



Submission to the
Royal Commission on
Aboriginal Peoples

by

**The Aboriginal Rights
Coalition
(Project North)**



Aboriginal Rights Coalition
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The Aboriginal Rights Coalition
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5. The alternative models of land stewardship and economic development formulated by Aboriginal Peoples be explored as viable development alternatives.
6. Such alternative models be solicited and be given equal consideration when economic proposals and approaches are being assessed.
7. Where Aboriginal communities or governments have developed what they regard to be viable models of community and resource development, that all other levels of government agree to vacate jurisdictions in order to promote the development of these alternative models.
8. The hunting and fishing rights, including commercial fishing rights, of Aboriginal Peoples be acknowledged by the federal, provincial and territorial governments.
9. Governments protect these rights through effective policies and enforcement mechanisms.
10. A watchdog agency and legal defence fund be created with a mandate to monitor the actions of government with regard to industrial proposals to ensure that governments respect the constitutionally recognized rights of Aboriginal Peoples.
11. A moratorium be placed on all industrial projects on unceded territory on which negotiations are pending or are in progress, unless an agreement is made with the Aboriginal People concerned.
12. Where resources extraction is already taking place on Aboriginal lands, and where land rights negotiations are in progress, a percentage of the revenue created be held in trust for the Aboriginal People concerned.
13. In the future an equitable sharing of resource revenues be established between Aboriginal governments and federal and provincial governments. Such sharing of resource revenues is required to enable Aboriginal Peoples to build an adequate financial base for the implementation of self-government and to compensate for the negative impact on their traditional economies that industrialization so often entails.

SUMMARY

This submission is presented on behalf of the Aboriginal Rights Coalition (Project North), the collective voice of several of Canada's churches on Aboriginal issues. The Coalition includes a network of Canadians - Aboriginal and non-Aboriginal - who are involved with Aboriginal issues at the regional and local levels in many parts of the country.

The following is a list of the recommendations being submitted to the Royal Commission on Aboriginal Peoples by the Coalition. The headings used correspond to the themes addressed in ARC's presentation.

THE NON-ABORIGINAL QUEST FOR RESOURCES: AN ASSAULT ON ABORIGINAL LANDS

WE RECOMMEND THAT:

1. Long before action is taken to initiate resource exploitation affecting Aboriginal Peoples and their lands, adequate resources be made available to Aboriginal Peoples to collect baseline data.
2. The guidelines used for assessing the impact of industrial proposals be wide-ranging with a major emphasis on the social impact of the project in question.
3. Provincial and federal guidelines for environmental impact assessments be expanded, and that the recommendations of the Warman Panel be used to establish the components of an adequate social impact study.
4. In order to ensure fair and thorough environmental assessments of industrial proposals, independent assessment bodies be established that would exercise force and authority in making decisions. The members of these assessment bodies would be approved by the federal, provincial, territorial and Aboriginal governments.

22. A new land rights negotiating process be established which will allow for different Aboriginal territorial concepts and which will encourage alternative approaches in settling issues regarding overlapping Aboriginal territory.
 23. Third parties should not be at the negotiating table even under the guise of representatives of a government negotiating team. The bi-lateral, Nation-to-Nation, status of these talks must be safeguarded.
 24. A land negotiations agency be established, independent of government ministries, with the mandate to negotiate and settle outstanding land issues.
 25. The land negotiations agency be founded on the recognition of the Nation status of Aboriginal Peoples and their legal and moral right to the territories that constitute their traditional lands.
 26. The land negotiations agency establish panels or tribunals which would have the full authority to decide who qualifies for negotiations, and to make rulings on the validity of claims. The key decisions affecting negotiations would be made by these tribunals. In the case of a dead-lock in negotiations they would have the authority to intervene.
 27. A sufficient number of tribunals be created to allow for a larger number of land issues to be addressed simultaneously.
 28. The tribunals ensure that both sides in the negotiations have equal access to research, resources and expertise.
 29. It be made clear in the mandate of such tribunals that the aim of negotiations is the implementation of Aboriginal rights and not their extinguishment.
 30. The Commission undertake research of the Waitangi Tribunal of New Zealand which the Aboriginal Justice Inquiry of Manitoba recommended as a working model for a new negotiating process.
-

14. That the federal and provincial governments consider payment of compensation to Aboriginal Peoples whose land has been stripped of resources before land rights issues have been settled.
 15. Resource use be implemented in ways that are environmentally sustainable and respectful of the land rights of Aboriginal Peoples and their concerns regarding the environment and wildlife.
 16. Legislation be enacted requiring that damaged sites be restored to their original condition before the developer leaves the site.
-

ABORIGINAL LAND RIGHTS

WE RECOMMEND THAT:

17. Current policies directing land negotiations be fundamentally changed to accommodate the unique histories and current needs of each Aboriginal People participating in the process.
18. Land rights negotiations be expanded to accommodate the intimate knowledge and understanding Aboriginal Peoples have of the Earth.
19. Treaties be recognized in their bilateral origin as Agreements between Nations. Both their oral and written renderings be given equal weight in cases of dispute over interpretation.
20. The Commission firmly remind the federal government that the mandate to negotiate just land agreements with Aboriginal Peoples is not a charitable act but a legal and constitutional responsibility.
21. The resolution of outstanding land issues remain within the mandate of the federal government.

HEALING

WE RECOMMEND THAT:

38. Aboriginal Peoples name how the issue of healing is to be described and defined; that Aboriginal Peoples identify and direct appropriate responses from non-Aboriginal individuals and organizations, including churches and governments.
 39. The school curriculum in Aboriginal and non-Aboriginal communities include courses that would stress, in a positive manner, the rich heritage of the different Aboriginal Peoples in Canada.
 40. The CBC/Radio Canada be funded and instructed to devote a certain number of hours per year to programming which focuses on the culture and history of Aboriginal Peoples in Canada.
 41. The Canada Council be given additional funding which would be earmarked for projects which present the history and culture of Aboriginal Peoples to the wider community. Funds would be set aside for Aboriginal artists, writers and researchers.
 42. An Aboriginal cultural agency be established in cooperation with Aboriginal cultural and political organizations. It would have two roles: (1) to distribute funding to Aboriginal organizations and (2) to draw on the work of Aboriginal artists and cultural organizations, to coordinate public education, about Aboriginal history and culture.
 43. Funding be restored to pre-1992 levels to Aboriginal newspapers, magazines, and broadcast media.
 44. Financial and logistical support be given to the development of Aboriginal cultural colleges and institutions of higher learning that would be culturally and geographically more accessible to Aboriginal individuals.
 45. As part of their final report, the Commissioners include concrete recommendations for action to be taken should the government fail to act on the Commission's recommendations within a timetable that the Commissioners suggest.
 46. The government support Aboriginal efforts to develop their own programs for renewal.
-

SELF - DETERMINATION

WE RECOMMEND THAT:

31. The federal and provincial governments be required to support and foster the efforts of Aboriginal governments and communities to exercise responsibility and control over their communal life.
 32. The Department of Indian Affairs be replaced by a new department established along the line of present ministries of federal-provincial relations, which would relate to Aboriginal Peoples on a Nation-to-Nation basis.
 33. The federal and provincial governments vacate those jurisdictions which they now exercise over Aboriginal lands and resources, as Aboriginal Peoples express their readiness to administer their lands, resources and community life.
 34. The federal and provincial governments provide adequate funding to ensure the effective exercise of power by Aboriginal governments.
 35. The Constitution be amended to say that the powers of the provinces over subject matters listed in Sect. 92 do not extend to Aboriginal Peoples.
 36. The implementation of self-government should reflect and respect the cultural diversity of Aboriginal Peoples.
 37. The implementation of self-government should address the legitimate concerns of Aboriginal women, recognizing the historical oppression of Indian Act structures.
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NON-VIOLENT STRUGGLE

WE RECOMMEND THAT:

53. The appropriate federal and provincial Ministers, who are responsible for the decision-making processes and structures of the Royal Canadian Mounted Police, the Canadian Security Intelligence Agency and other police forces, should review all relevant policies to ensure that non-violent forms of protest by Aboriginal Peoples are not judged to be criminal in nature and that these actions are not responded to with demonstrations of force.
 54. The churches, if invited by Aboriginal Peoples, be prepared to undertake the role of mediator and/or observer in situations of conflict and tension regarding Aboriginal rights. While not a church organization, the work of the North American Project of the Peace Brigades International, as observers of human rights violations, provides one example of such a mediatory role.
 55. The Report of the Aboriginal Justice Inquiry of Manitoba be endorsed as the working document for the creation of policing and justice systems which are accountable to Aboriginal Peoples and reflect their cultural uniqueness.
 56. A corps of mediators, trained in non-violent intervention and acceptable to federal, provincial and Aboriginal governments, be created to assist in mediating conflicts.
 57. Federal and provincial governments engage in mediation or binding arbitration, along the lines of the Getty Tribunal, rather than responding to Aboriginal resistance with extensive police force.
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PUBLIC EDUCATION

WE RECOMMEND THAT:

47. Cross-cultural education be integrated into all Canadian educational curricula.
 48. Funding be provided for broader public education by Aboriginal groups.
 49. Cross-cultural training and preparation be mandatory for all non-Aboriginal persons working among Aboriginal Peoples. This would include those involved in policing and correctional services, health and education, social services, and a variety of government agencies and departments. It is essential that such training be developed and directed by Aboriginal Peoples.
 50. A major effort be made through public education to counter the stereotyping of Aboriginal Peoples as violent and fearsome cultures.
 51. The churches explore ways to facilitate local public education, especially in areas of tension arising from Aboriginal rights struggles.
 52. More Canada Council funding be made available to publishers of Aboriginal educational texts and television programming and that these materials be distributed more widely and intentionally through Canadian school boards and educational television programming.
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The creation of this Commission comes at a time of urgency for all Canadians. We are witnessing a growing gap in the relationship between Aboriginal and non-Aboriginal peoples in this country. Daily, we read and hear of the overwhelming despair that afflicts many Aboriginal communities and Aboriginal youth in particular. It is our hope that the experience and recommendations we bring will assist the Commission in its task of identifying and articulating solutions to current problems and long standing injustices.

THE ABORIGINAL RIGHTS COALITION

The Aboriginal Rights Coalition (Project North) is the collective voice of several of Canada's churches on Aboriginal issues. We represent the Roman Catholic, Anglican, United, Presbyterian, Evangelical Lutheran, Mennonite, and Christian Reformed churches, along with the Religious Society of Friends (Quakers), the Oblates of Mary Immaculate and the Society of Jesus (Jesuits). The Coalition

includes a network of Canadians - Aboriginal and non-Aboriginal - who are involved with Aboriginal issues at the regional and local levels in many parts of the country.

Project North was launched in September, 1975. The founding churches realized that their relationship with Aboriginal Peoples, many of whom were church members, had to change drastically. The churches were challenged to work toward a new and just relationship. This new relationship, based on solidarity, would include political action directed at governments and corporations on social, economic, environmental and cultural issues affecting Aboriginal Peoples in Canada.

The onslaught of several energy resource megaprojects across northern Canada in the 1970's gave direction, and an added sense of urgency, to this new church focus. In 1976, in its submission before the Mackenzie Valley Pipeline Inquiry in Ottawa, Project North called for a:

... moratorium on all Northern resource development projects, including the Mackenzie Valley pipeline, to give Canadians an opportunity to develop alternative lifestyles, based on conserver rather than consumer attitudes.¹

1. Project North, *A Call for a Moratorium: Some Moral and Ethical Considerations Relating to the Mackenzie Valley Pipeline*, 1976, pp.1-2.



INTRODUCTION

Members of the Royal Commission, the representatives of the Aboriginal Rights Coalition here today thank you for the opportunity to present our recommendations to the Royal Commission on Aboriginal Peoples. The Commission's Terms of Reference call for a serious effort to try to discover solutions to the many problems facing Aboriginal Peoples today. These problems have been identified by numerous studies, reports and inquiries in recent years.



Despite the stated willingness of government to examine the economic and cultural situation of Aboriginal Peoples and to explore alternatives to existing structures, we believe the Commission will have to raise a loud and critical voice in condemning those practices and policies which continue to disempower and oppress Aboriginal Peoples today.

In spite of the rhetoric of change and justice, Aboriginal Peoples find themselves in a position of constant struggle, of needing to fight to defend their lands and rights. Such constant struggle is exhausting. It absorbs energy and resources that could be dedicated to economic development, cultural and spiritual renewal, family enjoyment and the celebration of life and creation.

We believe that it is the hope of all Aboriginal Peoples that they will not be fighting for the rest of their lives, that their rightful place will come to be respected and that they will be able to live fully again. Ironically, their greatest struggle is with the very governments that have the constitutional obligation to protect the rights of Aboriginal Peoples.



The opportunity to learn from and stand with Aboriginal Peoples in the struggle for justice has enriched the churches in numerous ways. In the midst of much oppression and injustice we have experienced the joy, tenaciousness, creativity and unity that characterizes the efforts of Aboriginal Peoples to struggle together. They have taught us that justice in the social order cannot be achieved in isolation from a recovery of the integrity of creation, that social justice is inextricably linked to environmental justice.

As a result, ARC and its predecessor Project North have participated in a number of Environmental Impact Assessment hearings across Canada, including the following:

- Mackenzie Valley Pipeline Inquiry (NWT 1976)
- Alaska Highway Pipeline Inquiry (Yukon 1977)
- Royal Commission on Northern Development (ONT 1977)
- Norman Wells Pipeline Inquiry (NWT 1980)
- The Churchill-Nelson Hydro Project (MAN 1976)
- AMAX Environmental Appeal Board (BC 1982)
- D.F.O. Public Hearings on Alcan's Kemano Completion Proposal (BC 1984)
- West Coast Offshore Oil and Gas Exploration (BC 1985)
- Hibernia Assessment Panel (NFLD 1985)
- Alberta-Pacific Pulpmill Hearings (ALTA 1989)
- EARP on Military Flying in Labrador and Quebec (1990)
- Scoping Hearings on the Grand Baleine Hydro Electric Project (QUEBEC 1992)

ARC works to develop and implement a program of public education and action designed to support Aboriginal Peoples in:

- achieving just settlements of Aboriginal land rights where those issues have not yet been resolved;
- enhancing the economic and political development of Aboriginal Nations and communities;
- realizing the entrenchment of the historic rights of Aboriginal Peoples in the Canadian Constitution;
- opposing industrial and/or military projects that threaten specific Aboriginal territories and communities.

ARC also seeks to:

- facilitate reconciliation between Aboriginal Peoples and all levels of the Christian community and Canadian society at large;
- clarify the moral and spiritual basis for action on the above concerns for Aboriginal justice in Canada.



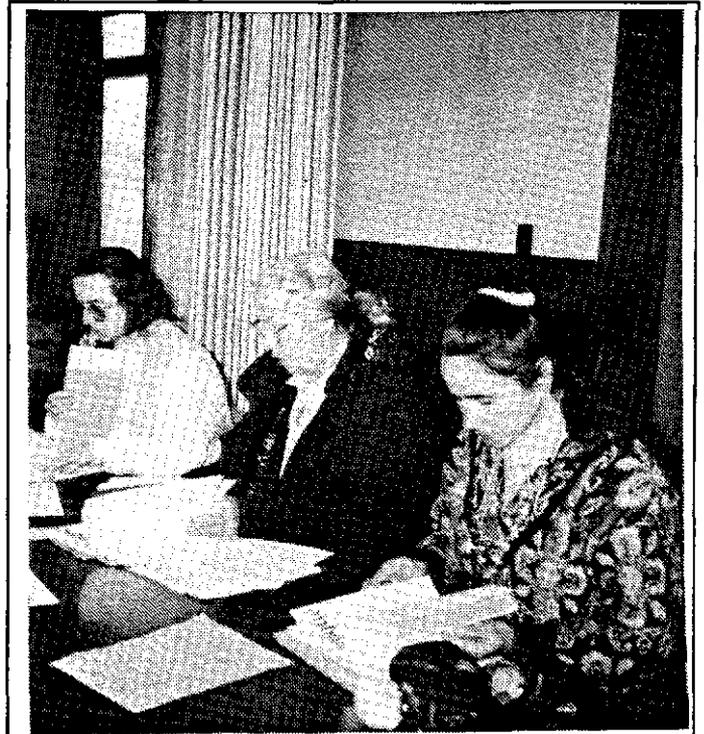
This critical approach created an instant backlash within the church constituencies. This is one of the tensions that has characterized the work of ARC (Project North) over the past eighteen years. This tension enabled the Coalition to clarify its own vision and commitment. We believe that our effectiveness is dependent upon relating concerns for justice to our spiritual understanding.

The Gospel proclaims that God's sovereignty includes all realms of life. Nothing that is human can be outside of the Church's mission... this means that we stand in solidarity with the Native Peoples of Canada who face the inseparable connection between themselves as a people, and the stewardship of the earth's resources ...

We are calling for a conversion within our social and economic structures whereby policy making and decision making will begin to reflect and make practical the values of justice, dignity and fulfillment of every human being. Our corporate sins must be acknowledged and we must turn around if we are to have a society that truly reflects the social consequences of the New Commandment. To bless the established order unconditionally is to remain unconverted! ²

While our commitment has not changed, the structure of this inter-church Coalition has, in recent years, undergone revision. In 1988, after a

year of consultation and research, a new structure and vision statement were formulated and the Aboriginal Rights Coalition was launched. ARC was conceived as a three-way partnership consisting of the ten participating churches and religious bodies, Aboriginal political organizations and regional "network groups" throughout the country. Integral to the work of the Coalition is the presence of Aboriginal and non-Aboriginal spiritual leaders to deepen spiritual reflection on Aboriginal justice concerns. The Coalition's revised mission is to strive for a new covenant that will ensure Aboriginal justice in this country.



ARC meeting Feb., 1993. (L.toR.) Elaine Bishop, Religious Society of Friends (Quakers), Rita O'Sullivan, Tem-Augama Anishnabai, Sr. Eva Solomon, Canadian Conference of Catholic Bishops.

2. *A Call for a Moratorium*. pp.7-9.



ABORIGINAL PEOPLES AND THE CHURCHES

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

The churches have been slow to recognize and acknowledge how this imbalance of power has been part of their life and work among Aboriginal Peoples. They arrived among Aboriginal Peoples with their own notions of what Aboriginal societies should become. They often allied themselves with powers which had as an aim the assimilation of whole Peoples and the replacement of their distinct languages, cultures, religions and traditions.

Today the churches are beginning to acknowledge that many of the choices they made were wrong. Several have extended apologies for their part in the suffering and abuse inflicted upon Aboriginal Peoples. They have made a commitment to help rectify the injustices that arose within the colonial and paternalistic systems which have dominated the relationship between Aboriginals and non-Aboriginals for centuries. Indeed, one of the reasons for the creation of ARC was the churches' recognition of the harm that had resulted from many of their past actions and policies.

The traumatic impact of residential schools administered by a number of the churches is a suffering that many Aboriginal Peoples are now addressing. ARC recognizes this open wound in the relationship between the churches and Aboriginal Peoples.

ARC has assisted in the coordination and facilitation of ecumenical discussion and information sharing on residential schools. In the past two years ARC has facilitated five meetings of the Taskgroup on Residential Schools. A training workshop was offered in October, 1992, on



FORMULATING RECOMMENDATIONS

For two days at the end of March, 1993, twelve representatives of the Aboriginal Rights Coalition gathered to prepare recommendations for submission to this Royal Commission. These individuals came from Ontario, Manitoba, Alberta, British Columbia, the Northwest Territories and Labrador. They represented the various Churches, Aboriginal organizations and regional network groups that make up the Coalition.

Reflecting on ARC's mandate, the group identified six themes which characterize the commitment of the Coalition and its struggle for Aboriginal justice. Those themes are:

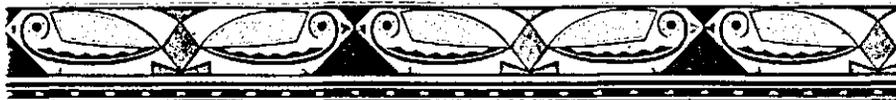
1. The Non-Aboriginal Quest for Resources: An Assault on Aboriginal Lands
2. Land Rights
3. Self-Determination
4. Healing
5. Public Education
6. Non-Violent Struggle

The group then identified the learning that ARC (and Project North) have

acquired within each theme. The learning gave rise to the recommendations which we now present to the Commission. This consultation took place prior to the publication of *Focusing the Dialogue*.³ That document describes the "four touchstones for change" which the Commission has identified during the first two rounds of public hearings. They are - the new relationship, self-determination, self-sufficiency and healing.

In addressing the twofold challenge of transformation in the lives of Aboriginal and non-Aboriginal people and reconciliation between them we have formulated a number of recommendations which fall within these four categories. We have also identified what we believe to be barriers to change and we suggest measures that could be taken toward removing them.

3. Royal Commission on Aboriginal Peoples, *Focusing the Dialogue*, Discussion Paper 2. Canada Communications Group, April, 1993.



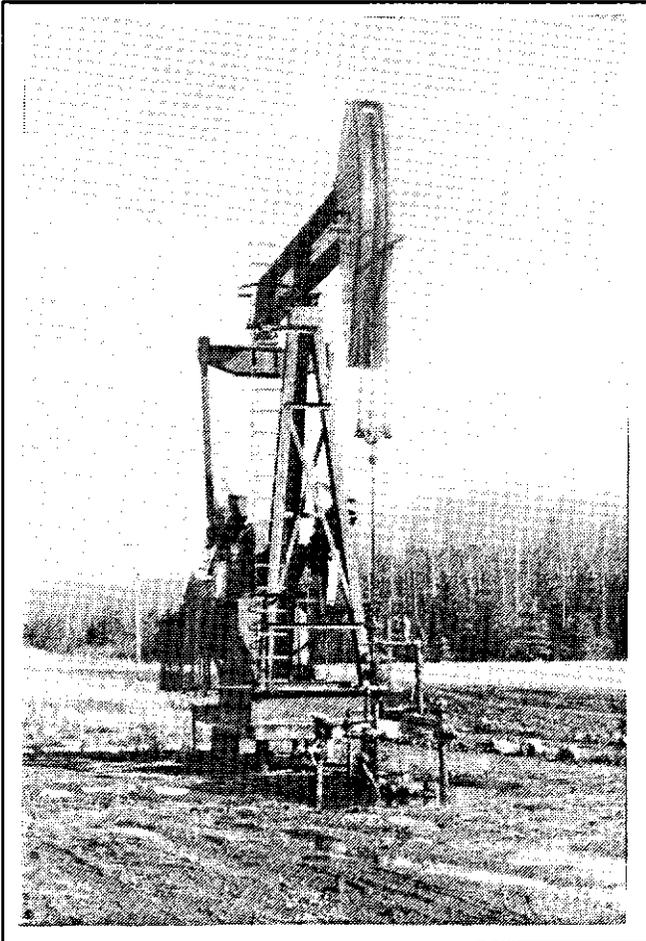
appropriate disclosure and listening skills for church staff and others working in the field. In December, 1992, ARC was asked to coordinate a meeting with the Aboriginal Circle of the Panel on Violence Against Women, and representatives of the churches that administered residential schools. Individual churches will address this issue further in their denominational briefs to this Commission.

The recommendations we make today express our hope that the problems arising from the imbalance of power at all levels will be seriously and continually addressed.



THE NON-ABORIGINAL QUEST FOR RESOURCES: AN ASSAULT ON ABORIGINAL LANDS

LEARNING & RECOMMENDATIONS



The history of Canada is often presented as an heroic frontier adventure. Many immigrants and settlers considered the land to be an unoccupied territory. They saw it as their task to "push back the wilderness" and to develop the resources of the land to suit a Euro-Canadian life style. This view of history pays little attention to the fact that this land we call Canada comprises the traditional territories of a large number of distinct Aboriginal Peoples. This same history is one in which they were often the victims of cruelty and deceit.

In his report on the Mackenzie Valley Pipeline proposal, Justice Thomas Berger challenged Canadians to "... recognize the links between (our) attitudes of... et... ttit... t n t... peoples. The assault upon the environment was also an assault on their way of life."⁴ This assault on Aboriginal Peoples and their lands is essentially a clash between two sets of powerful and conflicting values and attitudes.

4. *Northern Frontier Northern Homeland, The Report of the Mackenzie Valley Pipeline Inquiry. Volume 1. Mr. Justice Thomas Berger. James Lorimer & Co. Publishers, 1977. p.28.*



components for an adequate social impact study. The Warman Panel stated that "an adequate social impact study... comprises considerably more than a listing of benefits and a superficial overview of social costs".⁸ It went on to describe those components which it felt were "essential" for an adequate study.

Among those components, the Panel included:

- identifying the full range of communities to be impacted;
- projecting community attributes into the future to obtain an impression of what the community might look like in the absence of the introduction of the project;
- profiling communities to reveal their past and present institutions, customs and social and economic behaviors.

WE RECOMMEND THAT:

- Long before action is taken to initiate resource exploitation affecting Aboriginal Peoples and their lands, adequate resources be made available to Aboriginal Peoples to collect baseline data. (1)
- The guidelines used for assessing the impact of industrial proposals be wide-ranging with a major emphasis on the social impact of the project in question. (2)

- Provincial and federal guidelines for environmental impact assessments be expanded, and that the recommendations of the Warman Panel be used to establish the components of an adequate social impact study. (3)

Based upon our participation in several environmental reviews, it is our conclusion that the Federal Environmental Assessment Review Organization (FEARO), established by the federal government, is ineffective and works to the detriment of Aboriginal Peoples when assessing proposals that impact on them and their lands. FEARO's review of military flying activities in the territory of the Innu provides a number of examples.

1. The review was initiated seven years after low level flight training was begun in 1979, despite demands by the Innu to assess the project at that time. In 1993, fourteen years after the commencement of flight training and bombing practice, the Impact Study is still not complete.
2. The panels created by FEARO to review projects have the authority to issue preliminary recommendations. In 1986, the panel reviewing the military flying activities felt that the possible negative impacts, on the Innu in particular, were serious enough to warrant a preliminary recommendation to the Canadian government and the Department of National Defence to limit training exercises to 1986 levels, which

8. Report of the Environmental Assessment Panel, 1980, *Eldorado Uranium Refinery R.M. of Corman Park, Saskatchewan*, Ottawa, Federal Environmental Assessment and Review Process, No.13, pp.40-42.



On the one hand, we witness a growing ecological and environmental awareness. On the other hand, we experience the power of advancing technologies and the increasing consumption of natural resources. In a minimal effort to address this tension governments have passed legislation which is intended to assess the impact of industrial and technological development and to "minimize" the negative impacts.

Much of ARC's, and Project North's, activity over the past eighteen years has placed the coalition in this point of tension between conflicting values and attitudes, particularly when proposals for industrial development have affected Aboriginal lands. The following is some of the learning that we have identified in examining this assault on Aboriginal lands.

Environmental and social impact studies are flawed by a "scientific" bias that gives little or no weight to Aboriginal oral evidence or testimony.⁵ As a result, in considering the wide range of impacts of large scale industrial projects, valuable information from Aboriginal Peoples is

often disregarded. There is also a strong tendency to underestimate the social impact and cost of a project and to believe that whatever problems may arise, they can be overcome with money. Increasingly this assumption is proving to be dangerously and tragically false.

The recent judgment of the Supreme Court of Canada on the Oldman River Dam makes it quite clear that the "environment... understood in its generic sense,... encompasses the physical, economic and social environment and touches upon several heads of power assigned to the respective levels of government".⁶ Elsewhere it states that:

"... the potential consequences for a community's livelihood, health and other social matters from environmental change are integral to decision-making on matters affecting environmental quality, subject, of course, to the constitutional imperatives..."⁷

The Environmental Assessment Review Panel for the proposed Eldorado Uranium Refinery in Saskatchewan (Warman Panel) in 1980 described

5. As one example we note the comments of Hon. Chief Justice Allan McEachern in his Judgement in the Delgam Ukw case in the Supreme Court of British Columbia. "I am unable to accept *adaawk, kungax*, and oral histories as reliable bases for detailed history but they could confirm findings based on other admissable evidence," 1991, p.75.
6. *Issues and Concerns that Should be Included in the Guidelines for the Grand Baleine Hydro-Electric Project Environmental Impact Statement. A submission by the Aboriginal Rights Coalition at the Public Consultation on the Scope of the Guidelines.* 19 March, 1992, p.11.
7. *Issues and Concerns ...* p.12. This judgement of the Supreme Court is cited in *Friends of the Oldman River v. Canada (Minister of Transport)* January 23, 1992, p.9.



Where Aboriginal communities or governments have developed what they regard to be viable models of community and resource development, that all other levels of government agree to vacate jurisdictions in order to promote the development of these alternative models. (7)

It is clear that the federal and provincial governments possess fiduciary obligations in their relationship with Aboriginal Peoples. These obligations are constitutionally entrenched in Section 35. ARC has witnessed the refusal of governments to acknowledge their obligations to protect Aboriginal rights and to use Sect. 35 to implement Nation-to-Nation relationships with Aboriginal Peoples. When faced with industrial proposals affecting Aboriginal Peoples and lands, both the federal and provincial governments have failed to honour constitutionally recognized rights.

WE RECOMMEND THAT:

- The hunting and fishing rights, including commercial fishing rights, of Aboriginal Peoples be acknowledged by the federal, provincial and territorial governments. (8)

- Governments protect these rights through effective policies and enforcement mechanisms. (9)
- A watchdog agency and legal defence fund be created with a mandate to monitor the actions of government with regard to industrial proposals to ensure that governments respect the constitutionally recognized rights of Aboriginal Peoples. (10)



totalled 3,000 flights. This recommendation has been blatantly disregarded by the department and the federal government. The number of training flights has increased sharply each year since that time. Present agreements permit NATO air forces to undertake more than 8,000 sorties a year. Practice bombing has escalated from the use of small "cold smoke" devices to 500 and 1,000 pound bombs and laser guided bombs. In December of 1992, the Canadian government signed an Agreement with Germany which will permit that country to extend its low level flight training for another ten years. All of these actions defy the recommendations of the Panel formed by government to review the project.

3. In the FEARO process it is the proponent of the proposal who is given the task to review the project. Scientists and researchers are paid by the proponent to review the impact of the project. It is logical to expect, and experience has shown, that "he who pays the piper calls the tune".

WE RECOMMEND THAT:

- In order to ensure fair and thorough environmental assessments of industrial proposals, independent assessment bodies be established which would exercise force and authority in making decisions. The members of these assessment bodies would be approved by the federal, provincial, territorial and Aboriginal governments. (4)
-

When considering economic development and self-sufficiency in Aboriginal communities there is a tendency to underestimate the vitality of the Aboriginal cultures and economies that have persisted. It is assumed that, with the change to permanent settlement, Aboriginal Peoples no longer depend on their ancestral lands.

We have learned that the management proposals Aboriginal Peoples put forward for these lands are often viable alternatives to the "status-quo" exploitation of resources. The "Vision of Co-Existence" as a land stewardship model, developed by the Teme-Augama Anishnabai serves as one example.

WE RECOMMEND THAT:

- The alternative models of land stewardship and economic development formulated by Aboriginal Peoples be explored as viable development alternatives. (5)
- Such alternative models be solicited and be given equal consideration when economic proposals and approaches are being assessed. (6)



The federal and provincial governments consider payment of compensation to Aboriginal Peoples whose land has been stripped of resources before land rights issues have been settled.¹⁰ (14)

In geographic areas which provide renewable and non-renewable resource economic potential, industry tends toward exploiting non-renewable resources. The reason for doing so is largely because non-renewable resources provide a larger financial return in the short-term. Concentration on the non-renewable resources of a region can have disastrous effects on Aboriginal Peoples and on their continuing efforts to live on the renewable resources of the land.

The devastating loss of the hunting and trapping resources of the Lubicon Cree, as a result of gas and oil exploration and production, serves as one example. In a ten year period four hundred oil wells were built within a fourteen mile radius of Little Buffalo. It is estimated that oil and gas companies have made between \$6 and \$7 billion

since 1979 from oil and gas resources in Lubicon territory. Prior to exploration 95% of the Lubicon people were self-sufficient. Today 95% of the population is on welfare.

It is often the case that once industry has extracted the non-renewable resources of a region, the site is abandoned leaving the land scarred, at times, irreparably.

WE RECOMMEND THAT:

- Resource use be implemented in ways that are environmentally sustainable and respectful of the land rights of Aboriginal Peoples and their concerns regarding the environment and wildlife. (15)
 - Legislation be enacted requiring that damaged sites be restored to their original condition before the developer leaves the site. (16)
-

10. Precedence for compensation has been established by the payment of more than \$20 million to logging companies in relation to South Moresby, who did not have recognized ownership interest in that territory! Loss of resources, loss of the ability to make a living off the land, and loss of spiritual sustenance, would all be reasons for compensation to Aboriginal Peoples.



The existing Comprehensive Land Claims Policy was identified as a major barrier to change in our discussions concerning the economic assault on Aboriginal lands. This policy does not permit discussion of interim protection for Aboriginal lands during the negotiation process. This, combined with the built-in prolongation of talks, enables governments to give away lands and resources to third parties throughout negotiations.⁹ The refusal to permit discussion of interim protection for Aboriginal lands is one of the many examples of the federal and provincial government's betrayal of their obligation to negotiate in good faith.

WE RECOMMEND THAT:

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- A moratorium be placed on all industrial projects on unceded territory on which negotiations are pending or are in progress, unless an agreement is made with the Aboriginal People concerned. (11)
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For decades government and industry have profited from the extraction of resources on unceded lands and on lands

belonging by treaty to Aboriginal Peoples. They have done so with no compensation to Aboriginal Peoples and no sharing of revenue or royalties. Governments tend to refuse to enter into land or self-government negotiations until the resources of those lands are judged valuable in the eyes of industry. Once industry has set its sights on Aboriginal lands, it is already too late to ensure a just settlement.

WE RECOMMEND THAT:

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- Where resource extraction is already taking place on Aboriginal lands, and where land rights negotiations are in progress, a percentage of the revenue created be set aside as a royalty to be held in trust for the Aboriginal People concerned. (12)
 - In the future an equitable sharing of resource revenues be established between Aboriginal governments and federal and provincial governments. Such sharing of resource revenues is required to enable Aboriginal Peoples to build an adequate financial base for the implementation of self-government and to compensate for the negative impact on their traditional economy that industrialization so often entails. (13)

9. Clayoquot Sound in British Columbia, the traditional homeland of several bands of Nuu-Chah-Nulth, is now being divided up for logging, scenic corridors, recreation and preservation: all BEFORE land negotiations are settled.

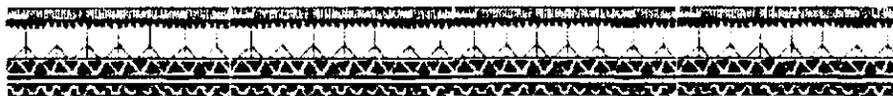


recognize. As a result, government was compelled to enact legislation creating a negotiating process which was intended to settle outstanding land conflicts. Today we are witnessing an abdication of this responsibility on the part of the federal government as it transfers responsibilities in these matters to the provinces. With this abdication of responsibility has come the erosion of the original intent and purpose of this legislation.

A further example of federal and provincial unwillingness to negotiate in good faith is witnessed in the tendency of these governments to use agreements and memoranda of understanding as a means to avoid fulfilling responsibilities and commitments. Once on paper, agreements become the subject of unending debate regarding interpretation and intent. The difficulties experienced by the James Bay Cree in getting the federal and provincial governments to implement the terms of the James Bay and Northern Quebec Agreement attests to this.

WE RECOMMEND THAT:

- Current policies directing land negotiations be fundamentally changed to accommodate the unique histories and current needs of each Aboriginal People participating in the process. (17)
 - Land rights negotiations be expanded to accommodate the intimate knowledge and understanding Aboriginal Peoples have of the Earth. (18)
 - Treaties be recognized in their bilateral origin as Agreements between Nations. Both their oral and written renderings be given equal weight in cases of dispute over interpretation. (19)
 - The Commission firmly remind the federal government that the mandate to negotiate just land agreements with Aboriginal Peoples is not a charitable act but a legal and constitutional responsibility. (20)
 - The resolution of outstanding land issues remain within the mandate of the federal government. (21)
-



ABORIGINAL LAND RIGHTS

LEARNING & RECOMMENDATIONS

Aboriginal land rights are often in conflict with the aspirations of industry and government to exploit the resources of a particular region. This is especially the case when the development in question takes place in the north.

Two notions of land ownership exist in Canada today; common and private lands. In the north land is classified primarily as crown land to which everyone has access. In the south land has been privatized. The designation of the north as Crown Land characterizes the inequity that exists in our relationship with Aboriginal Peoples. Despite the efforts of Aboriginal Peoples to protect what they understand to be their lands, both government and industry stubbornly maintain the position that these lands are open and accessible to all.

History shows that when newcomers arrived in this country competition for resources became a determining factor shaping the new society. Where lands and resources were desired, treaties were negotiated. Land considered undesirable was left untreated.

Governments have been reluctant to acknowledge that Aboriginal rights were violated in this competition for resources. In 1973, then Prime Minister Pierre Trudeau was forced to acknowledge that Aboriginal Peoples had more rights than he or his government had been ready to



WE RECOMMEND THAT:

- **Third parties should not be at the negotiating table even under the guise of representatives of a government negotiating team. The bilateral, Nation-to-Nation, status of these talks must be safeguarded. (23)**
-

In order to be accepted into the process, Aboriginal Peoples must first accept that all the lands in question are "Crown Lands". In other words, they must give up everything just to get into the process. They are expected to accept the federal and provincial position which maintains that once a settlement is reached Aboriginal rights are extinguished. Then, according to rules, procedures and definitions of "land use" pre-defined by the federal government, they must argue for title to small parts of their original territories. The goal of government is to take as much land and as many resources as possible from the Aboriginal People they are negotiating with.

The Department of Indian Affairs decides who qualifies for negotiations. It decides on the level of loan funding to be provided. It can, and does, choose to

suspend negotiations if it's unhappy with the way in which the Aboriginal People is negotiating. Given the abuse of power that this system represents it is not surprising that the federal and provincial governments refuse to negotiate in public.

Justice will never be achieved until governments, and Canadians generally, recognize that title to lands and resources has been taken away from Aboriginal Peoples and that the solution to many of the problems faced by them requires compromises from the dominant society that would return land and resources to them.

Aboriginal People have continually pointed to the futility of the present structure of negotiation which consists of meetings with federal and provincial representatives who have no power to negotiate. They merely present the dictates of senior civil servants, deputy ministers and ministers who remain ensconced in their offices in capital cities.

Understandably, Aboriginal Peoples doubt that the federal government has any real desire or will to bring about changes to these policies. In 1985, the government commissioned an examination of the Comprehensive Claims Process. The subsequent *Coolican Report* made very



Non-Aboriginals define land and territory according to human borders. Aboriginal People have reminded us that fish don't stop swimming where courts have placed lines on maps, and moose don't trip over provincial boundaries. This speaks to a basic clash of territorial notions. Aboriginal knowledge of the natural order, their understanding of the spiritual significance of land, and their input on the impact of industrial activity upon this order, is as valid as western scientific thinking and can complement the latter.

In the case of overlapping territory between Aboriginal Peoples, the existing land negotiations policy has created a divisive situation between Peoples who for centuries have been able to work out issues regarding territory and shared access to resources. As a result of the mechanisms of negotiation dictated by government, Aboriginal Peoples have been pitted against each other resulting in prolonged negotiations and increased difficulty in reaching settlements.

WE RECOMMEND THAT:

- A new land rights negotiating process be established which will allow for different Aboriginal territorial concepts and which will encourage alternative approaches in settling issues regarding overlapping Aboriginal territory. (22)
-

As current land rights negotiations proceed in British Columbia, third party advisory committees representing business, industry and municipalities have been granted the right to consult, in confidence, with the provincial government negotiating team.

However, representatives of municipalities also may be designated as members of the provincial negotiating team, allowing them to participate at the negotiating table as members of the government and not as representatives of third party interest which they are. In fact, as creatures of the province, their interests already are served at the table by the provincial negotiators, and they should not be at the table under any guise.



SELF-DETERMINATION

LEARNING & RECOMMENDATIONS

The implementation of the recommendations of this Royal Commission will provide a unique opportunity for this country to overcome past injustices, to heal old and festering wounds and to develop just relationships between Aboriginal and non-Aboriginal Peoples. The entrenchment of Aboriginal self-government as an effective right in the Constitution is essential to



provide an environment conducive to healing and reconciliation. Constitutional amendments enabling the exercise of Aboriginal self-government are also required.

In February of 1987, the major Christian churches in Canada issued a Statement which advocated a new covenant between Aboriginal and non-Aboriginal Peoples.¹³ In that Statement the churches

identified the right to self-government as the means by which this new relationship will be created.

Self-determination is not something to be defined by non-Aboriginal governments, nor can it be granted or awarded by them. Self-determination means the right of Aboriginal Peoples to realize their aspirations as Peoples and Nations; to be distinct in terms of language,

13. *A New Covenant: Towards the Constitutional Recognition and Protection of Aboriginal Self-Government in Canada. A Pastoral Statement by the Leaders of the Christian Churches on Aboriginal Rights and the Canadian Constitution.* 5 February, 1987. (Appendix 2)



positive recommendations which, if implemented, would have resulted in dramatic improvements. However, in 1987 the government chose to ignore most of these recommendations and made only minor revisions to the claims policy. It is our conviction that radical changes are required to the existing "specific" and "comprehensive" land claims policies to make them more just.

WE RECOMMEND THAT:

- A land negotiations agency be established, independent of government ministries, with the mandate to negotiate and settle outstanding land issues.¹¹ (24)
- The land negotiations agency be founded upon the recognition of the Nation status of Aboriginal Peoples and their legal and moral right to the territories that constitute their traditional lands. (25)
- The land negotiations agency establish panels or tribunals which would have the full authority to decide who qualifies for negotiations, and to make rulings on the validity of claims. The key decisions affecting negotiations and funding would be made by these tribunals. In the case of a dead-lock in negotiations they would have the authority to intervene. (26)

- A sufficient number of tribunals be created to allow for a larger number of land issues to be addressed simultaneously. (27)
 - The tribunals ensure that both sides in the negotiations have equal access to research, resources and expertise. (28)
 - It be made clear in the mandate of such tribunals that the aim of negotiations is the implementation of Aboriginal rights and not their extinguishment. (29)
 - The Commission undertake research of the Waitangi Tribunal of New Zealand which the Aboriginal Justice Inquiry of Manitoba recommended as a working model for a new negotiating process.¹² (30)
-

11. Similar recommendations have been made by the Assembly of First Nations (AFN Yellowknife Conference - 9 April, 1993) and by the *Report of the Aboriginal Justice Inquiry of Manitoba*, Vol. 1, D.W. Friesen & Sons Ltd., 1991, p.180.

12. *Report of the Aboriginal Justice Inquiry of Manitoba*, Vol. 1, p.181.



The federal government continues to weaken the unity and national identity of Aboriginal Peoples in a number of ways. Too often the tactic of "divide and conquer" is regarded as an acceptable practice on the part of the Department of Indian Affairs.

There are other measures taken by government that have the same effect. For example, it refuses to consider any form of self-government other than a community based model with only municipal-type powers. Its efforts to localize the focus of negotiations to communities and to "territory surrounding communities" enables the government to avoid the broader implications attached to the Aboriginal understanding of traditional territories.

WE RECOMMEND THAT:

- The Department of Indian Affairs be replaced by a new department established along the line of present ministries of federal-provincial relations, which would relate to Aboriginal Peoples on a Nation-to-Nation basis. (32)
-

Throughout this country, Aboriginal People are taking steps to recover control and jurisdiction over many aspects of their lives: education, social services, health care, resource and environmental protection, and policing. In some cases the federal government has seen these developments as an opportunity to transfer limited responsibilities to Aboriginal communities. However, the manner in which they have done so suggests that the decision is largely a cost saving measure on their part. The transfer of responsibility does not include adequate funding to fulfill those responsibilities. Most often the transfer of administrative responsibility for programs and services involves no real authority. Aboriginal People are still having to "check out" even minor details with federal or provincial authorities.

Too often, intransigent governments at the federal and provincial levels continue to find ways to defer implementing measures which would assist Aboriginal Peoples in exercising the right of self-determination. As a result, Aboriginal Peoples, increasingly, are forced to exercise that right independently. Taking such actions often results in reprisals from the federal and provincial governments, the most common forms of reprisal being the elimination or



traditions and spirituality, and to be the architects of their own future. It means having an adequate land and resource base, and control of those lands and resources. It requires wide-ranging jurisdictions which will enable Aboriginal Peoples to run their own institutions. In light of the dispossession of Aboriginal Peoples in the past, self-determination also requires compensation for past, and continued, illegal use of Aboriginal lands and resources.

The recognition and implementation of Aboriginal self-government in Canada is a means by which Aboriginal Peoples will give another concrete expression of themselves as distinct Peoples. Through the exercise of self-government they will develop the economic potential of their lands, and determine their own cultural, social and religious institutions.

The Aboriginal Rights Coalition has witnessed government undermining even the smallest efforts of Aboriginal Peoples to exercise self-government. The efforts of the Innu people of Davis Inlet to mandate Innu peace officers this past year provides an example.

In the fall of 1991, the Innu community sent two young men to be

trained at a recognized police training institute in British Columbia. In July of 1992, after they had successfully completed their training, the community mandated the two men as peace officers. That same day, the government of the province of Newfoundland announced that if these two men attempted to exercise any aspect of this role, even that of dog control in the community, they would be arrested. Newfoundland Justice Minister, Ed Roberts, told reporters: "These two men are no more police officers than you or I."¹⁴

In January 1993, it was these same two men who helped save the lives of six Davis Inlet teenagers after finding them semi-comatose from sniffing gasoline in an apparent suicide pact.

WE RECOMMEND THAT:

- The federal and provincial governments be required to support and foster the efforts of Aboriginal governments and communities to exercise responsibility and control over their communal life. (31)
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14. Ottawa Citizen, 'Innu Police Officer Saves Six Teens - and Minister, 3 Feb., 1993.



HEALING

LEARNING & RECOMMENDATIONS



In retrospect, it has become all too clear that past delininations of responsibility in relation to Aboriginal Peoples in this country, and past forms of agreement, including many of the treaties, have not served the demands of justice. Dispossessed of their lands, relegated to reserves or marginalized in urban centres, Aboriginal

Peoples experience the highest rates of unemployment, poverty, alcoholism, suicide, imprisonment and infant mortality in Canada, social problems that seem to worsen exponentially in every generation.

Europeans who first arrived here centuries ago appropriated many of the foods, clothing and modes of transportation that Aboriginal Peoples had developed. For some years Europeans and Aboriginal Peoples lived a somewhat interdependent existence. However, as European colonizers decided that they needed land for new economic uses such as agriculture, mining and forestry, Aboriginal uses and ways of living on the land were judged irrelevant and economically insignificant.

Great efforts were taken to devalue and then eradicate traditional roles and beliefs. The result has been the tragic loss of roles and standards by which self-esteem was defined.

Federal policies have had the same effect. For many decades government viewed Aboriginal Peoples as an "Indian



withholding of funding. For those groups who are in negotiations with government, such actions also result in the suspension of talks.

WE RECOMMEND THAT:

- The federal and provincial governments vacate those jurisdictions which they now exercise over Aboriginal lands and resources, as Aboriginal People express readiness to administer their lands, resources and community life. (33)
 - The federal and provincial governments provide adequate funding to ensure the effective exercise of power by Aboriginal governments. (34)
 - The Constitution be amended to say that the powers of the provinces over subject matters listed in Sect. 92 do not extend to Aboriginal Peoples. (35)
 - The implementation of self-government should reflect and respect the cultural diversity of Aboriginal Peoples. (36)
 - The implementation of self-government should address the legitimate concerns of Aboriginal women, recognizing the historical oppression of Indian Act structures. (37)
-



The Canada Council be given additional funding which would be earmarked for projects which present the history and culture of Aboriginal Peoples to the wider community. Funds would be set aside for Aboriginal artists, writers and researchers. (41)

- An Aboriginal cultural agency be established in cooperation with Aboriginal cultural and political organizations. It would have two roles: (1) to distribute funding to Aboriginal artists, writers and cultural organizations and (2) to draw on the work of Aboriginal artists and cultural organizations, to coordinate public education, about Aboriginal history and culture. (42)
- Funding be restored to pre-1992 levels to Aboriginal newspapers, magazines, and broadcast media. (43)
- Financial and logistical support be given to the development of Aboriginal cultural colleges and institutions of higher learning that would be geographically and culturally more accessible to Aboriginal individuals. (44)

In some countries it has been necessary to establish "Truth Commissions" (most recently in El Salvador) to investigate violations of human rights and reveal the truth regarding the actions of governments. Many Canadians feel that only this form of strong and prolonged international pressure will sufficiently shame Canadian governments into enacting the changes which are required to ensure the well-being of Aboriginal Peoples in this country.

WE RECOMMEND THAT:

- As part of their final report, the Commissioners include concrete recommendations for action to be taken should the government fail to act on the Commission's recommendations within a timetable that the Commissioners suggest. (45)
-



problem" and it looked forward to the day that they would cease to exist as distinct Nations and Peoples by being assimilated into the Canadian population. It is our experience that this goal continues to influence some aspects of policy, especially in the case of several provincial governments.

There is a tendency for institutions exercising power, be they churches, governments, police or industry, to refuse to admit error or wrong-doing. The injustice and cruelty experienced by Inuit families relocated to the high Arctic in the 1950's, and the refusal of those involved in the decision to now take responsibility, serve as bitter examples.

WE RECOMMEND THAT:

- Aboriginal Peoples name how the issue of healing is to be described and defined; that Aboriginal Peoples identify and direct appropriate responses from non-Aboriginal individuals and organizations, including churches and governments. (38)
-

It is our belief that truth-telling and acknowledgement are necessary preconditions for reconciliation and healing, as is the knowledge of one's history. Over the past three centuries Aboriginal Peoples have been removed from their histories and now must be given the opportunity to reclaim them. Non-Aboriginal people have a responsibility to learn those histories and to acknowledge their own histories. We hope that the churches will provide opportunities for those stories and histories to be told.

WE RECOMMEND THAT:

- The school curriculum in Aboriginal and non-Aboriginal communities include courses that would stress, in a positive manner, the rich heritage of the different Aboriginal Peoples in Canada. (39)
- The CBC/Radio Canada be instructed to devote a certain number of hours per year to programming which focuses on the culture and history of Aboriginal Peoples in Canada. (40)



PUBLIC EDUCATION

LEARNING & RECOMMENDATIONS

In this country, the existing dominant economic structures operate with a vision of the north as a store-house of resources to fuel the economic well-being of southern Canada. As René Fumoleau, who has lived in Denendeh for over thirty-five years, has said; "There are eastern Canadians and western Canadians and northern resources". Such a view perpetuates the injustices suffered by Aboriginal Peoples in the north.

There is a persistent fear on the part of Canadians, accentuated all the more in hard economic times, that justice for Aboriginal Peoples, while necessary, will mean that non-Aboriginals will "lose out". We witness a similar fear of change on the part of the federal and provincial governments. They fear that the economic, political and environmental alternatives being put forward by Aboriginal Peoples, j.....

demand, will mean, for government, the loss of land, resources, jurisdiction and power.

Much work is required to counter the notion that such change must be viewed negatively. The challenge is to present to Canadians the perspective that justice for Aboriginal Peoples will enrich Canadian society, and that a new relationship between Aboriginal and non-Aboriginal holds a potential we have not dared to consider.



Aboriginal Peoples are identifying the many evils suffered by them as being interconnected and originating in their loss of control over their lives, both individually and collectively. They are beginning to develop holistic proposals for change and healing. Several examples come to mind: the efforts of the people of Alkalai Lake, and the 'Okanagegayin' program for healing and renewal that is operated by the Anishinaabeg People north of Kenora. Recently the Innu have also developed a seven point plan for renewal.¹⁵ Each of the seven elements is viewed as essential to the overall objective of renewal. These various approaches to healing are based on the conviction that social renewal and recovery will only be achieved as Aboriginal Peoples regain control of their lives.

These holistic plans for healing and renewal reveal the inadequacy of the federal government's approach to Aboriginal Peoples. For too long the approach has been one of applying administrative band-aids to gaping wounds. It is essential that government support and work with Aboriginal communities as they develop holistic programs for renewal and the creation of a new future.

WE RECOMMEND THAT:

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- The government support Aboriginal efforts to develop their own programs for renewal. (46)
-

15. *Hearing the Voices: Government's Role in Innu Renewal*, a presentation by the Mushuau Innu Council and Innu Nation to Federal and Provincial Government Representatives, 23 February, 1993.



We believe it is necessary that governments and churches recognize their culpability in perpetuating racist practices and beliefs. The response of the Department of Indian Affairs to media stories that gain public sympathy and which accentuate the poverty and desperation of Aboriginal Peoples provides an example.

Very often DIAND responds with its own media campaign emphasizing the number of dollars spent by government on a particular Aboriginal People or community. Invariably, these "information bulletins" conveniently refrain from presenting the whole picture. The revenue accumulated by government through the removal of resources from Aboriginal lands is omitted, as is a break-down of costs related to comparable non-Aboriginal communities. Such publicity campaigns propagate misinformation and are largely responsible for the prevailing attitude that money addressed to Aboriginal Peoples is money "thrown away". These, and other tactics of government, have deeply influenced Canadians and have reinforced ugly stereotyping of Aboriginal Peoples.

Such racist attitudes, combined with the bitterness that often accompanies disputes over land and resources, result in dangerous tensions between Aboriginal and

non-Aboriginal communities. It has been our experience that, most often, few opportunities exist to bridge the gap that separates both sides. In some regions ministerial associations (organizations comprising the local ministers and pastors) have conducted effective public information and discussion sessions as a way to facilitate dialogue.

These tensions are compounded by the fact that Canadian society has been conditioned to think of Aboriginal Peoples as being violent. The notion pervades our literature (past and present), film and scholarship. Historically, non-Aboriginal society has encouraged such notions to justify and mask its own violence and lust for Aboriginal lands and resources.

WE RECOMMEND THAT:

- A major effort be made through public education to counter the stereotyping of Aboriginal Peoples as violent and fearsome cultures. (50)
 - The churches explore ways to facilitate local public education, especially in areas of tension arising from Aboriginal rights struggles. (51)
-



Public education is one means of increasing the awareness that the history of Canada's relationship with Aboriginal Peoples is marked by injustice, dishonesty and broken promises, and that our economic and political structures continue to reflect those injustices.

ARC (Project North) and its constituent bodies have facilitated cross-cultural experiences with a number of Aboriginal Peoples. This has involved awareness workshops and programs (in some cases annually) with the Dene, Haida, Lubicon Cree and Innu. Various Aboriginal Peoples and organizations have also facilitated cross-cultural experiences. Such programs could serve as a model for cross-cultural education for various sectors of society.

It is too often the case that those entrusted with responsibilities in relation to Aboriginal Peoples have little awareness, or appreciation, of the cultural differences of the Peoples they are expected to serve. Bureaucrats and Ministers of government become "instant experts" with vast powers to shape the destiny of Peoples about whom they know little or nothing.

WE RECOMMEND THAT:

- **Cross-cultural education be integrated into all Canadian educational curricula. (47)**
 - **Funding be provided for broader public education by Aboriginal groups. (48)**
 - **Cross-cultural training and preparation be mandatory for all non-Aboriginal persons working among Aboriginal Peoples. This would include those involved in policing and correctional services, health and education, social services, and a variety of government agencies and departments. It is essential that such training be developed and directed by Aboriginal Peoples.(49)**
-

Many Aboriginal Peoples are continuously confronted by racism, discrimination and attitudes of "white privilege". Both racism and discrimination create a situation of intolerance, domination, ignorance, and fear and hatred of the unknown. "In many ways, those dominated have actually become strong through not having all of these unearned advantages, and that is one of the reasons why they have a lot to teach..."¹⁶

16. *Understanding White Privilege*, a presentation by Peggy McIntosh, Associate Director of the Wellesley College Center for Research on Women, 1988.



NON-VIOLENT STRUGGLE

LEARNING & RECOMMENDATIONS



One of the lamentable characteristics that marks Aboriginal Peoples as distinct in this country is the fact that they find themselves in a constant struggle. It is a struggle against various forms of violence directed at them from all sides.

Through its participation in the struggles of Aboriginal Peoples, ARC recognizes that when all other democratic

options available to Aboriginal Peoples have failed, it is necessary to adopt strategies of non-violent direct action. We have learned first-hand how legitimate social and political dissent by Aboriginal Peoples has been treated as criminal activity by the government. Time, and time again, resistance by Aboriginal Peoples has been criminalized.



In the field of public education, ARC has experienced difficulties in getting the support of its constituencies for Aboriginal issues. However, our experience suggests that it is necessary to remain undiscouraged by the seeming lack of progress in the field of public education. We have learned that people are much more comfortable considering and supporting change in "someone else's backyard". Therefore, it is necessary to be patient when working toward changes in attitude, awareness and behavior. There can be leaps forward in public knowledge, sympathy and interest if conditions are right. For example, when Canadians are not preoccupied with their own economics they are more willing to be educated and informed. Increasingly, Aboriginal Peoples are developing their own means to inform and educate the Canadian public and they are developing support networks to work for change.

WE RECOMMEND THAT:

- More Canada Council funding be made available to publishers of Aboriginal educational texts and television programming and that these materials be distributed more widely and intentionally, for example through Canadian school boards and educational television programming. (52)
-



WE RECOMMEND THAT:

- The appropriate federal and provincial Ministers, who are responsible for the decision-making processes and structures of the Royal Canadian Mounted Police, the Canadian Security Intelligence Agency and other police forces, should review all relevant policies to ensure that non-violent forms of protest by Aboriginal Peoples are not judged to be criminal in nature and that these actions are not responded to with demonstrations of force.(53)
-

Internationally, Canada has been able to avoid scrutiny and criticism of its treatment of Aboriginal Peoples by arguing that Aboriginal Peoples here do not suffer the physical abuse and torture that is prevalent in many countries in the world. This line of argument dismisses the spiral of violence that afflicts Aboriginal Peoples today.

There is first of all the institutional violence described so often in this document. This in turn gives rise to "reactive violence" on the part of the oppressed who usually inflict it initially on themselves and those closest to them. This "reactive violence", symptomatic of

cultural distortion, calls forth a "repressive violence" on the part of the state reflected, for example, in the high rates of incarceration of Aboriginal people in every province and territory of Canada. As Aboriginal Peoples begin to revitalize themselves, they organize for self-defense and, if necessary, armed struggle for liberation.

Non-Aboriginal society needs to recognize that there are various forms of violence inflicted upon Aboriginal Peoples. Resource extraction on Aboriginal lands, without the consent of the Aboriginal People concerned, is theft, a form of violence. Racist actions and attitudes do violence to the self-esteem and dignity of individuals and Peoples. The systematic devaluation of Aboriginal cultures and the attempt to assimilate Aboriginal Peoples constitute violence in the extreme and represent forms of cultural genocide. Churches, as institutions in the heart of communities throughout Canada, can play an important role in community understanding of Aboriginal issues.



Very often when Aboriginal Peoples do resist peacefully all of the resources of the state are unleashed against them. We have witnessed excessively large numbers of police and military personnel being used to arrest small groups of non-violent people. At Meadow Lake, for example, 80 RCMP officers were dispatched in June, 1992, to arrest a small number of protestors. The RCMP have responded to the actions of the Lubicon Cree in 1988 with dogs and machine guns. When the Innu protested the use of their land and airspace for military flight training in 1989, the police and military responded by surrounding women, children and elders with coils of razor wire.



The use of the Canadian Security Intelligence Service to investigate Aboriginal organizations¹⁷ is another example of how governments misuse institutions which are intended to be accountable to society. When it comes to Aboriginal Peoples those institutions are used to intimidate and harass. Even when Aboriginal police units have been established they have not been exempt from this kind of abuse.

In a 1991 study by the Cree-Naskapi Commission, addressing the issue of policing and the administration of justice, the Crees are highly critical of the uncooperative stance taken by the Quebec provincial police. They charge that

provincial police are abusing their control of Cree policing units "... using them to gather information related to threats of civil unrest."¹⁸

17. In June of 1990 a Parliamentary Committee criticized CSIS for its investigation of the Innu of Labrador during the winter of 1988-1989. The Committee called upon the Service to provide a complete report of its investigation.

18. *Report of the Cree-Naskapi Commission 1991*, Ottawa: The Cree-Naskapi Commission, 1991, p.30.



The events that occurred at Oka in the summer of 1990 resulted from a combination of factors that exist in many places throughout this country. Without being alarmist, what we've heard Aboriginal Peoples saying is that the conditions are ripe for violence. At the same time we witness to the reality that Aboriginal Peoples are searching for non-violent and reasonable methods to settle conflicts. Only a total breakdown of alternate means will result in violence. Governments have not yet shown a readiness to abandon antagonistic positions and tactics that increase the possibility of violent outbreaks. Until a fundamental change of attitude occurs, whereby governments begin acting in good faith, the threat of violence remains.

WE RECOMMEND THAT:

- A corps of mediators, trained in non-violent intervention and acceptable to federal, provincial and Aboriginal governments, be created to assist in mediating conflicts. (56)

- Federal and provincial governments engage in mediation or binding arbitration, along the lines of the Getty Tribunal,²⁰ rather than responding to Aboriginal resistance with extensive police force. (57)
-

20. The Getty Tribunal was created to address issues related to the Lubicon Cree.



WE RECOMMEND THAT:

- The churches, if invited by Aboriginal Peoples, be prepared to undertake the role of mediator and/or observer in situations of conflict and tension regarding Aboriginal rights. While not a church organization, the work of the North American Project of the Peace Brigades International, as observers of human rights violations, provides one example of such a mediatory role. (54)
-

This Commission has heard many Aboriginal persons detail the violence and suffering inflicted upon them by the police, courts and correctional system. Numerous inquiries have been undertaken over the past decade to investigate these issues. The most extensive of these is the 1991 Report of the Aboriginal Justice Inquiry of Manitoba. That report presents a comprehensive view of how the legal system fails Aboriginal Peoples. "It has been insensitive, and inaccessible, and has arrested and imprisoned Aboriginal people in grossly disproportionate numbers."¹⁹

We note with deep regret the refusal of both the federal and provincial governments to consider seriously the

19. *Report of the Aboriginal Justice Inquiry of Manitoba*, p.97.

main recommendations of that Report which would have initiated discussions leading to the establishment of Aboriginal justice systems.

WE RECOMMEND THAT:

- The Report of the Aboriginal Justice Inquiry of Manitoba be endorsed as the working document for the creation of policing and justice systems which are accountable to Aboriginal Peoples and reflect their cultural uniqueness. (55)
-

Aboriginal Peoples are continually encouraged by the federal and provincial governments to "trust the system". They are told: "The system can work for you". The "system" does not work for Aboriginal Peoples and given its existing structures it never will. Aboriginal Peoples are increasingly being forced to the wall. Sadly, it takes violence, or the threat of violence, before their concerns become temporary priorities in the eyes of government.



The Innu

Throughout the month of February Canadians witnessed, almost nightly, the horrors that afflict the Innu in Davis Inlet, Labrador; horrors that are common to a large percentage of Aboriginal communities in this country. Due largely to the political pressure that such media coverage creates, the federal government decided to endorse the Innu resolve to relocate. In March, the Innu put forward a seven-point plan for the healing and renewal of the community.

In April of this year, once the issue had faded from newspapers and television, the federal government responded to the Innu saying that such a plan would require legal and policy changes, as well as changes to the comprehensive claims policy. The Minister judges that such changes would have to be resolved in a "national context". His final words on the matter were: "We are simply not prepared to consider major changes in the absence of such a process."²²

That response fails to acknowledge the fact that this same government did undertake precisely this type of national review of the land claims policy just over five years ago. The recommendations of

that review included many of the changes that the Innu advocate in their seven-point plan. Typically, the government chose to ignore the major recommendations of its own study and made only minor alterations to the policy. The truth of the government's position is best summarized in its own words: "We are simply not prepared to make major changes ..."

The Algonquins of Barrière Lake

A second example. The Algonquins of Barrière Lake have always lived in the territory near the headwaters of the Ottawa River. Since 1870, their lands have been constantly changed by a series of industrial projects: dams, reservoirs, logging roads, clearcuts and tourist lodges. All of this activity has taken place without consultation or recognition of the rights of the Algonquin.

By 1988 almost half of their traditional lands had been clearcut, seriously depleting the wildlife on which they depend for their livelihood. Beginning in the late 1980's, the Algonquins demonstrated against the spraying of the forest. They also blocked roads in an effort to put a halt to clearcutting practices.

22. In February, 1993, the federal cabinet assigned Ross Reid, MP, to represent the Federal Government in negotiations with the Innu concerning the relocation of Davis Inlet. Quotations are from his correspondence with Katie Rich, Chief of the Mushuau Innu Council, 5 April, 1993.



CONCLUSION

The process we used in formulating these recommendations differed from that followed by the Commission in its work of producing *Focusing the Dialogue*. However, the themes that emerged within our consultation are remarkably similar to the "four touchstones for change" which the Commission has defined as possible guidelines for the development of final recommendations.

Throughout our presentation we have also identified what we believe to be barriers to the creation of a new and just relationship between Aboriginal and non-Aboriginal people.

One of the greatest obstacles to the goal of transformation in Aboriginal lives and reconciliation with non-Aboriginal people is the intransigence of the federal and provincial governments. These governments persist in their refusal to

recognize the right of Aboriginal Peoples to exist and to govern their lives and lands as distinct Nations and Peoples. We see little hope for progress until the federal and provincial governments begin to negotiate in good faith. The approach taken by these governments continues to disregard even the minimum international standards being defined by the United Nations draft *Declaration on the Rights of Indigenous Peoples*.²¹

We wish to present three examples, all from 1993, which illustrate the determination of the federal and provincial governments to undermine the efforts of Aboriginal Peoples to achieve their goals.

21. Minimum international standards are currently emerging within the United Nations in the form of a draft *Declaration on the Rights of Indigenous Peoples*. The preamble of this instrument specifically recognizes the right of Indigenous Peoples to "be different ... and to be respected as such". Draft Declaration on the Rights of Indigenous Peoples, Revised working paper submitted by the Chairperson-Rapporteur, Ms. Erica-Irene Daes, pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/30 and Commission on Human Rights resolution 1992/44, E/Cn.4/Sub.2/1992/33, 20 August 1992, p.3.



"... one has to report that all of the Barrière Lake's efforts are failing, wrecked by Quebec's determination that logging must remain the priority in forest management. Quebec seems unready to make way for an alternative style of life in the forest, and appears determined to bulldoze the Algonquin way of life into the ground."²³

The Lubicon Cree

Our third, and final, example. In March of 1993, the Lubicon Settlement Commission of Review, in which ARC was a participant, issued its final report.²⁴ The principal finding of the Commission is that governments have consistently not acted in good faith in relation to the Lubicon Cree. They have:

- a) passed retroactive legislation to undermine legal claims and deny the Lubicon access to legal remedy,
- b) appropriated royalties that, had a reserve been established at an appropriate time, would have been in Lubicon hands, and
- c) been in conflict of interest because they act as an interested party, beneficiary of royalties, and presumed judge of the validity of Lubicon claims.

The United Nations Committee on Human Rights released its report concerning the Lubicon in March, 1990. Their conclusion was without precedent in the western world. They acted on the fact that the Lubicon had exhausted all other options for internal remedies to their situation. The Committee condemned Canada in the strongest possible language and issued an order against Canada to stop any action that would further hinder a just settlement with the Lubicon.

In May of 1991, the United Nations Human Rights Committee took a second unprecedented action by appointing a rapporteur to monitor the Lubicon settlement and report to the Committee. Canada's apparent image as a defender of Human Rights on the international scene is seriously undermined by the federal government's failure to deal honourably with this longstanding grievance at Little Buffalo.

23. Boyce Richardson, *A Test Case for Tolerance*. Ottawa Citizen, March 28, 1993, p.B1.

24. *The Lubicon Settlement Commission of Review - Final Report*, Edmonton: The Aboriginal Rights Coalition, March, 1993.



Then they decided to try to persuade the government that a plan based on sustainable development could replace clearcutting and still be sensitive to the interests of all parties. The matter had become an urgent one for the people of Barrière Lake because the government of Quebec had been signing agreements with private forestry companies giving them management authority over all of the forests in the province.

As a result of their persistence and after enduring arrests and police intimidation, the Algonquins managed, in August 1991, to get the federal and provincial government to sign a trilateral agreement providing for a three-year process in which "sensitive" areas of forest would be identified and protected. The Agreement was hailed as a significant breakthrough which could lead to a new model of social and economic development based upon the principle of establishing an environmentally sustainable economy.

The Agreement called upon each of the three parties to choose representatives to oversee this work. The Algonquins chose Clifford Lincoln, former Quebec minister for the environment. In December, 1992, Mr. Lincoln made a presentation to this

Commission. In it, he spoke highly of his Trilateral Management Agreement. He commended its principles as a model of co-management and reconciliation and suggested that it was a pilot project for the realization of self-government and Aboriginal self-sufficiency in other parts of the country.

Just two months later, in February 1993, the province of Quebec suspended all negotiations related to the trilateral forestry management agreement and denounced the Algonquins as being unreasonable. In a series of acts of bad faith, taken in the months leading up to the suspension of negotiations, the Quebec government showed its intolerance of the process; an intolerance which suggests that it was never serious about carrying out the trilateral agreement. For example, despite having signed the agreement, the province entered into agreements with private forestry companies for all of the Algonquin lands, ignoring the strong objections of the Barrière Lake people.

In assessing the situation, Boyce Richardson, an authoritative voice on Aboriginal issues and producer of a recent film on the Algonquins of Barrière Lake, writes the following:



These examples illustrate the profound transformation that is required if Aboriginal Peoples are to achieve self-determination, healing and reconciliation with non-Aboriginal people. Canadians want action now in response to the issues and problems affecting Aboriginal Peoples in this country.²⁵ Despite the urgency, the current political situation does not offer much hope for immediate action.

This Commission faces a formidable challenge in formulating recommendations that will counter those structures and institutions that are intent on maintaining strongly entrenched roles and values based on power and profit. The greatest obstacle is the collusion of government and industry against the interests and well-being of Aboriginal Peoples in this country.

Because of this, there are many people in this country who fear that your work will merely be placed upon library shelves and be overlooked by governments which are astute in the art of avoiding difficult issues. This has been the fate of too many Commissions and Inquiries in the past. Many people, Aboriginal and non-Aboriginal, remain deeply concerned and troubled by the fact that those who called

this Royal Commission into being will also decide whether or not to implement the Commission's recommendations.

On August 27, 1991, the Prime Minister of Canada announced the establishment of this Royal Commission. On that day, Mr. Mulroney, stated that his government believed that "full participation of Canada's aboriginal peoples in the country's economic prosperity and political life is a goal shared by all Canadians".²⁶ It is now time to see if government is truly ready to act on that belief.

25. Angus Reid Poll, *Aboriginal Issues Update: Where to From Here?* January, 1993. A majority of Canadians (55%) expressed strong or moderate support for Aboriginal self-government provisions.

26. Prime Minister Brian Mulroney. Press Release dated 27 August, 1991. Contained in *The Mandate: Royal Commission on Aboriginal Peoples. Background Documents*. August, 1991.



APPENDIX ONE

A NEW COVENANT

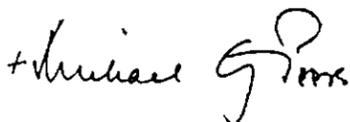
Towards the Constitutional
Recognition and Protection of
Aboriginal Rights in Canada

Feb. 5, 1987

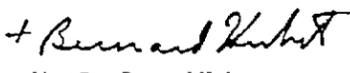
A New Covenant

Towards the Constitutional Recognition and Protection of Aboriginal Self-Government in Canada

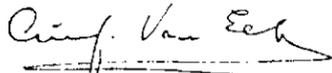
A Pastoral Statement
by the Leaders of the
Christian Churches
on Aboriginal Rights and
the Canadian Constitution



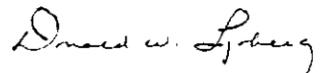
Most Rev. Michael Peers,
Primate, Anglican Church of Canada



Most Rev. Bernard Hubert,
President, Canadian Conference of
Catholic Bishops



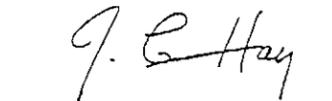
Rev. Arie G. Van Eek,
Executive Secretary, Council of Christian
Reformed Churches in Canada



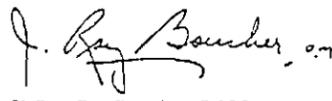
Rev. Donald O. W. Sjoberg,
President, Evangelical Lutheran Church in Canada



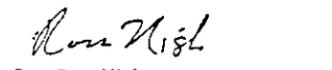
Donald Laitin,
Clerk, Canadian Yearly Meeting, Religious
Society of Friends (Quakers)



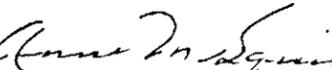
Rev. Dr. J. Charles Hay,
Moderator, Presbyterian Church in Canada



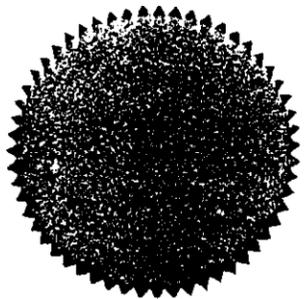
V. Rev. Roy Boucher, O.M.I.,
President, Oblate Conference of Canada



Rev. Ross Nigh,
Chairperson, Mennonite Central Committee
Canada



Dr. Anne Squire,
Moderator, United Church of Canada



February 5, 1987

Historic Moment

In the spring of 1987, Canada's major political and Aboriginal leaders will gather in Ottawa for the final session of the current round of constitutional talks on the rights of Aboriginal peoples in Canada. For the past four years, the various national associations of Aboriginal peoples in Canada — the Assembly of First Nations, the Native Council of Canada, the Inuit Committee on National Issues, the Métis National Council — have developed a common approach and are striving to reach an agreement with the Prime Minister and the premiers on constitutional amendments regarding Aboriginal rights in Canada. After three meetings with the First Ministers, the central issue appears to be the entrenchment of the rights of Aboriginal peoples to self-government in Canada.

Over the past four years, the major Christian Churches in Canada have also been working together in an effort to promote Aboriginal rights in the Canadian Constitution. Our primary objective here has been to stimulate public awareness and mobilize public support for the recognition and entrenchment of basic Aboriginal rights in the Constitution, particularly the right to self-government. During this period, Church representatives have attended each of the First Ministers Conferences as observers under the auspices of the various national Aboriginal organizations. At the same time, Church representatives have held consultations with national and provincial Aboriginal leaders, met with federal cabinet ministers and provincial premiers, participated in joint press conferences with Aboriginal leaders, sponsored public forums on Aboriginal rights, and published popular education materials on the issues.*

As pastoral leaders, we believe that this is an historic moment in the life of this country. This round of constitutional negotiations will affect the lives of some two million Indian, Inuit and, Métis people and their descendants for generations to come. Many of these Aboriginal peoples, whose ancestors have inhabited this country since time immemorial, are members of our churches. Following the liberating message of the Gospel, we believe that this is a time for new beginnings — a time to rectify historical injustices and to recognize the rights of Aboriginal peoples in the Canadian Constitution. It is a time to establish a new covenant with the first peoples and nations of Canada.

New Covenant

Indeed, the current road of constitutional talks may be the last opportunity for developing a new covenant between Aboriginal and non-Aboriginal peoples in this country. In retrospect, it has become all too clear that the old covenants, including many of the treaties, have not served the demands of justice. Initially believed by Aboriginal peoples to be instruments of friendship and peace, the treaties were often misused and broken, without consent, by the newcomers who wanted this land for their own. Dispossessed of their lands, relegated to reserves or marginalized in urban centres, Aboriginal peoples soon experienced the highest rates of unemployment, poverty, alcoholism, suicide, imprisonment, and infant mortality in Canada. To overcome these and related injustices, a new covenant is required, one that recognizes and guarantees rights and responsibilities concerning and Aboriginal peoples of Canada.

The idea of covenant-making has deep spiritual roots which, in turn, can teach us a great deal about the true purpose and meaning of covenant-making and covenant-keeping among peoples today. In many Aboriginal communities, the elders remind us of the covenants which their ancestors made with the Great Spirit, the Creator. Similarly, we recall in the Judaic-

Christian tradition the covenant which God made with the people of Israel. In turn, this covenant was renewed by Jesus Christ who proclaimed the equality of all human beings as sons and daughters of creation (e.g. Galatians 3:28).

In the story of Israel, for example, God freed the people from oppression and led them to a new homeland (Exodus 6:2-13) where a covenant was established to create a new people in a new nation (Deuteronomy 7, 8). A distinctive community and way of life was recognized by laws and regulations (cf Deuteronomy 12-31). And, when the people forgot that the land was a sign of God's generosity, the prophets warned against greedy instincts and called the people back to their responsibilities under the covenant.

Thus, there are moral and spiritual dimensions to making and keeping covenants. These dimensions must be part of the task of creating a new covenant involving Aboriginal peoples in Canada today. A new covenant would recognize the rights and responsibilities of Indian, Inuit, and Métis to be distinct peoples and cultures. A new covenant should affirm their rights and responsibilities as self-determining nations and societies within Canada. A new covenant should also enhance Aboriginal peoplehood in this country. These are the major challenges at the heart of the current constitutional talks on Aboriginal rights.

Aboriginal Rights

It is well known that numerous Aboriginal nations and cultures existed in this land prior to the European occupation some four centuries ago. These Aboriginal societies were self-governing nations with their own self-sufficient economies, characterized by distinct cultural practices, social structures, spiritual traditions and strong family bonds. Today, after the experience of cultural oppression and economic dependency in recent centuries, Aboriginal peoples are struggling to decolonize themselves and regain recognition of their historic rights in Canada. These Aboriginal rights are recognized in both international law and the historic documents of this country. We maintain, however, that the rights of Aboriginal peoples are not simply a legal or political issue, but first and foremost, a moral issue touching the very soul and heart of Canada.

For these reasons, we believe that some basic dimensions of Aboriginal rights need to be recognized and guaranteed as an integral part of the constitutional process.

The right to be distinct peoples. Today, as in the past, Aboriginal peoples are steadfastly resisting policies designed to assimilate them into the dominant society and foster divisions and inequalities among themselves. Instead, Aboriginal people, Indian, Inuit, Métis have the right to be recognized, culturally speaking, as peoples and nations. This includes the right to be distinct peoples even among themselves.

The right to an adequate land-base. If Aboriginal peoples are to retain their self-understanding as peoples and cultures, land rights are essential. Aboriginal societies are rooted in a special relationship between the people and the land. There is, in other words, a spiritual bond between the people and the land which forms the basis of their unity. A land-base with adequate resources is also necessary for developing and sustaining a viable economy.

The right to self-determination. If Aboriginal peoples are to realize their aspirations as peoples and nations they must be architects of their own future, self-reliant and responsible. They have the capacity to make their own decisions, develop their own lands and economic potential, educate their own children and plan their own future.

Self-Government

Taken together, these basic dimensions of Aboriginal rights need to be realized through the recognition and implementation of Aboriginal self-government in Canada. Self-government is the means by which Aboriginal peoples could give concrete expression of themselves as distinct peoples, develop the economic potential of their own lands, and design their own cultural, social, and religious institutions to meet the needs of their own people. Through this process, Aboriginal people could break the bonds of dependency

and retain a sense of human dignity and self-worth as self-determining peoples and nations in this country. This calls for the explicit entrenchment of Aboriginal self-government in the Canadian Constitution.

We maintain, however, that it is not sufficient to simply affirm the principle of Aboriginal self-government in the Constitution. All too often, intransigent governments at provincial and federal levels in the past have found ways to either ignore or resist implementing the rights of Aboriginal peoples. If this kind of self-government is to become a reality in Canada, then both federal and provincial governments need to be constitutionally obliged to negotiate and implement the terms with Aboriginal nations and peoples. This calls for the recognition of Aboriginal self-government as an enforceable right in the Constitution.

At the same time, we maintain that the diversity which exists among the various Aboriginal peoples and groups in Canada needs to be recognized and respected in these negotiations. There can be no single, uniform model applicable to all Aboriginal peoples. While recognizing this to be a new distinct level of government in Canada's political structure, it is important to remain open to a variety of options in response to diverse needs and circumstances. Yet, whatever forms of Aboriginal self-government are negotiated, it is essential that several basic components are ensured. These include an adequate land-base, sufficient fiscal resources, and appropriate decision-making powers required for the exercise of self-government at this level.

Call to Action

The final session of the current constitutional negotiations on Aboriginal rights represents a critical moment for Canada. As a country, we have a unique opportunity to overcome past injustices, bind-up the wounds, and develop just relationships by establishing a new covenant with Aboriginal peoples. This calls for actions to entrench Aboriginal self-government as an effective right in the Constitution. It also calls for action to ensure that constitutional amendments will be realized on related concerns such as: the provision of the basic means (i.e. land-base, fiscal resources, decision-making powers) required for the exercise of Aboriginal self-government; the recognition of equality between peoples including sexual equality; measures to prevent the extinguishment of Aboriginal rights in future land claims settlements, and the assurance that future constitutional amendments affecting Aboriginal peoples will not be made without Aboriginal consent.

As a country, we should not allow this historic moment to slip by without taking action along these lines. While some of the details may be complex, requiring intense discussions and negotiation, a healthy dose of political vision, and will is essential if Canada is to move forward with a new covenant. For these reasons, we fervently hope and pray:

that the diverse Aboriginal groups throughout Canada will continue working in solidarity to advance their proposals for the entrenchment of Aboriginal self-government and related Aboriginal rights in the Constitution;

that all governments will respond openly and positively to the common Aboriginal proposals for the constitutional recognition and protection of their rights;

that members of the Christian churches, together with those of other faiths and all peoples of good will, will join us in prayer, and support for the full recognition and implementation of these Aboriginal rights in Canada.

In this way, Canada could become a living example, before the rest of the world, of a society that is coming to terms with the historic demands for justice affecting the descendants of its original inhabitants. In so doing, we might be able to recover some of the deeper spiritual meaning of covenant-making, the essence of which, resides in God, the Creator, the Great Spirit.

* At the request of Church leaders, these initiatives have been largely co-ordinated by Project North (now Aboriginal Rights Coalition (Project North)), the inter-church coalition on Aboriginal rights in Canada. The Church bodies involved are The Anglican Church of Canada, Canadian Conference of Catholic Bishops, The Council of Christian Reformed Churches in Canada, Evangelical Lutheran Church in Canada, Mennonite Central Committee Canada, The Presbyterian Church in Canada, Religious Society of Friends (Quakers) in Canada, Society of Jesus (Jesuits) and The United Church of Canada. Initially, the particular concerns about constitutional changes on Aboriginal rights were outlined by the Churches in 1984 through the publication of a pamphlet entitled, You Can Help Write the Next Chapter in Canada's History.

APPENDIX TWO

AMAZON NORTH

The Assault on Aboriginal Lands
in Canada

Aboriginal Rights Coalition
(Project North)
1992

AMAZONIE DU NORD

A l'assaut des terres autochtones du Canada

AMAZON NORTH

The Assault on Aboriginal Lands in Canada

L'AMAZONIE

La plus grande forêt tropicale est assaillie par le développement. Cela comprend l'exploitation des mines, la construction de barrages hydro-électriques, la coupe à blanc ou l'incendie de forêts entières ainsi que la construction d'installations militaires. Les Québécois s'inquiètent de plus en plus de l'impact de ces activités sur l'environnement. Parmi les conséquences qu'elles entraînent nous trouvons la pollution, l'insécurité des terres, l'épuisement et l'érosion des sols ainsi que la perte de leur habitat pour de nombreux plantes et de nombreux animaux. Les forêts hâtent à un rythme tel que les scientifiques craignent pour le climat de la terre.

Les signes d'inquiétude au sujet des conséquences des activités sur les nations autochtones. Beaucoup de ces peuples sont obligés de quitter leurs terres natales quand autres sont confrontés à une situation difficile.

Comme l'a dit un chef de la nation Koyukuk dans un article au Canada: "La forêt est notre pharmacie, notre cuisine et notre supermarché. Les rivières sont notre réfrigérateur, notre pharmacie, notre hardware store et notre supermarché. Les rivières sont notre réfrigérateur, notre pharmacie, notre hardware store et notre supermarché. Si l'eau est polluée et la forêt rasée, nous disparaîtrons."

LE CANADA L'AMAZONIE DU NORD

Après l'Amazonie du Brésil, le Canada est le deuxième pays au monde, car leurs terres traditionnelles sont également assaillies.

La forêt occupe plus d'un tiers du pays. Elle sert d'habitat à plus de 25 000 espèces de plantes et d'animaux. C'est aussi l'endroit où les autochtones continuent de maintenir leurs liens avec la terre par leurs activités traditionnelles telles que la chasse, la pêche et le piégeage. Seulement 2,6% de la forêt est protégée contre les activités de développement alors que les Nations Unies (Commission Brundtland) recommande que soit protégé 12% de la forêt du pays.

Au cours des vingt dernières années, les forêts canadiennes ont subi des assauts comparables à ceux de l'Amazonie par leur taille et le rôle que les sociétés transnationales a la recherche de ressources naturelles. A cela s'ajoutent la complexité des gouvernements (tant fédéral que provinciaux), les conséquences dévastatrices de ces activités sur l'environnement ainsi que les impacts négatifs qui relèvent parfois du génocide qu'elles entraînent pour les autochtones de ces régions.

L'INDUSTRIE FORESTIERE Au cours des années 80, l'industrie forestière s'est déplacée de façon spectaculaire vers le nord. Des géants de ce secteur bénéficient de droits à long terme pour abattre des arbres dans des zones énormes. Les gouvernements ont donné à ces compagnies des centaines de millions de dollars puisés dans les fonds publics pour subventionner leur activités.

La coupe à blanc a causé de graves dégradations environnementales. L'érosion du sol et la grande utilisation d'herbicides et de pesticides ont mis à l'écosystème. L'extinction de la faune sauvage est une des raisons pour lesquelles les communautés autochtones ne peuvent plus se suffire à elles-mêmes. L'obligation de recourir au bien-être social a conduit à la destruction de leur société.

LE DEVELOPPEMENT HYDRO-ELECTRIQUE Comme au Brésil, le potentiel hydro-électrique du système fluvial canadien est immense et on s'empresse de l'utiliser au moyen d'un système de barrages et de dériversions.

C'est dans les années 70 que l'on a construit les premiers barrages importants pour utiliser le courant des rivières du nord: les chutes de Churchill, la Bae James, les rivières de Churchill et de Reindeer du Manitoba et de la Saskatchewan ainsi que la rivière Peace en Colombie Britannique. Ces projets ont souvent eu des conséquences désastreuses pour les Premières Nations. La destruction de l'habitat de la faune et de la flore, le déplacement des communautés, l'absence d'opportunités de travail pour les communautés locales et d'autres endroits le long de ces systèmes fluviaux à cause de la manipulation du niveau des eaux. L'annulation naturelle de mercure dans les régions submergées imprégnées des risques à long terme pour ceux qui se nourrissent de poisson. Malgré tout cela, une nouvelle série de barrages hydro-électriques est prévue.

LE PETROLE, LE GAZ ET L'EXPLOITATION MINIERE Dans certaines régions du pays, particulièrement en Alberta, l'industrie pétrolière et gazière a fait d'importantes intrusions sur les terres des autochtones. La construction de nouvelles routes au cours des années 70 et 80 a permis aux compagnies d'explorer des ressources représentant des milliards de dollars.

L'approvisionnement des peuples autochtones en lut la conséquence. Les communautés qui se suffisaient à elles-mêmes jusqu'à récemment se retrouvent aujourd'hui en crise à cause du déclin de la faune sauvage et de la perte de leur mode de vie.

L'exploitation minière a perturbé les modes de migration des animaux sauvages et contaminé l'environnement. Par exemple l'exploitation des mines d'uranium dans le nord de la Saskatchewan est à l'origine du déversement de déchets contaminés dans les rivières.

Et cette recherche de l'énergie se poursuit malgré les recommandations de la Commission Brundtland qui visent à diminuer de moitié la consommation d'énergie des pays industrialisés.

LA MILITARISATION Au Canada, les activités militaires sont également l'une des causes de l'érosion des territoires autochtones. Au Niassinan, la base des forces canadiennes de Goose Bay (Labrador) a été transformée en une base ouverte à divers pays de l'OTAN pour pratiquer les vols à basse altitude. Si les activités militaires sont de loin plus importantes au Niassinan, d'autres territoires autochtones sont également utilisés comme dans le nord de l'Alberta, de la Saskatchewan et de la Colombie Britannique ainsi que dans les territoires du Nord-Ouest.

The AMAZON

The world's largest tropical rain forest is under siege from mining, hydro electric projects, clear cutting or burning of forests, and the construction of military facilities.

Canadians are increasingly concerned about the environmental impacts of these activities: pollution, flooding, soil depletion and erosion and the loss of habitat for a diverse array of plants and animals. The burning of the forest is happening at such a rate that scientists fear for the Earth's climate.

Canadians are also concerned about the impact of these activities on indigenous peoples, many of whom are forced to relocate from their traditional lands, while others face genocide.

A leader of one of these indigenous peoples, the Koyukuk, said during a recent visit to Canada: "The forest is our pharmacy, our hardware store and our supermarket. The rivers are our refrigerators with fresh food. If the water is polluted and the forest cut down, we Indians disappear."

CANADA: Amazon North

The same sentiments are being expressed by Aboriginal peoples in Canada because their traditional lands are also under siege.

In Canada, the forest covers more than one third of the country. It is home to over 25,000 species of plants and animals. It is also where Aboriginal peoples still maintain their traditional ties to the land through such activities as hunting, fishing and trapping. Only about 2.6% of Canada's forests are protected from developers, yet the United Nations (Brundtland Commission) recommends that 12% of a country's forests be protected.

In the past twenty years, the assault on Canada's forest regions has been comparable to the situation in the Amazon in several ways: the scale of development, the role being played by multinational resource companies, the complexity of governments (both federal and provincial), the environmental destruction being caused and the negative, and sometimes genocidal, consequences on indigenous peoples.

Forestry The forest industry has recently moved northward in a dramatic way. Forest companies are being granted long term cutting rights to vast areas. Governments have provided hundreds of millions of dollars in public funds to subsidize industry activities on unceded Aboriginal lands.

Clear cutting practices have caused serious environmental degradation. Soil erosion, combined with the extensive use of herbicides and pesticides, has altered the ecosystem. The depletion of wildlife has led to the destruction of the traditional economies, and thus the impoverishment of Aboriginal peoples.

Hydro Development As in Brazil, the hydro-electric potential of Canada's fresh water river systems is immense and is rapidly being tapped by a system of dams and diversions.

The first major dams on northern rivers were put in place by the 1970's: Churchill Falls, James Bay, the Churchill and Handeet Rivers in Manitoba and Saskatchewan, and the Peace River in B.C. The effects of these projects have been disastrous for First Nations wildlife habitats: have been destroyed, communities have been uprooted, and the ongoing manipulation of water levels has often made it impossible to establish viable communities at other locations along the same river systems. The release of mercury in flooded areas also poses long term risks for those who rely on fish for food. Despite this, a new generation of hydro projects is now being planned.

Oil, Gas, and Mining In parts of the country, notably Alberta, the oil and gas industry have benefited from huge sums of government subsidies. The construction of new roads in the 1970's and 1980's enabled industry to tap resources worth billions of dollars. Meanwhile, the same governments handed out welfare crumbs to the once self-sufficient original inhabitants: dispossession of their land and culture by the transnational corporations.

Mining has also disrupted wildlife migration patterns and contaminated the environment. Uranium mining in northern Saskatchewan, for example, has caused spills of contaminated wastes into the river systems.

This quest for energy continues despite the Brundtland Commission's recommendations that energy consumption be cut in half in the industrialized countries.

Militarization Military activities are also responsible for eroding the traditional land base of Aboriginal peoples in Canada. In Niassinan, CFB Goose Bay (Labrador) has been developed into a base for several NATO countries to practice low-level flying.

While the scale of military activity is by far the greatest in Niassinan, other traditional Aboriginal lands are being used, including parts of northern Alberta and Saskatchewan, British Columbia and the Northwest Territories.



Barrages	— Existing Dams
Barrages proposés	- - - Proposed / Potential Dams
Forêts	□ Forests
Permis forestiers (actuels et en négociation)	■ Existing Forestry Permits and Permits under Negotiation
Dérivations principales	▨ Existing Drainage Diversions
Zone de vols à basse altitude militaire	▩ Military Low-Level Flight Zones
L'exploitation ou l'exploration du pétrole et le gaz naturel	▲ Oil & Gas Exploration or Production
L'exploration minière ou les mines	✕ Mineral Exploration or Production



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APPENDIX THREE

STATEMENT ON RESIDENTIAL SCHOOLS

**from the
Aboriginal Rights Coalition (Project North)**

It is apparent that until the Churches address the issue of Church run residential schools in Canada, there will be an open wound in terms of our relationship with First Peoples. As a body of the Churches ecumenically dealing with Aboriginal justice in Canada for the last 14 years, ARC has begun to educate ourselves on this history through a residential school working group within ARC. On February 22, 1991 our Steering Committee proposed the following principles to be taken into consideration by the Churches as they pursue a response to the residential school history.

PRINCIPLES

1. Aboriginal people must name how the issue needs to be described/defined.
2. Aboriginal people must decide what a useful/appropriate response from the Church would be. They should give direction to the response.
3. A pastoral response must be made thoughtfully yet quickly. This process must not be delayed by waiting for federal action nor should be dominated by legal concerns.
4. Support healing processes that arise from the Aboriginal community. This would include financial resources.
5. Thought must be given to what the ecumenical church would recommend to the Government regarding the Government response and responsibility.
6. Use the experience and learning coming out of the Newfoundland situation.
