force also recommended that the Division encourage peer leadership programs, that all alternative programs be evaluated to assess their relevance and value for the students for whom they were designed, and that a study skills program be developed and maintained to assist disadvantaged students.

1990

▲ Environmental Assessment and Aboriginal Claims: Implementation of the Inuvialuit Final Agreement

AUTHOR: Canadian Environmental Assessment Research Council
(Maureen G. Reed)

YEAR: 1990

ABORIGINAL GROUP: Inuit, All Aboriginal Peoples

TOPICS: Environmental Protection, Claims, Land Use, Development and Management, Land and Resources

SUB-TOPICS: comprehensive claims, land use planning, development, management

SOURCE: Non-Government Organization

BACKGROUND

Historically, Native people have been excluded from direct participation in institutional decisions affecting their lives, livelihoods, and environment. The government has tended to create institutions that were more responsive to non-Native influences and more interested in industrial and community development than environmental protection. By examining the new legislative and institutional provisions for environmental screening contained in the Inuvialuit Final Agreement (IFA), this study analyzes the potential for greater Native influence in environmental assessment on lands now designated to the Inuvialuit.

Originally completed in 1987, this paper was one of three published by the Graduate Student Research Contract Program of Canadian Environmental Assessment Research Council (CEARC). This study examines new institutional provisions for a joint environmental impact screening and review process established by the IFA (proclaimed July 1984) between the government of Canada and the Inuvialuit of the Western Arctic.

PURPOSE

The purpose of this study is to improve the understanding of northern environmental assessment procedures in so far as they are affected by the new arrangements prescribed by the IFA. It also attempts to examine the extent to which practical arrangements have been developed to provide the Inuvialuit with greater influence in land management decisions. In addition, the results of the study may provide some insight into the effectiveness of the Inuvialuit Final Agreement as a model for other settlements in Canada.

ISSUES AND FINDINGS

The issues discussed in this report are primarily related to the characteristics of the environmental impact assessment procedures under the IFA, and how

they relate to the existing federal Environmental Assessment and Review Process (EARP). A crucial issue is the effectiveness of the procedures. Of broader concern is the success of this kind of agreement in increasing the level of involvement of the Inuvialuit in managing their lives, resources, and environment.

According to the report, direct involvement in the environmental impact screening and review process is an important expression of Native rights and Aboriginal title, and a critical means by which Native organizations can influence the course of development in their communities and regions. In keeping with the importance of this involvement, the IFA includes a statutory provision for screening of project proposals by the Inuvialuit on environmental grounds. This requirement, in contrast to previous procedures, provides for more broadly based public input at the local level at an early stage of project application.

The mechanics of the IFA procedures allow for independent evaluations and broader powers. The new environmental screening procedures under the IFA function independently of both government and the Inuvialuit agencies, thus acting as watchdog mechanisms, evaluating the environmental implications of development projects proposed by both government and industry. In terms of the IFA's range of powers, the federal (EARP) and the IFA processes have, to date, been restricted to physical projects and have not evaluated government policy, but both have considered socio-economic impacts. The IFA, however, has no restrictions on it with respect to Crown corporations and regulatory agencies, and therefore may be applied to a wider range of projects than the EARP procedures.

Although similar in form, the EARP was found to be more discretionary than the procedures of the IFA. The IFA procedure, for example, is a joint procedure that provides for mandatory participation from territorial and federal levels of government, and Inuvialuit representatives, while the federal procedure allows involvement at its discretion. In addition, unlike the federal approach, the IFA establishes a legal obligation on the part of development advocates to comply with screening procedures.

According to the report, it is unclear whether the participating government authority plays a role in the referral of projects to the Screening Committee for its consideration. Uncertainty in this regard may cause inconsistency in referring projects. This uncertainty may be exacerbated by the absence of established procedures for sharing information between the federal government and the Inuvialuit, for using government agencies for technical advice, and for incorporating public involvement. Moreover, there is no provision in the

Final Agreement to allow the Screening Committee to recommend terms and conditions to the acceptance of a project proposal.

The author examined four cases where the screening process was used and reported the following findings:

1. The practice of environmental screening has shown divergence from the procedures outlined in the institutional provisions.
2. While Inuvialuit jurisdiction on land is clearly recognized, its jurisdiction in the offshore region is poorly understood and could result in projects by-passing the Screening Committee unless a clear statement of the projects to be screened in the offshore region is developed.
3. The Screening Committee has had a strong influence in the decisions of the regulatory officials. Although the Committee is intended to be advisory only, the recommendations of the Screening Committee have generally been adopted by the respective governing authorities.
4. Even though there is a commitment on the part of participants to comply with the new provisions, there is also a great deal of uncertainty over the practical obligations of implementation.

RECOMMENDATIONS

The report states that because of the relatively short time in which the IFA has been in existence and the correspondingly small number of projects which have been subject to environmental screening in that time, "firm recommendations for improvement are premature." As a result, "given the uncertainties with implementation, the Screening Committee should give priority to developing rules and procedures to clarify outstanding issues." Such outstanding issues include the uncertainty over the practical obligations of implementation (i.e., the Agreement leaves most of the procedural issues to the discretion of either government officials or members of the Committee), and the appropriate role of project proponents and government agencies.

In addition to these comments, the author provides several general conclusions:

- 1. There is great potential for implementation of the Agreement to provide the Inuvialuit with an influential role in environmental decision making.
- 2. As is the case with the Regional Office of Indian Affairs and Northern Development, the Screening Committee has not been given the authority to deny a project on environmental grounds.
- 3. There are concerns over the degree to which IFA procedures will overlap the federal process, or vice versa, forcing project proponents to undergo

duplicative processes at their own expense. The author calls for steps to achieve an acceptable level of co-ordination. She states that in the context of devolution of authority it may be necessary to redefine the role of the federal government in environmental impact assessment in the North.

4. Other concerns which must be addressed relate to the competence of the Screening Committee in making decisions and technical recommendations. There may be few people among the Inuvialuit, and other Aboriginal groups, with technical competence. These are new structures and there will be a period of learning for everyone involved. In the future, forthcoming agreements should include long-range plans for implementation, which include provisions for training and education of Native people as well as for non-Native government officials to assist in carrying out new responsibilities.

1991

▲ A Commission of Inquiry into Licensing and Related Policies of the Department of Fisheries and Oceans: The Fisherman's Report

AUTHOR: Commission of Inquiry into Licensing and Related Policies of the Department of Fisheries and Oceans, Commissioner, Don Cruickshank

YEAR: 1991

ABORIGINAL GROUP: Not specific to Aboriginal peoples

TOPICS: Resources, Economic Development, Employment Development

SUB-TOPICS: fishing/fisheries, regional Aboriginal, regional non-Aboriginal

SOURCE: Non-Government Organization

BACKGROUND

Fishing industry organizations representing fishermen, vessel owners and licence holders in British Columbia established the Commission of Inquiry into Licensing and Related Policies of the Department of Fisheries and Oceans because the members of these organizations disagreed with the plans of the Department of Fisheries and Oceans, as expressed in its discussion draft, *Pacific Region Strategic Outlook, Vision 2000: A Vision of Pacific Fisheries at the*

Beginning of the 21st Century. The Commissioner's report contains his findings of the views of those involved in the Pacific fisheries and his recommendations for altering the Department's vision and policies in accordance with these views.

PURPOSE

The purpose of the Commission was to inquire into and develop alternative people to the Department's proposed licensing policy provisions.

ISSUES AND FINDINGS

The Commissioner highlighted several specific points of contention that fishermen expressed with regard to Vision 2000:

1. the language in Vision 2000 indicates that the Department anticipates the elimination of gillnet fishing by the year 2000;
2. departmental plans to concentrate seine fleet fishing in terminal fishing areas is viewed as harmful to the efforts of fishermen to market the best quality fish;
3. departmental plans to shift the costs of Pacific fisheries management to industry through increased fees and royalties and other user-pay or devolution arrangements by the year 2010, raises concerns about exactly which costs the Department is referring to, how the Department would determine the industry's fair share, and whether this policy will apply universally to all areas in Canada;
4. departmental efforts remain aimed at reducing the size of the commercial fishing fleet, as they have since the release of *Turning the Tide: A New Policy for Canada's Pacific Fisheries* in 1982, yet the fishermen question the assumptions behind the continuing claims of overcapacity; and
5. additional concerns listed in the report, including
 - (a) allocations among user groups (Native, commercial and recreational);
 - (b) enforcement of fisheries regulations;
 - (c) general licensing policies;
 - (d) royalties and cost recovery;
 - (e) marketing strategies;
 - (f) quality control; and
 - (g) public relations.

The Commissioner criticized the Department's vision for being developed in the absence of consultation with industry and for being the product of a

bureaucratic point of view. Vision 2000 was considered vague and incomplete in its explanations of policy choices, and predominantly concerned with cutting costs to the Department.

The remainder of the report is divided into two main sections. The first addresses the question of licensing policies. The second deals with other related policies such as the Salmonid Enhancement Program, Native participation in the commercial fisheries, enforcement, vessel replacement rules, the Pacific Region Licence Appeal Process, commercialized sport fishing, coastal communities of British Columbia, and the consultative process.

1. Licensing Policy

Licence controls: The Commission adheres to the principle of transferable licences for entry and exit from the industry. The Commission found, however, that individuals, through leasing of their licences, and corporations, through mass acquisitions of licences, are essentially usurping the right of the minister to absolute control over licences and over who harvests the common property resource, to the detriment of the fishing industry. The end result is fewer licences available to owner/operators and more licences in the hands of corporations.

Individual quotas: Of critical concern was the question of individual quotas which grant an individual the right to harvest a definite quantity of fish. The Commission reported a number of problems with quotas: they convert a common property resource to private property; they are difficult to enforce; there is a threat of foreign control; there is a tendency for licences to be concentrated in the hands of too few individuals or corporations; they reduce opportunities for entry-level fishermen; they create unemployment through quota stacking; they permit unfair labour practices; and they may be constitutionally unsound and subject to legal challenges.

Area licensing: This system divides specific fisheries into distinct geographical areas and grants licences for each area. The Commission concluded that there was no consensus among fishermen on the effectiveness of this method of licensing.

Single gear licensing: This system permits use of only a single kind of fishing gear during specific periods of the season. Again, the Commissioner found that reactions were mixed to this issue.

Married licences: Married licences are those that grant a boat access to more than one fishery. Licences are married to the vessel and the Department maintains a "no splitting" rule. Thus, when one fisherman acquires the

licences of a retiring boat, he cannot separate them, taking only one of them, for example, while selling or leasing any others associated with the original boat. The report indicates that fishermen circumvent this regulation, creating logistical problems as they marry and divorce various licences. The Commissioner found that fishermen do not believe the Department's conservation and protection rationale for the no splitting rule, believing instead that it is simply another means for the Department to prevent additional fleet expansion and capitalization.

Inactive licences: The industry was sceptical of the Department's criteria for licence renewal, believing that the criteria were not based on benefits to the resource, but on benefits to specific interests. The Commissioner concluded that there was widespread distrust of the Department.

Limited entry: The Department relied on a limited entry control mechanism to manage the crab, prawn and rockfish fisheries. The Commission found this approach unacceptable and detrimental to resource conservation efforts.

Licence fees: The Commission found that licence fee increases have not affected all sectors equally. It concluded that there should be some correlation between the fee levied and the value of the resource harvested. The report contains specific sections on each fishery, discussing its licence fees and procedures.

2. Related Policies

Salmonid enhancement: The Commission found that the Salmonid Enhancement Program was an investment in the future of the fishing industry; this finding was based on the success of the Alaskan enhancement programs.

Native participation in the commercial fisheries: The Native commercial fishing fleet was found to have diminished since the beginning of limited-entry licensing. The government has tried to arrest this condition through a number of programs but concerns have been raised concerning the effect of these efforts on non-Native fishermen, particularly the potential loss of existing licences and/or resources to Native people.

Enforcement: The Commission found the Department's enforcement of illegal fishing activities inadequate. Fishermen held the view that penalties on illegal fishing should be increased in many cases, and should include suspension of licences.

Pacific region licence appeal process: The Commission reported that the members of the Licence Appeal Board were perceived by the fishermen as inconsistent, subjective and underqualified.

Commercialized sportfishing: The Commission found the sportfishing industry to be a commercial industry that should be subject to the same licensing and resource access regulations as the commercial and Native fisheries. Information on the sportfishing industry was considered inadequate.

Coastal communities of B.C.: The report identified 100 communities in B.C. (compared to only about 50 identified in the Department's literature) as having substantial fishing involvement. The deterioration of these communities, with the transfer of fishing and processing centres to larger towns and cities, has led to higher unemployment, especially in Indian communities. The Commission found that most of these communities have not been involved in licensing and other departmental decisions that have an effect on their communities. Use of directed programs, which might, for example, allocate licences or quotas to organizations in these communities, raises numerous problems related to the number of communities that would participate, and how the system might be regulated. The Commission also found that efforts to provide financial subsidies to stimulate a coastal processing industry have failed.

Consultative process: The Commission concluded that the fishing industry is headed for reform and that most fishermen and representative organizations want to have, and should have, a greater say in the nature and direction of those reforms. The Commission felt there was a need for a single agency to speak for the commercial fishing industry.

RECOMMENDATIONS

1. Licensing Policies

The Commission recommended a licensing system which would place the system on a more equitable plane, and which would base fees on the landed value of each fisherman's catch, regardless of the fishery or type of equipment used. Replacement of the existing licence fee schedule and the establishment of regulations to favour owner-operated boats were also recommended.

With regard to the quota system, the Commission recommended that further individual quotas not be introduced and that existing quota experiments be conducted on a year-to-year basis. The Commission proposed legal action to test the legality of quota systems in the event that the government attempted to extend them.

Concerning area licensing, the Commission recommended limited entry approaches on a fishery by fishery basis and expressed disapproval of the Department's use of these approaches as a means of reducing the fleet. In some

cases, particularly with regard to crab and prawn fishing, major adjustments were recommended to the use of limited entry licensing. The report also contained recommendations to simplify the regulations affecting the transfer of married licences and to encourage additional industry-based research.

2. Related Policies

The Commission recommended that there be renewed efforts with regard to the Salmonid Enhancement Program, funded in part by a resource rent collected as part of the fee system. It was also suggested that the program entail greater participation on the part of the fishermen.

In the area of Native fishing, the Commission proposed that the discriminatory fee licensing features for Indian fishermen be eliminated. It further recommended unequivocal support for a proposal by the Native Brotherhood of British Columbia and the Native Fishing Association to increase Native participation in the commercial fishery.

Proposals were also put forth by the Commission for more rigorous enforcement and stricter penalties for those who are cheating the system. Included in these recommendations are provisions for greater use of licence suspension and automatic forfeiture as penalties.

The Commission recommended restructuring the Pacific Licence Appeal Board to make it more independent of the Department and to ensure it conducts its affairs according to more consistent and judicial procedures.

The Commission also emphasized the need to improve the consultative process between the coastal communities and the government. It recommended applying general approaches, such as encouraging owner/operator dominance within the industry as opposed to large corporations based in large urban centres, implementation of the recommended Native fishing proposal, and elimination of landing requirements that tend to drive out the smaller and less efficient fishermen.

Finally, the Commission recommended establishing a new consultative body to represent all fishermen, vessel owners, and processors. This body would be responsible for analyzing broad policy reform issues.

▲ Local Government and Native Land Claims

AUTHOR: Union of British Columbia Municipalities

YEAR: 1991

ABORIGINAL GROUP: All Aboriginal Peoples

TOPIC: Claims

SUB-TOPICS: comprehensive claims, commission/institutions

SOURCE: Municipal Governments

BACKGROUND

Almost all of British Columbia has been claimed by one of the 31 Native groups in the province. A major element of these land claims is the demand for self-government, which is defined differently by different Native groups, from the recognition of complete sovereignty to the establishment of quasi-municipal Indian governments within Canadian Confederation. A common element in the different views, however, is the assertion that self-government is a collective right inseparable from the claim to Aboriginal title.

Native people claim they have never ceded their title to and jurisdiction over all the lands of the province and that they therefore have right to these lands based on thousands of years of ownership, use and occupancy. They point to section 35 of the Canadian Constitution as confirmation of Aboriginal and treaty rights. They want to negotiate new treaties affirming these rights and recognizing title.

The British Columbia government had, until very recently, maintained the position that Aboriginal title to land and resources either did not exist or had been extinguished. In 1989, Premier Vander Zalm established the Premier's Council on Native Affairs which resulted in the province joining the federal government in negotiations for the settlement of Indian land claims.

On December 3, 1990, a tripartite Task Force was established to develop a process for negotiating land claims. The Task Force presented a report on June 28, 1991, which included 19 recommendations, including the establishment of a British Columbia Treaty Commission. Others dealt with basic principles of claims, timing, non-Aboriginal interests, funding, interim measures, and public education and information.

PURPOSE

The Union of British Columbia Municipalities (UBCM) believes it is critical that the 149 municipalities and 29 regional districts in British Columbia be deeply involved in the negotiation and settlement of Native land claims. The report contends that the settlement of Native claims will have a direct

impact on almost every aspect of local government, and new relationships will need to be formed with the many Native communities in the province.

The purpose of this study is to examine how third party interests have been involved in Native issues and land claims in other jurisdictions, and what the implications of settlement might be for local government. The report is also to make recommendations regarding the participation of the UBCM and local government interests in the claims negotiation process in British Columbia.

ISSUES AND FINDINGS

The UBCM believes that the role local governments must play in negotiations for land claim settlements is that of observer, participating as part of the provincial negotiating team. In order for the UBCM to participate successfully, it feels it is necessary to create a Memorandum of Understanding between the UBCM and the federal and provincial governments outlining the role it will play.

The report did not find there to be any established federal policy or process in place for ensuring that the interests of third parties are represented, despite the recommendations of the Coolican Report (*Living Treaties, Lasting Agreements*, 1985), which urged that the federal government ensure that all interests be represented, and that economic dislocations and acrimony be minimized between third parties and Native groups. The British Columbia government contends that it will be responsible for representing third party interests in negotiations, and that negotiations should be open for anyone wishing to observe. With regard to third party participation, the Native community has adopted the position that only those who sign the agreement should be allowed to negotiate, and that First Nations must bargain on an equal footing constitutionally with the federal and provincial governments.

The report outlines the primary concerns facing local government concerning the settlement of land claims:

1. forms and institutions of governance;
2. accountability and representativeness;
3. fiscal and revenue arrangements;
4. service production and delivery; and
5. land use planning and regulation.

RECOMMENDATIONS

The UBCM believes that, in order for land claim settlements to be successful, institutions must be created which reflect the interests of all parties and a system

must be established to distribute power and resources in a way which satisfies all concerned.

The UBCM offers nine recommendations for the successful resolution of land claims:

1. that the land claims negotiation process be fair, open, principled and community-based;
2. that negotiations be democratic and efficient;
3. that the UBCM, in conjunction with the three principal parties, implement an education and information program at the local level prior to the commencement of any land claim negotiations;
4. that the UBCM, in conjunction with the three parties, ensure that a comprehensive program and process for public consultation and participation at the local level is in place before land claim negotiations begin;
5. that a comprehensive process for the consensual resolution of disputes be implemented before land claim negotiations begin;
6. that the UBCM encourage and participate in the development of mechanisms for success before negotiations begin;
7. that local governments observe negotiations as a member of the provincial negotiating team;
8. that the UBCM act as the primary consultant to local governments; and
9. that the UBCM sign a Memorandum of Understanding with the federal and provincial governments outlining the role it will play in the land claims process.

1992

▲ **As We Were Told: A Report on Perceptions of Policing in Metropolitan Toronto's Aboriginal Community**

AUTHOR: Mukwa Ode First Nations Consulting Incorporated

YEAR: 1992

ABORIGINAL GROUP: All Aboriginal Peoples, Urban

TOPICS: Programs and Services, Institutions, Administration of Justice

SUB-TOPICS: law enforcement, corrections

SOURCE: Non-Government Organization

BACKGROUND

The report is based on the idea that dialogue between the Aboriginal community and the police community is an essential ingredient in achieving co-operation; however, cultural misunderstanding has in the past stood in the way of this dialogue.

Information for the report was collected through surveys and interviews with members of both the Native community and the police community. Discussion groups were later established to discuss the results.

PURPOSE

The report outlines a strategy for improving urban police/Native interactions, based on police perceptions of the Native community as well as Native perceptions of the police community. It shows the wide divergence between the two communities on certain issues but also reveals areas where there is some consensus.

ISSUES AND FINDINGS

Based on responses of police officers to a survey questionnaire, many of the problems identified by the Native community were confirmed. Testimony by the police brought to light the need to examine police culture, including an examination of informal power structures. The police force was seen to operate on three different levels, all equally powerful and often presenting conflicting sets of demands:

1. public opinion – police officers often feel they have been betrayed and victimized by the media;
2. the police hierarchy – officers feel alienated from “headquarters” and lack confidence that the police bureaucracy supports them; and
3. the informal power structure – officers see themselves relative to the “leaders of the pack”; i.e., the older, more experienced and popular officers who dictate the social and leadership structures.

In order to examine the perceptions of police by Native peoples, a series of Talking Circles were held in the Native community, and a series of key informant interviews were conducted with individuals who by virtue of their jobs and experience had a great deal of knowledge and experience in the area of Native policing.

The key issues identified during the consultations with the Native community were grouped into five general categories:

1. Race Issues

The degree of overt racism against Native people was found to vary according to the lifestyle and socio-economic position of the people involved; however, every group identified racism as a significant factor in incidents involving police and Native people. It was felt that police rarely take complaints from Native street people seriously. Many of the incidents involved allegations of police brutality. It was also determined that ninety percent of incidents involving police brutality against Native people go unreported for various reasons.

2. Cultural Issues

Another common complaint made by Native participants was that police had no understanding of Native culture. The appropriate role of police in the Native community is seen as one of peacekeeping, rather than law enforcement. Native people felt that a law enforcement system based upon negative sanctions and enforced by state-sanctioned violence was inconsistent with their cultural values.

Another culturally-related problem was the treatment by police of Native elders, especially those living on the streets. Elders in Native society are accorded a very high degree of respect and honour. According to Native respondents, however, the police often did not recognize this status in their interaction with elders.

3. Community Issues

Community issues refer to those which involve the interaction between the police community and the Native community. The Native community in Toronto comprises 65,000 people. In order to build strong relations with the Native community, police must deal with and through the agencies that serve the needs of Toronto's Aboriginal community. This becomes increasingly important as Toronto's Native community moves toward Native urban self-government.

While many Native people might wish to initiate a separate Native policing system in Toronto, this seems impractical because of the wide dispersion of Native people in Toronto. One option, however, may be to adapt the Special Constable Program currently set up by the Ontario Provincial Police (OPP) and Royal Canadian Mounted Police (RCMP) in rural areas, to the urban Toronto setting.

4. Recruiting

A clear recognition of the need to recruit young Native people to both the civilian and police services emerged from the consultations. The report

contends that the ideal target group would be the Aboriginal community in Toronto, followed by Native people in other urban communities, and then by people from reserves. Part of the recruiting strategy might include the development of a Native recruiting video and the re-assessment of systemic barriers to recruitment, such as lack of education, the automatic disqualification of people who have criminal records, and unreasonable physical requirements.

5. Community Access to Police Headquarters

One last concern expressed by members of the Native community was the intimidating appearance of the Metropolitan Toronto Police Headquarters, coupled with the unfriendly attitude of its staff. According to Native participants in the consultations, people are faced with "a very large, imposing, and unfriendly structure" upon approaching the building. Inside the building, visitors are often treated "in a very brusque fashion and made to feel as if they were intruding".

The report also includes a literature review of materials produced on Indian policing. The consultants found that there was very little information of direct relevance to urban Indian policing.

RECOMMENDATIONS

Many recommendations were made by both the police group and the Native group, a summary of which follows:

Police Recommendations

1. that there be closer interaction between the Native community and the police community in solving police/Native problems;
2. that there be increased cultural awareness training of police officers and greater involvement of police in Native community events and culture;
3. that community-based policing models be developed in areas with high Native populations;
4. that there be greater police outreach to the Native community;
5. that a Special Constable program be established in the city;
6. that a list of Native community agencies and contacts be developed and made available to officers;

Native Community Recommendations

7. that a special Native Complaints Procedure be developed;

8. that there be attitudinal testing of police recruits for racist attitudes and a review of current cultural awareness and anti-racism training done with police recruits;
9. that cameras and videos be used at the time of arrest and in holding cell areas to reduce the risk of assault;
10. that Native officers be paired with non-Native officers;
11. that a Community Peacekeepers Designation be developed;
12. that police participate in the establishment of a Toronto Aboriginal Social Services Association Crisis Line;
13. that elders be used in training police recruits;
14. that the discretionary powers of police in laying charges be reviewed;
15. that a peace and friendship treaty be signed with the leaders of Toronto's Aboriginal community;
16. that a separate Native policing system be implemented;
17. that police participate in Native community policing issues;
18. that information regarding legal rights of people be produced and distributed through the community agencies;
19. that an Aboriginal person be elected or appointed to the Police Board of Commissioners;
20. that an Urban Native Task Force be created to review and deal with issues of Native urban policing;
21. that a Native recruiting video be developed in consultation with Native elders and the Native community;
22. that the recruiting literature, and some of the systemic barriers to recruitment (equivalency requirements, criminal records) be reviewed;
23. that improvements be made at police headquarters, with regard both to the disposition of staff and to the appearance of the building, in an effort to make it less intimidating; and

Dissemination of the Report

24. that this report be published and distributed by the Police Services Board for discussion in the Native and police community.

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and obstacles that exist in responding to the problem. In general, the report found that the justice system still lacks the necessary training to deal sensitively with issues of abuse, and that the police, Crown attorneys, and the judiciary still need further information about the effects of abuse and how to deal with offenders.

The report also looked at services available in the community. It found that some effective services did exist, particularly in the area of wife assault, but that there were not enough services available, especially in isolated communities and especially for women who must bring children to the shelters. The report also found that a change in attitudes toward victims was still necessary, particularly for elderly women, women of colour, Aboriginal women, and women with disabilities. The Task Force found services to these women to be inadequate, primarily due to lack of knowledge about their particular problems and experiences.

The Task Force did not address the problems of Aboriginal communities because the Aboriginal member had left the Task Force before the report was drafted. It did, however, outline the issues which had been identified in its contact with members of the community. It found that the roots of family violence in Aboriginal communities were the result of colonization and oppression, as expressed in such policies as the forced attendance of Aboriginal people at residential schools. According to the Task Force, the abuse experienced at the residential schools has, in many cases, become learned behaviour for former students. The report also suggests that denial of abuse exist in Aboriginal communities which makes it difficult for women and children to seek protection; this is largely a result of the presence of abusive men in positions of power. The Task Force also situated family violence in the context of suicide, substance abuse, poverty and ill health in Aboriginal communities.

The Task Force identified a number of barriers facing Aboriginal persons in trying to access mainstream services. These barriers include the lack of Aboriginal staff delivering these services and the fact that many services do not incorporate traditional healing into their programs. There were also concerns voiced by Aboriginal persons about racism, insensitivity, and the overly intrusive nature of mainstream services. There was found to be an acute problem in isolated areas where often there were no services at all available.

Other problems found in Aboriginal communities were those that are shared by non-Aboriginal communities. These include the lack of co-ordination between service providers, jurisdictional problems, the need for more funding, and a general requirement for more effective and more accessible services.

In terms of developing solutions, the Task Force emphasized the need for community control, and for Aboriginal people to have a choice between using their own services and using mainstream services.

RECOMMENDATIONS

The report's recommendations were not specific to Aboriginal communities, but rather they dealt with the issues of family violence in general. The Task Force did, however, recommend that there be consultation with those segments of the population who are disproportionately disadvantaged, including Aboriginal people, in all planning, development, implementation and evaluation activities related to family or sexual violence.

The Task Force put forth a three-year plan, with funding recommendations for the first year to be as follows:

1. that agencies already providing direct services have adequate funding for education programs within the community to ensure prevention and early intervention;
2. that funding for transition and second stage houses, specialized victim assault programs, and other community agencies that provide services to victims of family and sexual violence, be increased, including immediate funding for direct services for Aboriginal people to be channelled through the Ministry of Aboriginal Affairs;
3. that the development of comprehensive, co-ordinated protection models with a view to province-wide implementation and increased services for abusive men and sex offenders be encouraged;
4. that a community-based team of Aboriginal men and women be established to address the needs in their communities;
5. that Crown counsel, hospital personnel, and all persons working with victims of family and sexual violence receive additional training and workshops;
6. that the provincial government, in consultation with the community, develop a comprehensive and ongoing response to the issues, establish a sexual assault policy for the justice system, undertake a comprehensive review of victim assistance programs, and develop a protocol for suspected cases of wife assault where there are children in the family; and
7. that the provincial government develop policies in the case of elder abuse and where abuse occurs by someone in authority, such as abuse in community licensed care facilities.

For the second and third years, the Task Force recommended the following:

8. that higher quality parenting courses and other relationship courses be developed;
9. that there be workshops for staff of abuse-related services to help them make their services more available to groups that are discriminated against;
10. that relevant materials be available in other languages and media in order to make them accessible to persons with disabilities and the elderly; and
11. that funding be increased to raise salaries, to encourage and fund self-help groups, to provide legal information, advocacy and representation, to adequately compensate lawyers, to develop a court preparation kit, and to establish more affordable housing.

Manitoba

1980

▲ Report of the Indian Child Welfare Subcommittee, Manitoba, to the Tripartite Committee

AUTHOR: Tripartite Committee, Indian Child Welfare Subcommittee,
Chair, Carroll Hurd

YEAR: 1980

ABORIGINAL GROUP: First Nations

TOPICS: Social Development, Child Welfare

SUB-TOPICS: child care, adoption/foster homes

SOURCE: Tripartite Commission (Federal/Provincial/Aboriginal)

BACKGROUND

On February 1, 1977, senior representatives of the Manitoba Indian Brotherhood, the government of Manitoba and the government of Canada passed a resolution agreeing that the child welfare needs of Indian people were a matter of immediate and urgent priority. They further resolved to organize a working group made up of representatives of the three parties to "explore