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REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF
INDIGENOUS POPULATIONS

STATEMENT BY THE OBSERVER DELEGATION OF CANADA
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I welcome this opportunity to make some opening remarks on behalf of the Government of Canada.

Let me begin by congratulating you, Madame Chairman, on your re-election as Chairman of the Working Group on Indigenous Populations.

Allow me also to say that the Canadian Government is pleased to have the opportunity to continue its participation in the important undertakings of the Working Group, both through its review of relevant developments in Canada and through its commentary on the draft principles produced to date by the Working Group. Canada is pleased to have made a contribution to the Voluntary Fund for Indigenous Populations. We believe that one of the ways in which we can ensure that the concerns of all indigenous populations are taken into consideration is to see that they have a voice in the meetings of the Working Group. We are thinking particularly of indigenous groups from the developing world, who suffer understandable resource constraints, or those from countries where they are not recognized as indigenous populations.

We will be making a statement later concerning the work on draft principles. At this time however, Madame Chairman, I would like to review developments in Canada over the past year which may be significant to the Working Group in its efforts to formulate universal standards on the rights of indigenous populations.

At last year's session, the Canadian delegation mentioned a number of constitutional and non-constitutional initiatives in our country which were focussed on strengthening the special relationships between Canada and its aboriginal peoples. As you are aware, Canada's Constitution contains specific provisions for the recognition and protection of existing aboriginal and treaty rights, including those acquired by way of land claims agreements.

The Constitution also provided for a formal constitutional process among Canada's First Ministers and representatives of our aboriginal peoples to identify and define further rights of aboriginal peoples to be included in the Constitution. That formal constitutional process, which began in 1983, ended with a First Ministers' Conference in March 1987. Unfortunately, at that time, there was insufficient support among governments and aboriginal leaders to proceed with a proposal to entrench a self-government amendment. However, at that Conference and subsequently, the Prime Minister of Canada has indicated his commitment to a constitutional amendment on self-government and his willingness to convene another First Ministers' Conference to that end when there is a proposal that offers reasonable prospects for agreement.

Over the last year, Canadian aboriginal representatives have been encouraged to develop new approaches to a constitutional amendment on self-government. In May, federal Ministers met with national aboriginal leaders to explore a

joint aboriginal proposal for renewed discussions. It is hoped that the aboriginal leaders will also seek provincial government views on this proposal, and that this step could lead to a dialogue that would assist in building the consensus necessary for a constitutional amendment on self-government.

While working towards the objective of a self-government amendment, the Canadian government is also proceeding with non-constitutional self-government initiatives and will continue to support aboriginal self-government through community negotiations.

With regard to our Metis people, since 1985, the Canadian government has been prepared to participate in negotiations on self-government matters that are initiated by provincial governments with Metis and other off-reserve aboriginal people. It is also prepared to share the costs of aboriginal peoples' participation in these tripartite negotiations with the provincial governments who initiate the process.

Tripartite negotiations have been initiated in two of Canada's ten provinces, and preliminary negotiations are taking place in a third province. These negotiations provide a practical means of furthering greater autonomy and self-reliance among Metis and off-reserve aboriginal people and are an important element of our government's commitment to self-government.

Last year we noted to you, Madame Chairman, that over 40 self-government proposals had been received from Indian communities. That number is now closer to 70 proposals covering about 280, or almost half, of the Indian bands in Canada. Negotiations with these communities will be conducted without prejudice to constitutional developments or to the rights of aboriginal peoples which are already constitutionally protected.

As a matter of policy, the Canadian government encourages Indian people to take greater control over their own communities. To those bands who wish to remain under the auspices and protection of the Indian Act, we are focussing our efforts on the enhancement of band by-law making capacities, band control of membership, the development of global funding arrangements, program transfers and the promotion of economic development.

At the suggestion of the Kamloops Band of British Columbia, the Canadian government has proposed to Parliament amendments to the Indian Act which will allow all bands in Canada to levy local property taxes on reserve lands designated for commercial use. Recent legislation makes it clear that reserve land which is leased continues to be part of the reserve. Bands therefore have increased potential to do more effective community planning and enhance their economic development prospects.

At last year's session of this Working Group, the Canadian delegation reported to you on the process of reinstatement of Indian status to those persons who had suffered discrimination

under former provisions of the Indian Act. We can now tell you, Madame Chairman, that 213 bands, or almost forty per cent of all Indian bands in Canada, have taken control of their own membership in line with amendments to the Indian Act. In addition, nearly 40,000 individuals have been restored to Indian status as a result of the repeal of previous discriminatory clauses.

Over the past twelve months, nine bands and one tribal council (representing thirteen bands) have signed multi-year funding agreements totalling some \$80 million. These agreements will allow them to do longer range planning and to use their resources to fit their own needs and priorities. Under such agreements, existing band governments or existing tribal councils can take on increased responsibility for the delivery of programs. They may do so in one sector alone, such as child welfare services, medical services, policing, or education, or in a number of sectors. They then become both responsible for providing an adequate standard of service and accountable for expenditures, while having the capacity to determine how they wish to deliver services and how to allocate funds to those services.

In 1987/88 Indian people managed over 65 per cent of the total budget of the Department of Indian Affairs, which has increased by over 40 per cent in the last five years to \$2.0 billion (Canadian). Similarly, the control of health program resources has been transferred to about half the bands in

Canada. This measure allows them to design and deliver health programs which are of greatest relevance to them.

The Canadian Government is also exploring alternatives for the development of an aboriginal languages program for promoting the preservation and enhancement of aboriginal languages. In Canada, it is estimated that there are more than fifty such languages. For the next few years the Canadian Government will be contributing substantial sums to the governments of both the Yukon and the Northwest Territories in order to maintain, support and develop aboriginal languages. It may be noted that the Government of the Northwest Territories recognizes Inuktitut, Cree and five Dene languages for official use in its Legislative Assembly. On a wider scale in the communications field, Canada will be considering legislation proposing that Canada's new broadcasting policy include more aboriginal content in its operations and programming.

A significant comprehensive land claims settlement is the James Bay and Northern Quebec Agreement, which was negotiated with eight Cree Indian bands and thirteen Inuit communities in 1975. In the twelve years since the signing of the Agreement, the 6,600 Inuit and nearly 10,000 Cree have received from the governments of Canada and Quebec cash and services totalling more than \$1 billion. Canada provides continuing financial support of more than \$100 million per year. While most of the provisions of the Agreement have been substantially implemented, negotiations are underway to clarify remaining government

obligations and to develop implementation plans on outstanding matters.

If I may now turn briefly to the international sphere, there is one significant issue which warrants the attention of the Working Group. For some time now, the Canadian Government has worked closely with Canadian indigenous and industry representatives to forestall a serious threat to the Canadian fur industry. That industry forms the economic base of a significant number of indigenous communities, particularly in the Canadian north. Notwithstanding some recent progress, it is becoming clear that the international challenges to the fur industry are only beginning and we are in for a long and difficult struggle. Cooperation on all sides will be necessary in the future, as we are faced with a well organized anti-fur lobby which refuses to recognize the validity or even the existence of a living indigenous culture and economy based upon the fur trade. In addressing the many challenges facing aboriginal populations throughout the world, due attention should be paid to economic rights. We urge the Working Group to turn its attention to the need to afford protection to the economic basis of aboriginal culture represented by the fur industry.

This concludes our report on developments in Canada since last year's session of the Working Group. Much remains to be done to improve the standard of living of aboriginal citizens, and there are both challenges and opportunities ahead.

Nevertheless, the developments I have mentioned are clear signs of the substantial progress made in recent years towards realizing the aspirations of aboriginal Canadians.

Thank you, Madame Chairman.