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**CANADIAN STATEMENT TO UNITED NATIONS WORKING GROUP ON INDIGENOUS
POPULATIONS ON A REVIEW OF DEVELOPMENTS PERTAINING TO THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
OF INDIGENOUS POPULATIONS**

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STATEMENT TO UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS
ON A REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS
POPULATIONS

MADAM CHAIRPERSON,

I AM PLEASED TO BE HERE AMONG SO MANY DISTINGUISHED EXPERTS,
REPRESENTATIVES OF ABORIGINAL GROUPS AND NON-GOVERNMENTAL
ORGANIZATIONS AS WELL AS REPRESENTATIVES FROM COUNTRIES WHICH HAVE
A CONTINUING INTEREST IN THE SITUATION OF INDIGENOUS PEOPLE AROUND
THE WORLD.

TODAY I WOULD LIKE TO SHARE WITH YOU THE CHANGES THAT ARE
UNDERWAY WITH CANADA'S INDIGENOUS PEOPLE. TO MEET THE CHALLENGES
WE FACE AS A COUNTRY, WE MUST ADDRESS THE FUNDAMENTAL AND
LEGITIMATE CONCERNS OF ALL CANADIANS. AND WE MUST LISTEN CAREFULLY
TO THE VOICES OF THE ABORIGINAL PEOPLE.

CANADIANS ARE CURRENTLY TAKING THE OPPORTUNITY TO EXPRESS THEIR
HOPES AND VIEWS ON THE KIND OF COUNTRY CANADA SHOULD BE. THEY HAVE
STRONGLY STATED THAT ABORIGINAL GRIEVANCES NEED TO BE ADDRESSED IF
A NEW SOCIAL COMPACT IS TO EMERGE IN WHICH ABORIGINAL PEOPLE HAVE
OPPORTUNITIES COMPARABLE TO THOSE OF OTHER CANADIANS.

THE SPECIAL PLACE OF OUR FIRST CITIZENS IN CANADA IS BASED ON THEIR
ABORIGINAL AND TREATY RIGHTS WHICH ARE RECOGNIZED IN THE CANADIAN

CANADIANS RECOGNIZE THAT CANADA'S ABORIGINAL PEOPLE
N THEMSELVES WITHIN THE CANADIAN CONFEDERATION AND
ALL CANADIANS CAN BUILD A PLACE WHERE THE SOCIAL,
CULTURAL AND POLITICAL ASPIRATIONS OF ABORIGINAL PEOPLE

R, I ADDRESSED YOU DURING THE COURSE OF DIFFICULT
A AND THE MOHAWK COMMUNITIES OF KANESATAKE AND
THE WEEKS THAT FOLLOWED, THERE WERE SEVERAL EFFORTS
TO TRY TO BRING ABOUT A PEACEFUL RESOLUTION AND THE
BARRICADES. AFTER THE BARRICADES CAME DOWN, THERE WAS
HEALING, ALONG WITH EXAMINATION OF WHAT HAPPENED.

OF EFFORTS TO AID HEALING WITHIN KANESATAKE, THE
GOVERNMENT RESPONDED TO OVERTURES FROM THE KANESATAKE
AND ENGAGED THE SERVICES OF A NEUTRAL THIRD PARTY TO
EXPRESS VIEWS THROUGH A PLEBISCITE ON THE METHOD BY WHICH
THEY CHOOSE THEIR LEADERS.

MAJORITY OF RESPONDENTS CHOSE TO HAVE AN ELECTED COUNCIL.
1991, A CHIEF AND COUNCIL WERE ELECTED FOR AN INTERIM
NEW COUNCIL WILL HAVE RESPONSIBILITY FOR DEFINING AND
THE RULES AND REGULATIONS FOR SUBSEQUENT COUNCIL
AND WILL ALSO BE RESPONSIBLE TO OVERSEE ALL COMMUNITY
ISSUES TO NEGOTIATE LAND GRIEVANCES, SOCIAL AND ECONOMIC
ISSUES, AND SELF-GOVERNMENT WITH THE FEDERAL AND QUEBEC

F THIS YEAR, THE STANDING COMMITTEE ON ABORIGINAL
E CANADIAN PARLIAMENT REPORTED ON THEIR ENQUIRY INTO
KANESATAKE AND KAHNEWAKE DURING THE SUMMER OF 1990.
NUMBER OF RECOMMENDATIONS AND THE GOVERNMENT HAS
T IT WILL BE RESPONDING TO EACH OF THESE IN THE
IRE. ONE OF THESE RECOMMENDATIONS HAD ALREADY BEEN
E GOVERNMENT OF CANADA THROUGH THE ANNOUNCEMENT OF A
ION TO EXAMINE THE ECONOMIC, SOCIAL AND CULTURAL
THE ABORIGINAL PEOPLE OF CANADA.

RSON,

E MINISTER OF CANADA, LAST SEPTEMBER 25, ANNOUNCED A
BENDA TO PRESERVE THE SPECIAL PLACE OF OUR FIRST
ANADA.

' THIS NEW NATIVE AGENDA, HE COMMITTED THE GOVERNMENT

ELERATE THE SETTLEMENT OF LAND CLAIMS;

ROVE SOCIAL AND ECONOMIC CONDITIONS IN ABORIGINAL
MUNITIES;

ER LEGISLATIVE ALTERNATIVES TO THE INDIAN ACT; AND

IEW THE FUNDAMENTAL PLACE AND ROLE OF ABORIGINAL
PLE IN CANADA.

I WILL ADDRESS EACH OF THESE POINTS IN TURN, THE FIRST BEING THAT OF LAND CLAIMS. IN PREVIOUS YEARS CANADA HAS EXPLAINED THE BACKGROUND AND THE NATURE OF LAND CLAIMS AVAILABLE TO CANADA'S ABORIGINAL PEOPLE, SO I SHALL NOT DETAIL THESE AGAIN. SIGNIFICANT CHANGES HAVE BEEN MADE TO SPEED UP THE PROCESS OF RESOLVING BOTH COMPREHENSIVE AND SPECIFIC LAND CLAIMS, AND TO COMMIT GREATER RESOURCES TO CLAIMS SETTLEMENT.

COMPREHENSIVE LAND CLAIMS CONCERN TERRITORIES WHICH HAVE NOT BEEN DEALT WITH BY TREATY OR OTHER LEGAL MEANS. SETTLEMENT AGREEMENTS GENERALLY INVOLVE LARGE AREAS OF LAND, FINANCIAL COMPENSATION ALONG WITH GUARANTEED PARTICIPATION IN RESOURCE MANAGEMENT AND ENVIRONMENTAL PROTECTION BOARDS, AS WELL AS OTHER RIGHTS.

THE GOVERNMENT HAS DISCARDED ITS LIMITATION ON THE NUMBER OF CLAIMS UNDER NEGOTIATION AT A TIME. THIS OPENS THE POSSIBILITY FOR NEGOTIATION OF AN ADDITIONAL NUMBER OF CLAIMS WHICH HAVE BEEN ACCEPTED BY THE FEDERAL GOVERNMENT. CURRENTLY, SEVEN COMPREHENSIVE CLAIMS ARE IN ACTIVE NEGOTIATION, INCLUDING THE CLAIM OF THE NASKAPI MONTAGNAIS INNU ASSOCIATION IN LABRADOR.

INNOVATIONS TO THE NEGOTIATION PROCESS ARE BEING CONSIDERED, SUCH AS REGIONAL OR PROVINCE-WIDE NEGOTIATIONS. IN THE PROVINCE OF BRITISH COLUMBIA WHERE THERE ARE MANY CLAIMS, A TASK FORCE INVOLVING INDIAN LEADERSHIP, THE PROVINCIAL AND FEDERAL

AS RECENTLY SUBMITTED RECOMMENDATIONS FOR LAND CLAIMS

BASE OF SPECIFIC CLAIMS MADE PURSUANT TO EXISTING
INDIAN ACT OR OTHER AGREEMENTS, THE GOVERNMENT OF
 LY ANNOUNCED THE CREATION OF A SPECIFIC CLAIMS
 WHICH INDIAN PARTIES TO THE PROCESS CAN REFER
VISIONS ON THEIR CLAIMS FOR REVIEW.

MEMBER OF THE INDIGENOUS COMMUNITY WITH NOTABLE
 RESOLVING NATIVE CLAIMS HAS BEEN APPOINTED TO CHAIR
 . THE MAJOR SIGNIFICANCE OF THIS COMMISSION IS THAT
 DE A REVIEW MECHANISM FOR SPECIFIC CLAIMS WHICH IS
 D LESS ADVERSARIAL THAN THE JUDICIAL PROCESS, WHILE
 INDIAN CLAIMANTS FREE TO TAKE THEIR CLAIMS TO THE
 CHOOSE.

N WILL BE AUTHORIZED TO MAKE RECOMMENDATIONS IN
 SES TO THE ^{federal} ~~CABINET~~, BOTH ON THE QUESTION OF THE
LAWFUL OBLIGATIONS AND THE CRITERIA ON WHICH
IS TO BE NEGOTIATED. IN ADDITION, A JOINT WORKING
 D OF INDIGENOUS AND GOVERNMENT REPRESENTATIVES WILL
 BLISHED TO EVALUATE AND RECOMMEND CHANGES TO THE
 IS POLICY ITSELF.

ECIFIC CLAIMS CHANGES HAVE BEEN MADE. CLAIMS

ORIGINATING PRIOR TO THE FORMATION OF CANADA IN 1867 ARE NOW ACCEPTED UNDER THE PROCESS. A FASTER SETTLEMENT PROCESS FOR SMALLER CLAIMS IS BEING PUT IN PLACE. AS WELL, AUTHORITY HAS ALREADY BEEN GRANTED TO THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT TO AUTHORIZE EXPENDITURES OF UP TO \$7 MILLION PER CLAIM, IN ORDER TO ACCELERATE FINANCIAL APPROVALS. THE GOVERNMENT'S OBJECTIVE IS TO SETTLE SOME 500 SPECIFIC CLAIMS BY THE TURN OF THE CENTURY.

MADAM CHAIRPERSON,

THE SOCIAL AND ECONOMIC CONDITIONS OF TOO MANY ABORIGINAL COMMUNITIES LAG BEHIND THOSE OF MOST OTHER CANADIAN COMMUNITIES. THE SECOND POINT IN THE NATIVE AGENDA IS THE GOVERNMENT'S COMMITMENT TO AMELIORATE THESE CONDITIONS. AMONG THE INITIATIVES THAT WILL BE PURSUED BY CANADA IN THIS REGARD ARE THE FOLLOWING:

- EXTENSION OF CHILD AND FAMILY SERVICES IN PARTICULAR AREAS OF THE COUNTRY;
- IMPROVEMENTS TO THE INDIAN HOUSING POLICY;
- DEVELOPMENT OF MORE EFFECTIVE INDIAN POLICING SERVICES ON RESERVE;
- HELPING TO MAKE INDIAN EDUCATION MORE RELEVANT TO THEIR CIRCUMSTANCES; AND
- PROVIDING ENVIRONMENTALLY SOUND WATER AND SEWAGE SYSTEMS ON RESERVE.

①
ONE OF THE MOST IMPORTANT PUBLIC ISSUES TO FACE GOVERNMENTS FOR THE FORESEEABLE FUTURE, MADAM CHAIRPERSON, CONCERNS OUR GLOBAL

AND NATIONAL ENVIRONMENTS. INDIGENOUS PEOPLE HAVE A STRONG INTEREST IN ENVIRONMENTAL ISSUES AND THEIR TRADITIONAL KNOWLEDGE AND PRACTICES CAN TEACH US A GREAT DEAL ABOUT MODELS FOR SUSTAINABLE DEVELOPMENT.

THE GOVERNMENT OF CANADA HAS PUT FORWARD A GREEN PLAN TO COME TO GRIPS WITH ENVIRONMENTAL SITUATIONS THAT REQUIRE ATTENTION. ONE IMPORTANT COMPONENT OF THE GREEN PLAN, THE ARCTIC ENVIRONMENTAL STRATEGY, EMPHASIZES THE INVOLVEMENT OF ABORIGINAL PEOPLE IN THE PLANNING AND IMPLEMENTATION OF PROJECTS ASSOCIATED WITH THE STRATEGY.

THESE PROJECTS CONCERN THE CLEANUP OF WASTE, THE QUANTITY AND QUALITY OF WATER, THE ANALYSIS OF CONTAMINANTS IN NORTHERN ECOSYSTEMS AND THE DIETS OF ABORIGINAL PEOPLE. AS WELL, THE POLICY ALLOWS FOR THE INTEGRATION OF ECONOMIC AND ENVIRONMENTAL FACTORS THAT NEED TO BE TAKEN INTO CONSIDERATION IN THE MANAGEMENT OF COMMUNITY RESOURCES.

THE INVOLVEMENT OF ABORIGINAL PEOPLE AT ALL STAGES OF THE ARCTIC ENVIRONMENTAL STRATEGY ENSURES THAT PLANS FOR INDIVIDUAL PROGRAMMES AND PROJECTS TAKE ACCOUNT OF THE VIEWPOINTS OF ABORIGINAL PEOPLE AND THEIR KNOWLEDGE OF LOCAL CONDITIONS IN ABORIGINAL COMMUNITIES.

IN KEEPING WITH THE PARTICIPATION OF ABORIGINAL PEOPLE IN

DOMESTIC ENVIRONMENTAL ISSUES, CANADA IS WORKING CLOSELY WITH ABORIGINAL PEOPLE TO FACILITATE THEIR PARTICIPATION IN THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT (UNCED) .

AT THE SECOND UNCED PREPCOM, CANADA, ALONG WITH AUSTRALIA AND NEW ZEALAND, PROPOSED A RESOLUTION, WHICH WAS APPROVED BY THE PLENARY, RECOGNIZING THE CONTRIBUTION THAT INDIGENOUS PEOPLE COULD MAKE TO UNCED, AND INVITING THEIR INPUT INTO THE PREPARATORY PROCESS FOR THE CONFERENCE.

WE WILL CONTINUE TO HAVE A REPRESENTATIVE OF CANADA'S ABORIGINAL PEOPLE ON OUR DELEGATION TO THE UNCED PREPARATORY COMMITTEE, AND WE LOOK FORWARD TO WORKING WITH REPRESENTATIVES OF OTHER INDIGENOUS GROUPS THROUGHOUT THE PROCESS LEADING UP TO THE CONFERENCE IN JUNE 1992.

ON ANOTHER ENVIRONMENTAL MATTER, THE GOVERNMENT OF CANADA ANNOUNCED ON JULY 10, 1991 THAT A PUBLIC REVIEW WILL BE HELD OF THE ENVIRONMENTAL AND SOCIAL REPERCUSSIONS OF THE ENTIRE GRANDE BALEINE HYDRO-ELECTRIC DEVELOPMENT PROJECT, INCLUDING THE ACCESS INFRASTRUCTURES.

THE PANEL CONDUCTING THE REVIEW WILL WORK, AS MUCH AS POSSIBLE, WITH THE EXISTING PROVINCIAL PANELS, THE GOVERNMENT OF THE PROVINCE OF QUEBEC, THE CREES AND THE INUIT. IT WILL RESPECT THE TERMS OF THE AGREEMENT BETWEEN THE TWO GOVERNMENTS REGARDING THE EVALUATION

OF THE PROJECT.

WHEN ANNOUNCING THE DECISION, THE FEDERAL MINISTER OF THE ENVIRONMENT EMPHASIZED THE IMPORTANCE OF HOLDING A FULL AND PUBLIC ASSESSMENT OF THE PROJECT, BASED ON THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT.

MADAM CHAIRPERSON,

THE THIRD POINT IN THE GOVERNMENT'S NATIVE AGENDA RELATES TO LEGISLATIVE ALTERNATIVES TO THE INDIAN ACT. WE ACKNOWLEDGE THAT THE INDIAN ACT IN CANADA IS PATERNALISTIC AND WAYS MUST BE FOUND TO BETTER SERVE THE INTERESTS OF FIRST NATIONS.

UNDER INDIAN LEADERSHIP, WORK IS WELL UNDERWAY TO DEVELOP ALTERNATIVES TO THE INDIAN ACT TO ENABLE INDIANS TO EFFECTIVELY MANAGE THEIR OWN COMMUNITIES. THOSE INDIAN COMMUNITIES THAT PREFER TO GOVERN THEMSELVES APART FROM THE INDIAN ACT CAN NEGOTIATE SELF-GOVERNMENT THROUGH NEW LEGISLATIVE ARRANGEMENTS THAT REFLECT MORE CLOSELY THEIR PARTICULAR CIRCUMSTANCES.

IN ADDITION, ABORIGINAL GROUPS PURSUING COMPREHENSIVE LAND CLAIMS HAVE THE OPTION OF NEGOTIATING SELF-GOVERNMENT AGREEMENTS, PARALLEL WITH THE CLAIMS PROCESS. DISCUSSIONS ON SELF-GOVERNMENT FOR METIS AND OFF RESERVE ABORIGINAL PEOPLE ARE BEING HELD IN SEVERAL

PROVINCES. THE GOVERNMENT IS THUS RESPONDING AS FLEXIBLY AS POSSIBLE TO THE DIFFERING NEEDS OF COMMUNITIES.

MADAM CHAIRPERSON,

THE POLICIES AND PROGRAMMES THAT COMPOSE THE FIRST THREE PARTS OF THE GOVERNMENT'S NATIVE AGENDA ARE VITAL CONTRIBUTIONS TOWARDS THE PLACE TO WHICH ABORIGINAL PEOPLE ASPIRE IN CANADIAN SOCIETY. I MENTIONED EARLIER THAT CONSTITUTIONAL REFORM IS ONCE AGAIN AT THE FOREFRONT OF PUBLIC ISSUES IN CANADA. CANADIANS, AND THEIR GOVERNMENTS, ARE RE-ASSESSING WHAT SORTS OF STRUCTURES ARE NEEDED TO GUIDE CANADA INTO THE FUTURE.

BOTH THE PRIME MINISTER AND THE MINISTER RESPONSIBLE FOR CONSTITUTIONAL REFORM HAVE INDICATED CLEARLY THAT ABORIGINAL CONSTITUTIONAL ISSUES WILL BE A CENTRAL PART OF THE DISCUSSIONS ON CONSTITUTIONAL CHANGE. FURTHERMORE, ABORIGINAL PEOPLE WILL BE PROVIDED WITH AN OPPORTUNITY TO PARTICIPATE IN THIS PROCESS.

IN ORDER TO CHART A NEW COURSE, THE GOVERNMENT IS ENGAGED IN A BROAD CONSULTATIVE PROCESS INCLUDING THE DEVELOPMENT OF A POSITION PAPER OUTLINING OPTIONS FOR CONSTITUTIONAL REFORM.

TWO COMMITTEES ESTABLISHED TO HEAR THE VIEWS OF CANADIANS HAVE ALREADY REPORTED, AND BOTH HAVE IMPORTANT IMPLICATIONS FOR ABORIGINAL PEOPLE. ONE COMMITTEE, A CITIZEN'S FORUM ON CANADA'S

FUTURE, SUGGESTS THAT THE GOVERNMENT RECOGNIZE ABORIGINAL SELF-GOVERNMENT IN THE CONSTITUTION. SECONDLY, A SPECIAL JOINT COMMITTEE ON THE CONSTITUTIONAL AMENDING PROCESS HAS MADE RECOMMENDATIONS RELATING TO THE INVOLVEMENT OF ABORIGINAL PEOPLE IN FUTURE CONSTITUTIONAL REFORM.

THESE RECOMMENDATIONS AMONG OTHERS, WILL BE REVIEWED BY A THIRD COMMITTEE, THE SPECIAL JOINT COMMITTEE OF THE HOUSE OF COMMONS AND THE SENATE, WHICH WILL BEGIN WORK IN SEPTEMBER TO HEAR THE VIEWS OF PROVINCIAL GOVERNMENTS, ABORIGINAL GROUPS AND OTHERS, ON PROPOSALS FOR CONSTITUTIONAL CHANGE FOR CANADA.

INITIATED BY THE ASSEMBLY OF FIRST NATIONS, AN ABORIGINAL TASK FORCE WILL ALSO BE ESTABLISHED, SO THAT ABORIGINAL PEOPLE CAN DEFINE THEIR OBJECTIVES FOR CONSTITUTIONAL REFORM IN A PARALLEL PROCESS TO THAT OF THE SPECIAL JOINT COMMITTEE. LINKAGES WILL BE ESTABLISHED SO THAT THE TWO GROUPS MAY COMMUNICATE AS THE PROCESSES ADVANCE. IT IS HOPED THAT THIS WAY, WE CAN PROCEED TO THE NEXT STAGE OF DISCUSSIONS LEADING TOWARD THE CONSTITUTIONAL ENTRENCHMENT OF ABORIGINAL SELF-GOVERNMENT.

IN APRIL, THE PRIME MINISTER ANNOUNCED THE GOVERNMENT'S INTENTION TO ESTABLISH A ROYAL COMMISSION ON ABORIGINAL AFFAIRS. IN RESPONSE TO ABORIGINAL REQUESTS THAT THEY BE CONSULTED ON THE COMPOSITION AND TERMS OF REFERENCE OF THE COMMISSION, THE PRIME MINISTER APPOINTED JUSTICE DICKSON, RETIRED CHIEF JUSTICE OF THE

SUPREME COURT OF CANADA, TO ENGAGE IN WIDESPREAD CONSULTATIONS ON THESE TWO POINTS. JUSTICE DICKSON IS EXPECTED TO REPORT TO THE PRIME MINISTER IN THE VERY NEAR FUTURE.

MADAM CHAIRPERSON,

THE PRIME MINISTER'S UNDERTAKING TO "REVIEW THE FUNDAMENTAL PLACE AND ROLE OF ABORIGINAL PEOPLE IN CANADA" IS WELL UNDERWAY. LAND CLAIMS SETTLEMENTS, THE ROYAL COMMISSION ON ABORIGINAL AFFAIRS AND CONSTITUTIONAL RENEWAL HOLD PROMISE THAT WE CAN INDEED REACH THE GOVERNMENT'S GOAL OF "FULL PARTICIPATION OF CANADA'S ABORIGINAL PEOPLES IN CANADA'S ECONOMIC PROSPERITY AND POLITICAL LIFE ACROSS THE COUNTRY."

THANK YOU MADAM CHAIRPERSON.