



Roundtable on Urban Aboriginal Governance

Summary of the 5th IOG Aboriginal Governance Roundtable

Ottawa, January 20, 2005

Speakers:

Calvin Hanselmann, Indian and Northern Affairs Canada

Peter Dinsdale, National Association of Friendship Centres

Patrick Brazeau, Congress of Aboriginal Peoples

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We help public organizations of all kinds, including governments, public agencies and corporations, the voluntary sector, and communities to improve their governance.

We bring people together in a variety of settings, events and professional development activities to promote learning and dialogue on governance issues.

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For further information, please contact:

John Graham
Institute On Governance
122 Clarence Street
Ottawa, Ontario
Canada K1N 5P6
tel: +1 (613) 562-0090
fax: +1 (613) 562-0097
info@iog.ca
www.iog.ca

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2004-05 Institute On Governance Roundtable Series: “Towards a New Aboriginal Governance Agenda - TANAGA”

The IOG Roundtable Series for 2004-05 explored a number of governance issues affecting Aboriginal communities. At each of eight events, 20-25 senior policymakers from Aboriginal organizations and federal departments participated as individuals in the informal discussions. The series was supported by in-depth research and featured expert speakers to stimulate discussion. The eight events in the series were as follows:

<u>Event</u>	<u>Speakers</u>
1. Good Governance Principles: International and Aboriginal Perspectives – September 21, 2004	Frannie Léautier, Vice President, World Bank, responsible for the World Bank Institute Larry Chartrand, Director, Aboriginal Self-Governance Program, University of Winnipeg
2. First Nations Citizenship and Membership Issues – October 20, 2004	Stewart Clatworthy, Four Directions Project Consultants, Ottawa Andrew Delisle Sr., O.C., Elder Advisor (and former Grand Chief), Mohawk Council of Kahnawake
3. Environmental Management and the on-reserve ‘Regulatory Gap’ – November 17, 2004	John Moffat, Stratos – strategies to sustainability David Nahwegahbow, Senior Partner, Nahwegahbow Nadjiwan Corbiere; Chair of the Board, Forest Stewardship Council
4. Aggregation and First Nations Governance – December 8, 2004	John Graham, Director, Institute On Governance Val Monague, Chief, Beausoleil First Nation
5. Urban Aboriginal Governance – January 20, 2005	Calvin Hanselmann, Senior Policy Analyst, Office of the Federal Interlocutor for Métis and Non-Status Indians Peter Dinsdale, Executive Director, National Association of Friendship Centres Patrick Brazeau, Vice-Chief, Congress of Aboriginal Peoples
6. Indigenous Legal Traditions – February 16, 2005	John Borrows, Professor, Faculty of Law, University of Victoria; Law Foundation Chair of Aboriginal Justice and Governance
7. Métis Governance – March 29, 2005	Jason Madden, JTM Consulting Inc. John Graham, Director, Institute On Governance
8. Government-to-Government Relations in the First Nations context	John Graham, Director, Institute On Governance Alan Latourelle, CEO, Parks Canada Mike DeGagné, Executive Director, Aboriginal Healing Foundation

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Speakers:

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Peter Dinsdale, National Association of Friendship Centres
Patrick Brazeau, Congress of Aboriginal People

The TANAGA roundtable series continued with its fifth session, this time concentrating on urban Aboriginal governance.

Elder Linda Zaluska of the Odawa Friendship Centre, originally from Kitigan Zibi First Nation, gave opening and closing prayers.

The session, introduced by John Graham of the Institute On Governance, featured three expert speakers. First to present was Calvin Hanselmann, a senior policy analyst with the Office of the Federal Interlocutor for Métis and Non-Status Indians (recently transferred from Privy Council Office to Indian and Northern Affairs), and formerly a researcher on urban Aboriginal issues with the Canada West Foundation. Calvin’s presentation ‘set the stage’ on urban Aboriginal governance issues. Second to speak was Peter Dinsdale, the Executive Director of the National Association of Friendship Centres, discussing some of the current governance challenges. Finally the group heard from Patrick Brazeau, the elected Vice-Chief of the Congress of Aboriginal Peoples, one of the five federally-recognized National Aboriginal Organizations, representing off-reserve Aboriginal people, including status and non-status Métis and First Nations. Patrick’s presentation consisted of a potential view of the future with respect to Aboriginal governance.

Calvin Hanselmann’s Presentation

Calvin Hanselmann, the first of the three speakers, attempted to ‘set the stage’ in his presentation. He explained that his presentation would consider the context for Urban Aboriginal Governance issues, before proceeding to consider the recommendations of three recent reports on Urban Aboriginal Issues: a Canada West Foundation (CWF) study (in which Calvin Hanselmann played a leading part), the Godfrey Committee study (a House of Commons sub-committee), and the Chalifoux Committee (a Senate committee). Finally, he would outline some possible mechanisms for urban Aboriginal governance. His presentation consisted of the following points:



Of the Aboriginal identity population in 2001 (according to census data), 51% live in urban areas, 20% in rural areas off-reserve, and 29% on reserve. Western cities have the highest Aboriginal populations – Winnipeg, with some 55,000 Aboriginal people; Edmonton, with 40,000; Vancouver, with 35,000; as well as Calgary, Saskatoon, and Regina. Proportionally speaking, Saskatoon, Regina, and Winnipeg all have Aboriginal populations of more than 8%; Edmonton, Thunder Bay, and Sudbury’s Aboriginal populations are also pronounced. Some smaller centres have far greater Aboriginal shares of the population, such as Prince Albert with 29%, and Prince George and Thompson in the 30-35% range.

Urban Aboriginal ‘communities’ differ in a number of ways from First Nations (i.e. on-reserve) and Inuit communities, including the following:

- They are much more heterogeneous
- They generally have no land base
- They have variable and complex identities – including Métis, non-Status Indians, etc. – this is evident in the major changes in Aboriginal identity statistics from census to census
- There is limited capacity among urban Aboriginal communities and organizations
- There is considerable mobility, migration, and ‘churn’ (i.e. from on- to off-reserve)
- And the question of who would choose to be represented by whom remains open to debate.

The CWF study was launched in 2001 as a component of a project examining policy issues facing six major western Canadian cities, with the intent of raising awareness of the importance of urban Aboriginal issues. The final report, *Shared Responsibility*, was issued in February 2003. The report included five recommendations, of which three are relevant to the discussion of urban Aboriginal governance.

Recommendation 1 of the CWF report is that ‘federal and provincial governments must be in urban Aboriginal policy together’. First, the two levels of government should put aside historical differences, and formally accept shared responsibility for urban Aboriginal policy. And then they should institutionalize intergovernmental coordination and cooperation on policies and programs. The second step will be easier once the first step is taken.

The next relevant recommendation was number 3, that ‘Governments should not shy away from Aboriginal politics’. The point is that Aboriginal people need to be represented, and so they need to develop strong representative organizations. Key challenges include:

- leadership development – especially among youth
- respecting diversity while not discriminating – the report argued that identity-specific funding causes unnecessary duplication. The CWF thus argued for pan-Aboriginal programming in cities, and that where appropriate, programs should adapt to their target groups but remain ‘status-blind’.
- In moving towards this approach, the government should work with Aboriginal organizations that are willing to work with one another.



The final CWF recommendation of relevance to urban Aboriginal governance, number 4, was that ‘governments need to take principled approaches’. This would include by adopting promising practices – looking for ideas that work and adapting them to local circumstances. Indeed the CWF website displays 12 particular practices it identified, in its ‘promising practices’ report. Governments should also take ‘holistic approaches’, that include work with individuals, families, as well as communities, on a wide range of interconnected issues. Finally, governments should take leadership roles, including through innovative approaches and through fostering the understanding of the general public with respect to urban Aboriginal issues.

The Godfrey Committee – named for MP John Godfrey, now Parliamentary Secretary to the Prime Minister with a focus on Cities, and then Chair of the Subcommittee on Children and Youth at Risk (of the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities) – committed to studying the conditions of Aboriginal children in 2001. In June 2003, the subcommittee tabled a report, *Building a Brighter Future for Urban Aboriginal Children*, focusing on the conditions and needs of urban Aboriginal children from the prenatal period to age twelve. The report included eight recommendations, two of which had implications for urban Aboriginal governance.

The first recommendation of the Godfrey report is worth noting. The text is as follows:

Building on the present Urban Aboriginal Strategy, and recognizing the Government of Canada’s commitment to Aboriginal children, the Subcommittee recommends that:...

1. the federal government should identify a government department to take responsibility for providing policy and organizational coordination among all federal departments with programs for Aboriginal people (both on and off reserve) in order to better collaborate with provincial/territorial governments and, where appropriate, municipalities;
2. Aboriginal organizations, both political and those representing Aboriginal service-providers, be invited to take a proactive participatory role in such an initiative; and
3. a key output of this initiative be the creation of an integrated federal policy and program framework for the development of young Aboriginal children, both on and off reserve, from the prenatal period to age twelve.

The second recommendation of the Godfrey report also addresses governance issues: “The Subcommittee recommends that all federal government departments with programs for urban Aboriginal families and children ensure that urban Aboriginal service-providers are consulted in program development, implementation and evaluation.” The six remaining recommendations were less relevant to the discussion of governance.

Finally, the most recent study was that of the Chalifoux Committee, named for the Hon. Senator Thelma Chalifoux, chair of the Senate Standing Committee on Aboriginal Peoples, which released its report in October 2003, entitled *Urban Aboriginal Youth: An Action Plan for Change*. Of the report’s 19 recommendations, three were relevant to the discussion on governance. Recommendation one called on the Department of Indian Affairs and Northern Development, in collaboration with First Nations, to:

- Develop procedures and guidelines recognizing the portability of rights of First Nations people
- Guidelines and procedures must include estimates for the necessary financial resources required to provide equitable access to programs and services to resident and non-resident members



The first point is a major challenge – First Nations would require significant time to develop ways to benefit all members regardless of residence. The report asked that the federal government work ‘in full partnership with Aboriginal peoples’ in implementing this recommendation. A related recommendation, of great importance, was as follows: “The federal government must enter into formal negotiations to clarify and resolve outstanding jurisdiction and rights issues concerning the Métis people of Canada.” If implemented, this recommendation would have profound implications for urban Aboriginal governance as well.

The fifth recommendation of the Chalifoux committee has a number of elements that are also worth mentioning:

The federal government should ensure the following principles are applied to programs that they fund for the delivery of services to urban Aboriginal youth:

- Involve to the greatest extent possible urban Aboriginal youth or their appropriate representative organizations in the identification of needs, priority setting, program design and service delivery.
- To the greatest extent possible, programs be developed locally with a high degree of Aboriginal involvement and ownership.
- Resources should be dedicated to Aboriginal youth capacity and leadership building.
- Include evaluation processes that incorporate community feedback.

Finally, the sixth recommendation was as follows:

By virtue of its fundamental, constitutional and fiduciary relationship with Canada’s Aboriginal Peoples:

- The federal government should take a leadership role in coordinating multi-lateral program and policy initiatives for urban Aboriginal people.
- The federal government, through the Urban Aboriginal Strategy, should act to facilitate the development of formal intergovernmental mechanisms to address the broad policy concerns of urban Aboriginal people in Canada and break down existing silos in program development and service delivery.
- Intergovernmental mechanisms must include and engage appropriate urban Aboriginal organizations.

This final point in the sixth recommendation is essentially a ‘call’ for institutionalized urban Aboriginal governance.

Having outlined these report recommendations, it would be useful to consider a number of possible mechanisms for urban Aboriginal governance. Here are a few:

1. **Nearby First Nation governments acting extra-territorially** – this would work in cases where the First Nations are near an urban area where many of their members live. Indeed this is already occurring in Calgary. However there is the obvious concern that such an arrangement will only work for the members of some communities but not others.



2. **Residential urban reserves** – although this approach would complement federal policy relating to First Nations, the problem is that Métis and non-status Indians are not eligible for reserves.
3. **Municipal government committees** – Already, Edmonton has an urban Aboriginal committee, working as an advisory committee to city council.
4. **Friendship centres** – some have pointed out that if Friendship Centres were better resourced, they could have a stronger political voice.
5. **Urban Aboriginal political institutions, such as school boards** – these bodies would be analogous to Catholic, separate, or French school boards. For example, Manitoba has a Franco-Manitoban school board, the Montreal Jewish Community has a school board, and there are other examples. I believe the Institute On Governance did some work in this regard which is relevant to the urban Aboriginal context.
6. **Existing national Aboriginal organizations** – what is clear is that the AFN will not take on additional responsibility for non-status off-reserve Aboriginal people.
7. **A new national organization** – the key question here is whether there is really room for a new national organization in the already crowded field.

What is clear here is that none of these mechanisms is a panacea – these suggestions are just useful as ‘food for thought’. Different approaches may be required in combination or in different places.

Presentation by Peter Dinsdale

Peter Dinsdale then spoke, thanking Elder Linda Zaluska for her welcoming and the IOG for the opportunity. He explained that his presentation would give background on the Friendship Centre movement, outline some of the programs they offered, and consider some statistics on urban Aboriginal issues, before moving on to consider governance concerns. His presentation consisted of the following points:

The National Association of Friendship Centres (NAFC) has no intention to become a political voice for Aboriginal people. The NAFC does of course advocate on a few issues related to the Centres themselves, but as a charitable organization there are limits on its ability to do so. The NAFC represents the views and concerns of 117 Friendship Centres (FCs) across the country at the local level. These are organized into 7 Provincial or Territorial Associations (PTAs), which come together in the one national body of the NAFC.

The primary objectives of the NAFC are:

- To act as a central, unifying body for the Friendship Centre Movement
- To promote and advocate the concerns of Aboriginal peoples
- To represent the needs of local FCs across the country to the federal government and to the public in general.



The NAFC's mission is 'To improve the quality of life for Aboriginal peoples in an urban environment by supporting self-determined activities which encourage equal access to, and participation in, Canadian Society; and which respect and strengthen the increasing emphasis on Aboriginal cultural distinctiveness.'

The FCs have a long history – several Centres believe that they were the first established. But the first appears to be the North American Indian Club, which opened in 1951 in Toronto. Very quickly other clubs were established in Vancouver, Winnipeg, and elsewhere, and by 1968 there were 26 clubs across Canada. With the white paper the movement appears to have gathered considerable momentum. In 1972 the NAFC was incorporated, and shortly thereafter the movement began to receive federal funding. A big step took place in 1996, when the Department of Canadian Heritage transferred administrative responsibility of its Aboriginal Friendship Centre Program to the NAFC, an agreement which was renewed in 2001.

Capacity at the local level remains a concern in the FC movement, so the PTAs and NAFC play a strong role. Local Centres send representatives to the PTA bodies, which send representatives to the NAFC board. Thus the NAFC board includes elected representatives of the 7 PTAs, as well of as a number of Friendship Centres not affiliated with the PTAs who have their own seats. A representative of the Urban Multi-Purpose Aboriginal Youth Centre Initiative also sits on the board. These are all elected members. In addition there are ex-officio members, including a youth executive, the president, vice-president, secretary, and treasurer. The NAFC also has a Senate, consisting largely of elders who work in an advisory capacity.

The NAFC movement now exists truly coast-to-coast-to-coast, with a relatively new Centre in Inuvik. The FCs are all funded through the core Aboriginal Friendship Centre Program, which covers operating costs and the budgets that are run by the country's 117 FC Executive Directors. Other programs which some are involved in include the Urban Multi-Purpose Aboriginal Youth Centre Initiative (UMAYC), Young Canada Works (YCW), as well as research projects, including on physical activity, tobacco, disabilities, and governance.

Statistically speaking, three figures are of particular note: 50% of the Aboriginal population lives in urban areas. 50% are under 25, and 50% are not graduating from high school. These figures point to a disastrous trend, and underline the importance of reaching out effectively to urban Aboriginal people.

Within the FC movement, it is good to see that fully 52% of FC directors are women, and 14% are youth. The FC's outreach has thus shown good results.

Nationwide, the Aboriginal Friendship Centre Program served 757,000 people nationwide in 2002/2003. The NAFC points out that for every \$1 in core funding, another \$9 is raised from other sources. The UMAC program and the YCW programs have also been successful. The UMAC program managed 111 projects in 2003-04, with \$10.4 million in program funding. In the first quarter alone, some 23,819 people were served. The YCW, on the other hand, helped find jobs for 289 Aboriginal students, with a budget of just \$1.5 million.



Other statistics of note are outlined in the box below:

- 71% of all Aboriginal people live off-reserve
- 68% of the non-reserve Aboriginal population live in urban areas
- 50% of the Aboriginal population is under the age of 25
- 56% of Aboriginal people reported excellent or very good health
- 45% of Aboriginal people over 15 reported having a chronic health condition
- 7% on the non-reserve Aboriginal population has diabetes vs. 4.3% of the total population
- 31% of the non-reserve Aboriginal population has access to traditional medicine
- 48% of Aboriginal people have not completed high school
- 20% of Aboriginal youth (15-19) who dropped out of school did so because they were bored
- 39% of non-reserve population completed post-secondary schooling compared to 55% of non-Aboriginal population
- 25% of off-reserve households were in a core housing need vs. 16% of non-Aboriginal people
- 17% of off-reserve Aboriginal people live in crowded housing compared to 7% of non-Aboriginal peoples
- 18% of Aboriginal people living in non-reserve areas required major repairs vs. 8% of the total population
- Aboriginal household income is 87% of non-Aboriginal households
- Average Aboriginal income is \$ 14,553 vs. \$ 19,207 for the non-Aboriginal population
- Aboriginal peoples' unemployment rate is 19.1% vs. 7.4% for the non-Aboriginal population

Turning to governance issues, these are at the top of the NAFC's agenda. Peter has attended four of the Prime Minister's Roundtables on Aboriginal Peoples. The discussion seems to centre around 'rights' – including to housing, to education, to self-government. The concern is that 'rights' are necessarily nation-based – and focus on nations and governments. But what about those who fall through the cracks? NAFC would prefer that the discussion centred more around 'needs'. This may not be as politically exciting or as persuasive as the rights-based approach, but it is what is needed to ensure that all are included. The NAFC operates on a status-blind basis, is pan-Aboriginal, and focuses on needs. In practice, some FCs in the West are run largely by Métis people; in the North, by Inuit; and elsewhere, by First Nations; but all are welcome. So far the NAFC has not had great success in advocating a needs-based approach to Aboriginal issues. But there is tremendous need for homeless services, and to deal with kids who have dropped out of school. Talk about 'rights' will not solve these problems.



The Royal Commission on Aboriginal Peoples set the agenda for the past 8 years, so perhaps the Prime Minister's Roundtables will set the agenda for the next decade. One of the key issues that needs to be addressed in this context are the implications of Bill C-31. At some point in the future there will be far fewer status Indians – and there will be great pressure on urban Aboriginal services, including those of FCs. The current policy structure is not suited to meeting this major challenge.

Within the context of NAFC governance, there are some issues around the PTA boards which remain to be addressed – including conflicts-of-interest that FC staff who sit on the PTA boards might have. A review is underway of the NAFC's governance arrangements. Another challenge at the local level is that the FCs can have trouble training staff, as well as board members. A final issue is that youth leaders have to be developed, in order to ensure that there are successors for a number of the Executive Directors who are retiring. Nationwide, the NAFC can step in if there are governance or financial problems at the local level. One common source of local financial issues is when FC boards are stacked with people from outside the movement.

Another governance problem to be addressed relates to federal program integration which has been piecemeal to-date – there are simply too many programs FCs need to tap into – the Aboriginal Human Resources Development Strategy, the Urban Aboriginal Strategy, Urban Aboriginal Healing, Health, and Justice programs. In some ways the Urban Aboriginal Strategy consisted of lumping together programs that were convenient for the federal government to lump together. More needs to be done to integrate programs. Another issue is around the \$360 million of Fetal Alcohol Spectrum Disorder funding, of which none went off-reserve. Likewise, Corrections and Justice have few off-reserve initiatives.

In this context the NAFC would advocate the following proposal: to structure programs to enable FCs to take a case-management approach to people, even if the peoples' needs cross departmental silos. Thus staff at the FCs could help particular people they know well access the health, education, justice, skills development, and other programs they need. In big cities like Toronto, there is a wide range of services available. In small towns, on the other hand, there is far less. Case management rather than program management can help ensure dollars are used in the most effective way for their targets. Part of this is a provincial responsibility. While the Provinces may not be able to take leadership on urban Aboriginal issues, they still have to help integrate their programs.

Presentation by Patrick Brazeau

John Graham then introduced the last speaker, Patrick Brazeau, whose presentation offered a vision of the future of urban Aboriginal governance. John thanked Patrick for having suggested the urban Aboriginal topic to him originally and for helping move the event along.

Patrick explained that his organization represents the rights and interests of off-reserve Aboriginal people, both status and non-status, Métis and First Nations. CAP's precursor, the Native Council of Canada, was founded in 1971 and became CAP in 1984 following the legislative changes involved in Bill C-31 and a growing realization of the limited ability of the Assembly of First Nations to represent non-status and off-reserve Aboriginal people. He also



explained that he was also a member of the Native Council of Québec, one of CAP's regional affiliates, and noted that it was rare for a status Indian like himself to be representing an off-reserve group.

Patrick explained that his discussion would outline an 'Aboriginal Nation Recognition Act' – also known as an 'Aboriginal People's Act' – an alternative that would deal better with the concerns of off-reserve and non-status Aboriginal people than the Indian Act or the rejected First Nations Governance Act. He would also touch on a few other options for improving Aboriginal governance in the urban setting. His presentation consisted of the following points:

The Aboriginal People's Act principal goal is to reconstitute Aboriginal communities across the on/off-reserve and status/non-status barriers in order to restore the 'true historical Aboriginal Nations'. For example, the Algonquin live in 7 separate reserve communities, in addition to other members scattered nationwide, but they are in truth a single people. The Royal Commission on Aboriginal Peoples suggested that there might be around 80 'true historical nations' in Canada, rather than the 650 or so reserves that have been established.

There are five federally recognized 'National Aboriginal Organizations' (NAOs) in Canada – the Congress of Aboriginal People, the Assembly of First Nations, the Métis National Council, Inuit Tapiriit Kanatami, and the Native Women's Association of Canada. Section 35 of the *Constitution Act* states that the "Aboriginal peoples of Canada include Indian, Inuit, and Métis". What the *Constitution Act* does not say is that Aboriginal peoples are restricted to these groups, and it does not assign particular organizations to represent these groups, contrary to the views of some of the NAO leaders.

It needs to be understood that the Indian Act is a colonial, paternalistic piece of legislation applying to status Indians, which does not create Indian 'governments', but simply delegates to them administrative authorities that are set by the federal government. Likewise, the 'First Nations' administered by these institutions are not true historical nations, but simply federally created reserve communities.

The Indian Act and Bill C-31 have created a class of Aboriginal people without status, who are not recognized by the federal or provincial governments, and can thus be termed 'the forgotten people'. For some time this label was used for Métis people as well, though recent advances in their status have changed this reality.

The 2001 census identified 1.3 million Aboriginal people, 79% of whom were living off-reserve. So the CAP constituency is some 800,000 people – although all are not of course CAP members (similarly, the Prime Minister has a constituency of 32 million, although all are not Liberals). Among status Indians, meanwhile, as many as 50% were living off-reserve. In this context we must ask: why are federal programs overwhelmingly targeted on-reserve?

The preamble to the Aboriginal Peoples' Act defines 'Aboriginal communities' as any group of Aboriginal people, living within a reasonable territory that can demonstrate the following:

- consistent interactions, relationships within the membership
- membership can be differentiated from non-members



- includes bands, Treaties, Métis Settlements, Inuit communities, and Aboriginal communities occupying a defined locality, such as urban, rural and remote communities

An Aboriginal community member will meet membership criteria, will be recognized by the collectivity, or will be registered on an official list, such as those of Indian and Northern Affairs Canada, or CAP and MNC affiliates (CAP's affiliates manage membership rather than the national organization).

The Aboriginal Peoples Act would enable the formation of the true historic Aboriginal Nations – Cree, Anishnabe, Algonquin, etc. representing on and off-reserve members – through the following process:

- First, the Nation's leaders would need to obtain a 'Certificate of Full and Fair Representation'. The Nation would notify all potentially interested parties of their intent to amalgamate, submit an application to government, and establish the membership by a clear process. Criteria for recognition for such a Nation would include recognition by federal, provincial, and municipal governments, the courts, or by anthropologists, historians, scholars, elders, other Aboriginal organizations, or by foreign governments or international organizations.
- The Aboriginal Nation would then describe all lands in which it currently has an interest – including reserve lands, treaty allocations, Métis Settlements, or lands acquired through a land claims agreement, in addition to lands considered to be traditional lands or lands over which it asserts title.
- The application for recognition as a 'true historic nation' would be reviewed by an independent commission – appointed by the Government of Canada on the recommendations of the Aboriginal peoples of Canada (represented by the NAOs). The application would trigger a hearing process to assess the strength of the claim, and a decision would be made by a two-thirds majority. Appeals could be made to the Federal Court of Appeal. Within six months, a budget should be determined by negotiation with the federal government. Funding amounts would be based on the principle of achieving levels of services comparable to non-Aboriginal communities. Good faith negotiations would then settle which level of government has paramountcy in cases of conflicts of laws. At the end of the process, the Nation would no longer be operating under the Indian Act, unless it and the federal government agreed that it should.

Admittedly however, the Aboriginal Peoples Act is how things might unfold in an ideal world. There are a number of other, more short-term alternatives that should also be considered:

- First, Aboriginal people living in dispersed areas off-reserve could follow the model of ethnic organizations in cities. Here, any governance jurisdiction their organizations exercise would be based on cultural rather than geographic criteria. There are many examples of this: Franco-Manitoban communities; the Jewish community in Montreal; Italians in Toronto, Ukrainians in Saskatoon, and a number of others.



- A second approach is to establish community organizations in particular neighbourhoods, functioning somewhat like governments. If a particular area had an overwhelming Aboriginal population, an Aboriginal community government could provide child-care, education, health, employment, and policing services, for example.
- Third, non-Aboriginal governments could establish an extra-territorial realm of jurisdiction for Aboriginal governments within the same geographic area. Certain laws would apply to Aboriginal people, for example, and services would be provided by their governments to them.
- A fourth option would be the establishment of ‘urban reserves’. Here, there are two approaches. One would be to create satellite parcels to add to the lands of existing First Nations (perhaps communities located near the cities); another option would be to create entirely new, separate First Nation reserves. The Congress of Aboriginal Peoples strongly disagrees with this approach, as it does not want to see more people living under the Indian Act.
- The final option is the one outlined earlier – to create new communities under the Aboriginal Peoples’ Act, exercising urban self-government. Under this approach, Aboriginal governments would be sovereign within their realm of authorities. Some of their powers would be exclusive, others delegated, others shared.

Regardless of the option taken, financial arrangements should allow Aboriginal communities full access to their current contributions to the national treasury and the Canadian economy. Binding, long-term fiscal arrangements should be established.

A number of barriers exist to improved governance in the urban Aboriginal context. First, off-reserve status Indians, non-status Indians, Métis and Aboriginal people living off-reserve are not able to access any negotiation process to establish self-governing institutions. Self-government processes that do exist are slow, spanning as much as 15 to 25 years. Current Indian Affairs self-government initiatives are only directed at a portion of the historical Aboriginal nations. The federal government has not given up on its policy of ‘certainty’, which entails the extinguishment, cessation, and relinquishment of rights. And in general, the federal government has not fully assumed its responsibility for all Aboriginal peoples.

But there are barriers on the Aboriginal side as well. There are major struggles between Aboriginal organizations over who represents Aboriginal people. Some NAOs purport to be ‘governments’, when in truth they are simply administering the *Indian Act* for the federal government. The *Indian Act* has played a major role in dividing Aboriginal communities, and making First Nations dependent on federal funding.

In this context CAP has a vision of inclusion, participation, contribution, and partnerships. CAP advocates for government programs based on *need* rather than on *status*, and calls for residency and status-blind government policy. For more information, please see the CAP website, www.abo-peoples.org. You may also email Patrick Brazeau at PatrickB@abo-peoples.org.



By way of summary, it is important to note that when the Prime Minister announced the Aboriginal Roundtables he promised to involve the 5 National Aboriginal Organizations. But CAP has had to fight tooth and nail to ensure that his promise was delivered on. At the end of the day CAP is indeed at the table. CAP and the Native Women's Association of Canada (NWAC) are both now United Nations – accredited. So the international community treats CAP on an equal basis, and so does the federal government. But amazingly, Aboriginal people do not treat each other on an equal basis. Aboriginal people need to stand united if they are to achieve what they want to achieve.

Questions and Answers, Open Discussion

Note: Participants spoke as individuals at the event, and because their comments do not necessarily represent the views of their departments or organizations, they are recorded without attribution.

Q. (John Graham) Perhaps I can start off with a quick question for Peter Dinsdale: do you think that voluntary boards are the right approach in your organization? Does relying on volunteers not mean that the NAFC needs to step in to deal with local-level problems on a regular basis?

A. (Peter Dinsdale) Voluntary boards at the local level are one issue, but the national organization has a voluntary board as well. Volunteerism is a tightly-held precept in the Friendship Centre movement – we're not here because anyone wanted us here, we're still fighting. It's important that the movement remain democratic. Democracy is indeed messy, and some boards have to be dealt with occasionally by the national organization, but it's worth it. Having volunteers at the local level helps build capacity, which then moves on to other important functions in the movement or in the Aboriginal world. And finally, the voluntary boards are there partly because of the requirements of the Canada Corporations Act.

Q. (a participant) This question is for Calvin Hanselmann: on the idea that a new National Urban Aboriginal organization should be created – isn't there already considerable overlap in the organizations' mandates? Perhaps another alternative is to have the existing organizations widen their mandates and address the gaps that are present? One of the problems is that both CAP and the MNC are based on regional affiliates – so they aren't really national.

A. (Calvin Hanselmann) I don't personally think that any of these options are really ideal, in fact. The point is to get the ideas out there before the details are built up too much. Reorganizing the mandates of the 5 NAOs may indeed be part of the solution. But the federal government has to figure itself out as well – one part of the federal government deals with five NAOs, another part deals with six. One of the reasons for the proliferation is that nature abhors a vacuum: CAP emerged when the AFN dropped the ball on off-reserve status and non-status people in the early 1980s. And the NAFC also arose from the Native Council of Canada, CAP's precursor.

Q. (a participant) I think we need to acknowledge that great progress has been made already. Five years ago a discussion on urban Aboriginal governance would have been seen as very 'blue sky'. So we should credit John and Patrick for developing this event. And the CWF study is



very useful on this issue. The literature on governance focuses a great deal on networking, on partnerships, relationships, and so on. But governance processes in the Aboriginal world – with three or four identities and many other sub-identities, 631 First Nations, in a federation – get very complex. But at the end of the day it's not about process, it's about people and concrete outcomes. So my question is a broad one, for all speakers: In five years, where will these processes take us? What policy areas will see change?

A. (Calvin Hanselmann) I am feeling somewhat cynical at the moment. The Prime Minister's Roundtable is however, at the top of my mind. Five years from now, in the year 2010, who knows where we'll be. The census data shows improvement in a few key indicators – still, people are not concentrating on the fact that the gap is closing, but rather that there still needs to be done – and this is because the 'bar' is rising. All of Canadian society is improving.

One of the key issues to deal with is that the federal and provincial governments need to get away from jurisdictional squabbles. The federal government has historically chosen to interpret section 91(24) of the constitution as being exclusive, and the Provinces have been happy to leave these issues up to the federal government. There has been some progress on federal-provincial issues, but in many ways this has been inadequate. The strategies, as Peter Dinsdale mentioned, are piecemeal. As far as I can see it, 91(24) is the 'big excuse' for not dealing with these issues as well as we should. If we can get away from this approach we will see change.

A. (Patrick Brazeau) In my job I have to see hope. This Prime Minister seems serious. As does Justice Minister Cotler – when I met with him he was clear that he wanted to see fewer cases in the courts, and more in negotiations. But the problem is that while the Ministers' minds can be changed to the right view, the bureaucracy can create big obstacles.

A. (Peter Dinsdale) I think the biggest changes in the short-term will occur in the areas of Health and Justice. Big efforts will also go towards employment and training. Saskatchewan will be as much as 50% Aboriginal in the near future. Big investments are required for this to work.

Q. (a participant) I suppose one thing you can all agree on is that the federal government needs to 'get its own act together' with respect to urban Aboriginal programming. If you had one minute with the Prime Minister, what would you say?

A. (Peter Dinsdale) I would demand that he show leadership. I would tell him to let the bright people out, unmuzzle them, and back them up on their ideas. Fundamental, as opposed to incremental change can be achieved through education and through creating employment for urban Aboriginal people where they live. Good living is determined through good housing, education, employment and health. These need to be the focus.

Comment. (a participant) In talking about these issues it is important to come to the grassroots, and talk to regular people. The leadership always have different stories.

Q. (Peter Dinsdale) I have a question for my friend Calvin here. What are the capacity issues you see among urban Aboriginal service-delivery organizations? The Senate, Godfrey, CWF,



and CPRN reports all point to short-comings in capacity, including funding to build capacity. This is a big challenge the FC movement has to take on.

A. (Calvin Hanselmann) We need to try to build capacity in a few cases, and if we have some successes, we can go further.

Comment (a participant) I don't think 91(24) is the issue here – 91(24) doesn't prevent the federal government from passing money on to provinces or municipalities to deal with FASD, for example.

Comment (a participant) I agree that 91(24) isn't the issue – I think money is the issue. Providing a high level of services off-reserve separately from the general population will be expensive.

Comment (Calvin Hanselmann) Yes, 91(24) might be a straw monster hiding the money issue. But finance isn't a strong reason not to move ahead – the money spent on urban Aboriginal people is a hugely important investment, and it will keep issues out of the courts for years to come.

Comment (a participant) Sometimes things need time before a window of opportunity appears. Urban Aboriginal issues have moved very far in a short period of time. I have hope for the next five years, if the current pace is maintained.

Comment (Calvin Hanselmann) The Royal Commission on Aboriginal Peoples came up with a lot of useful ideas in 1996. But it has taken a long time to act on it – apparently the time between Commission and Action is as much as 10 years!

Comment (a participant) I am a little skeptical that urban Aboriginal issues are as high a priority as we think. In the 'Profile of the Nation' report, of the list of 11 items, 'improving life chances for Aboriginals' is number 9.

Comment (Peter Dinsdale) This points to the fact that we need to improve public education – including by updating teaching materials. It's really time we moved beyond this 'buffalo hunt' stuff. The NAFC did try to propose some work that had to do with case studies for students around treaties, but the proposal was rejected, unfortunately. The government hasn't put a lot of time into selling its Aboriginal agenda to the general public. Debt reduction was packaged and sold well, helping Aboriginal people has not been.

Comment (a participant) One of the reasons it hasn't done so well might have something to do with Western alienation. The visibility of Aboriginal issues is not as high in Ontario, Quebec, whereas it is quite apparent in the West. This is also why homelessness gets attention while urban Aboriginal issues do not.

Question (a participant) My sense is that self-governing communities that are working with Provinces are doing the best. Those that work with provincial frameworks around education, health, housing, and so on can benefit from their systems. So perhaps the federal government



shouldn't be wading in everywhere. In the urban Aboriginal context, why not give the responsibility to municipalities?

Answer (Patrick Brazeau) Increased provincial involvement could well be part of the solution. But First Nations chiefs will say, as usual, 'what happens to the federal government's fiduciary obligations if we deal with the Provinces?' Self-governing First Nations see themselves as having fiduciary responsibilities for their own citizens.

Comment (Peter Dinsdale) This is true. Self-governing First Nations have been shown to have lower rates of suicide than other First Nations, for example. But on jurisdictional issues, of NAFC's 7 PTAs, I would say that only one – Ontario – enjoys truly sound relations with the Province. Other Provinces have frankly horrible relations.

Comment (a participant) Part of this is because of the courts, which lay a lot of responsibility for the problem at the feet of the federal government. But perhaps they should be looking to provinces, and First Nations as well?

Comment (a participant) In practice, though, the Provinces are doing quite a bit. The Ontario provincial government is funding Odawa Friendship Centre, for example, through the Ottawa school board, to help struggling Aboriginal kids with special needs. Perhaps federal money could prompt the Provinces, school boards, and municipalities to work more closely with Friendship Centres. The point is that the federal government does some things so badly that they shouldn't move into a new area in which they have even less capacity. And the other part of the issue here is that Finance is probably saying "careful, do you know what this will cost!?"



Participants Attending¹

Perry Billingsley

Director, Self-government Policy, Indian and Northern Affairs Canada

Bruno Bonneville

Executive Director, Law Commission of Canada

Tomas Ernst

Policy Analyst, Strategic Policy and Advocacy Western Economic Diversification Canada

Kay Rogers

Assistant Director, Aboriginal Affairs, Human Resources and Skills Development Canada

Dr. Leslie Seidle

Senior Research Associate, Institute for Research on Public Policy

SPECIAL GUESTS

Linda Zaluska

Elder, Odawa Friendship Centre

Joe Sampson, Elder's Helper

Mr. Russell Vallée, Program Officer, Aboriginal Program Operations, Human Resources and Skills Development Canada

Gabriel Dufault, President, Union nationale Métis du Manitoba

SPEAKERS

Calvin Hanselmann, Senior Policy Analyst, Office of the Federal Interlocutor for Métis & Non-Status Affairs

Peter Dinsdale

Executive Director
National Association of Friendship Centres

Patrick Brazeau

Vice President
Congress of Aboriginal Peoples

IOG STAFF

John Graham, Director

Claire Watier, Principal

Jake Wilson, Program Officer

Gina Barbeau, Special Events Coordinator

¹ Attendees participated in their individual capacity, not as representatives of their organizations.

