Completing Confederation: The Necessary Foundations

An essay presented to *Sharing the Land, Sharing a Future*, a dialogue and conference marking the 20th anniversary of the Report of the Royal Commission on Aboriginal Peoples, University of Manitoba, Winnipeg, November 2-4, 2016

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The authors are members of the Transitional Governance Project, a collaborative research venture. For assistance with this paper, they are grateful to Zachary Smith and Andrew Spring.

ABSTRACT: In this essay, we review certain features of the analysis put forward by the Royal Commission on Aboriginal Peoples for self-determination and a new nation-to-nation relationship between Indigenous peoples and Canada; consider what has changed in Indigenous-Canada relations since 1996; and on the basis of this, offer some observations on the pathways to self-determination and new relationships that lie ahead. We are interested in delineating the necessary foundations that will permit the just completion of Confederation. While few of RCAP's major recommendations were implemented and much has changed on the landscape, the report provided important insights that remain relevant today as we consider what paths on which to move forward.

Introduction

The work of the Royal Commission on Aboriginal Peoples was undertaken at a difficult time in Indigenous-Canadian relations, as the Commissioners themselves noted in the forward to their summary report (RCAP 1996a). Patriation of the Canadian constitution in 1982 had marked a watershed in Indigenous-Crown relations, with the inclusion of "existing aboriginal and treaty rights" in section 35 (and other related provisions). After 1982, however, attempts to reach consensus among Indigenous peoples and Canadian government leaders on the meaning of that term had faltered. Conflicts over sovereignty and jurisdiction, constitutional wrangling and legal action over the meaning and effect of section 35 became a bitter battle. After 1982, a handful of comprehensive land claims (modern treaties) were negotiated, but most remained mired in protracted negotiations. First Nation communities continued to labour under the administrative strictures of the Indian Act. Many fought the Crown to make good on the promises and breaches of historic treaties. Long-standing, dire social and economic disparity in the conditions in Indigenous communities remained. And protests had sprung up in various corners of the land, sometimes leading to violent conflict. Reportedly, the summer 1990 siege at Kanesatake/Oka over land rights, which led to one death and shockingly deteriorating relationships between provincial, federal and Mohawk activists (York & Pindera 1991; Goodleaf 1995), was the event that finally convinced the federal Cabinet to act on an earlier promise to appoint a Royal Commission to enquire into Indigenous-Crown relations.

If the conflict at Kanesatake was the spark, the 1992 failure of the referendum on the Charlottetown Accord was the wind that kept the fire burning. The Charlottetown Accord reflected consensus among federal, provincial, territorial and Indigenous leaders on the inherent right of self-government and other key matters. These were bundled in an agreement among these policy elites that included numerous other reform provisions concerning the balance of federal and provincial powers, recognition of Quebec as a distinct society, Parliamentary institutions, and other provisions. Put to a national referendum, there was sufficient variety in the Accord to give too many voters a reason to decline the package. It was evident that while conceptual progress in renovating Indigenous-Canada relations had been made, other measures were needed to institutionalize change.

The Royal Commission on Aboriginal Peoples found grounds for hope in this complex landscape. They set out a vision and an ambitious, detailed agenda for renewing the relationship. Its underlying theme was the vital importance of self-determination and self-reliance to the achievement of better lives and better relationships within Canada for Indigenous peoples.[1] Fully 54 of their 440 recommendations deal with governance alone, spanning matters of constitution and parliament, legal frameworks, jurisdictional arrangements, machinery of government, citizenship, financing. and professional and institutional capacity, among others.

[1] "If one theme dominates, it is that Aboriginal peoples must have room to exercise their autonomy and structure their own solutions". Vol 5 p 1

In this essay, we review certain features of the analysis put forward by the Royal Commission, consider what has changed in Indigenous-Canada relations since 1996, and on the basis of this, offer some observations on the pathways to self-determination that lie ahead. We are interested in delineating the necessary foundations that will permit the just completion of Confederation.

I. RCAP's Vision

The final report of the Royal Commission on Aboriginal Peoples provided important insights into the meaning of sovereignty and distinctions between self-determination and self-government that remain relevant today as we consider what paths on which to move forward. For the Commission, Indigenous sovereignty is, as heard from witnesses, an "inherent attribute, flowing from sources within a people or nation rather than from external sources such as international law" (RCAP 1996c, p.107). The Commissioners noted that Indigenous sovereignty in Canada is recognized and given effect by the various formal alliances and treaties that had been made between Indigenous Nations and European powers over time (RCAP 1996c, p.183). The inherent principle or right of self-determination flows from this sovereignty, with the exercise of the constitutional right of self-government being one of the paths to express self-determination (RCAP 1996c, p.106, 156). These came to be known as "section 35 rights."

As a fundamental starting point, the Commission held that section 35 rights acknowledge the pre-existence of the right of self-determination and further, that in core areas of jurisdiction, Aboriginal people are free to implement the right through "self-starting initiatives, without the need for agreements with the federal and provincial governments" (RCAP 1996c, p.203). However, the Commission also concluded that as the rights are acknowledged within the Canadian Constitution they can only operate within the sphere of sovereignty defined by it (including the application of the Charter of Rights and Freedoms to their citizens), requiring that their implementation – at least in part – would require negotiated agreement with other governments, particularly where rights and interests might overlap (concurrent spheres of jurisdiction), and in the "interest of reciprocal recognition and the avoidance of litigation" (RCAP 1996c, pp.202-203).

RCAP offered a useful distinction between core and peripheral jurisdiction. The Commission defined "core" jurisdictions as matters that "are vital to the life and welfare of a particular Aboriginal people, it's culture and identity; do not have a major impact on adjacent jurisdictions; and are not otherwise the object of transcendent federal or provincial concern." Their discussion of jurisdictions acknowledges the need for negotiations with other governments on "periphery jurisdictions" that do significantly impact other jurisdictions or are a matter of concern for provincial or federal governments (RCAP 1996c, pp.202-203).

The expression and exercise of the inherent right

The Commission also found that the existence of section 35 effectively establishes a third order of government within Canada, although implementation would be dependent on the reconstitution of effective self-governing nations. The Commission further recommended that the government of Canada formally recognize and help bring about the implementation of self-governing rights through legislation; an Act that would also provide the mechanism for it to vacate its legislative authority and responsibility under section 91(24) of the Constitution (RCAP 1996c, p.298). In the event of any conflict between Indigenous law and a federal law within a concurrent sphere of jurisdiction, "the Aboriginal law will take priority, except where the federal law satisfies the *Sparrow* standard" (RCAP 1996c, p.204).[2]

Short of the vision of fully-reconstituted nations exercising self-government from a defined land base, RCAP anticipated that a range of arrangements may be necessary to give *expression* to the right of self-determination given the diversity of peoples and cultures; historical experiences of colonialism; where they made their home; and their visions of governance. In the diversity of presentations received from Inuit, Metis and First Nations representatives across the land, RCAP saw that the visions of Indigenous peoples embraced two main goals: greater authority over lands and people; and, greater control over matters affecting a particular nation – especially their culture, identity and collective well-being "wherever they happen to be located" (RCAP 1996c, p. 134).[3] RCAP saw these ideas as complementary rather than contradictory and thus built into their models of self-determination the potential for a range of approaches including service delivery by a nation to those living outside its boundaries, or for self-determination by a nation's citizenry living dispersed throughout a region or within an urban centre. This latter case they referred to "community of interest governments" to which people living dispersed throughout other jurisdictions may voluntarily associate for a limited set of governing purposes (RCAP 1996c, p.262).[4]

Only nations can exercise the inherent right

In respect of an Aboriginal order of government *exercising* the right of self-determination, RCAP was of the view that the right was vested in Indigenous nations, not small communities or individuals living within an urban centre. And further, that even if a measure of power was ultimately exercised at the local level, it is only the people of the nation as a whole who can negotiate and conclude treaties relating to the inherent right (RCAP 1996c, p.223).

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[2] *R. v. Sparrow, [1990] 1 S.C.R. 1075* established rules to restrict uninhibited infringement of Aboriginal rights. The infringement must serve a valid legislative objective with as little infringement as possible to effect the desired result; fair compensation is provided; and Aboriginal groups are consulted.

[3] In 1996, 49 per cent of people who identified as First Nation, Metis or Inuit lived in urban centres. In the 2011 census that number had grown to 56 per cent (INAC 2016b).

[4] For reasons of space, we set aside further discussion of urban governance for another paper. The issues are complex and increasingly so.

This was as much a matter of practical implementation as a philosophic or legal view. RCAP said that in order for governments to be effective they require three basic things: legitimacy, power and resources (RCAP 1996c, p.156). RCAP defined a nation as "a sizeable body of Aboriginal people with a shared sense of national identity that constitutes the predominant population in a certain territory or collection of territories" and that within this definition three important concepts were at play: collective sense of identity; size as a matter of capacity; and territorial predominance" (RCAP 1996c, p.169).

While recognizing that the imposition of the Indian Act and other colonial policies over more than a century had led many - First Nations in particular - to strongly identify with local community and community administration, RCAP states that band administration is little more than self-administration (being within the aegis of federal control over decision-making), not self-government (RCAP 1996c, p.269). Further, "community level governments will generally continue to be poor, weak and isolated unless they form part of larger governmental structures" (RCAP 1996c, p.224). The factor of territorial pre-dominance is also seen as an important element for determining geographical boundaries of power and appropriate structures of government.

Accordingly, a number of RCAP recommendations are directed at Indigenous peoples themselves, urging them to begin the process of rebuilding nations, including establishing citizenship and new governing structures. Interestingly, despite declaring that Indigenous peoples are entitled to identify their own national units, the Commission also recommended that the federal government put in place a process for "identifying Aboriginal groups entitled to exercise the right of self-determination as nations" (Recommendation 2.2.3). Not so surprisingly, given that colonial administration has undermined the capacity of peoples to be self-determining, the Commission also recommended that the Canadian government put in place various institutional and other supports needed to build and maintain modern Indigenous governments. The Commission also foresaw the need to foster education and crucial skills in government and economic self-reliance.

New nation to nation relationships

In regards to economic self-reliance, the Commission called for "a fundamentally new fiscal arrangement" for Indigenous governments; one not based on the current practices under the *Indian Act* whereby the Canadian government determines priority spending and amounts, the manner in which funds may be spent, and where accountability for spending is primarily to the Minister of Indian Affairs rather than to the citizens of Indigenous governments (RCAP 1996c, p.271).

Recommendations 2.3.17 to 2.3.26 lay out a comprehensive framework for financing Indigenous governments, not unlike the type of fiscal arrangements that currently exist between the federal and provincial levels of government. Here, the Commission also deals in detail with

taxation, land use and development, economic investments, financial settlements arising out of land claims, and what should or should not be included as a direct source of funding for Aboriginal governments. Further, negotiated fiscal agreements between the three orders of government should meet five key objectives: self-reliance, equity, efficiency, accountability and harmonization (RCAP 1996c, p.293).

To give rapid effect to the creation of a new nation to nation relationship and the implementation of the inherent right to self-determination in particular, the Commission recommended a variety of legislative and other actions: a new Royal Proclamation, framework legislation on the inherent right as well as nation recognition, a Canada-wide framework to guide a new fiscal relationship, along with the creation of guiding and supporting institutions. Almost none of these things happened. But much has happened in 20 years to give some effect to their vision, in some parts of the country. Perhaps their reflection on the following presaged the events to come:

"*Self-government is not a machine to be turned on or off. It is an organic process, growing out of the people as a tree grows from the earth, shaped by their circumstances and responsive to their needs. Like a tree growing, it cannot be rushed or twisted to fit a particular mould*" (RCAP 1996c, p.203). [5]

II. Twenty Years Since RCAP's Report: What Has Changed?

In a paper of this length, it is impossible to fully trace the Royal Commission's influence on constitutional jurisprudence, federal policy, or Indigenous people's estimation of the terrain of negotiation that lies before them –or, when considering these matters, to separate the influence of the Commission's analysis from the other interacting forces for change. We do hope to point to four significant factors for change, with some reflections on what they might mean for the future.

Section 35: From an Empty Box to Full Box of Rights

When section 35 was included in the *Constitution Act* (1982), many took the view that the phrase "existing aboriginal and treaty rights" should be pictured, metaphorically, as an "empty box" of rights, a placeholder clause awaiting the negotiations and federal and provincial "concessions" that would determine its contents. The empty box view was disputed by the Indigenous leadership of the time, and indeed, three constitutional conferences and several Supreme Court decisions later, the box has been found to be quite full. The long march through the courts has transformed the constitutional and legal landscape of Indigenous-Crown relations in Canada (see Asch 1997; Asch 2014; Foster et al. 2011; McNeil 1996; and Newman 2009 for legal overviews).

[5] As referenced in the final report, this is a quote from a 1994 RCAP-commissioned report by Thalassa Research entitled "Nation to Nation: Indian Nation-Crown Relations in Canada"

Without aiming to explain or explore all the developments in jurisprudence over the last twenty years, there have been a few signal decisions that have deeply strengthened the foundations for new relationships. These changes provide a framework for reconciliation through section 35 based on recognition and protection[6].

R. v. Sparrow (1990) dominated the legal context for RCAP Commissioners and staff, as it introduced the burden of proof to justify negative infringements on section 35 rights, outlining what came to be known as the Sparrow Test (Moralleto 2008). A year after RCAPs release, *Delgamuukw and Gisdayway v. British Columbia* (1997)[7] provided clarity concerning the definition and content of Aboriginal title in relation to self-government, describing Aboriginal title as a right to the land itself that includes a right to decide how those lands are used (McNeil 2007). Subsequent cases provided guidance and strengthened what was established through *Delgamuukw and Gisdayway*. Notably, the British Columbia Supreme Court decision in *Campbell* (2000) marked the first explicit recognition of the inherent right to self-government and clarified that negotiations are not necessary to implement self-governance. Then, in the mid-2000s, the Supreme Court of Canada's *Haida* (2004) and *Mikisew Cree* (2005) decisions laid a foundation for a new relationship and process of reconciliation outside the courts. These decisions include a procedural component (the duty to consult) and a substantive component (the duty to accommodate), applicable in treaty areas as well as proven and un-proven title contexts (Newman 2009). More recently, the *Tsilhqot'in* (2014) decision declared approximately 1700km^2 in central BC to be Tsilhqot'in title lands. The court also took an unprecedented step by requiring consent with respect to potential infringements and consideration of the dual perspectives at play – both the common law and Indigenous law. Where *Sparrow* (1990) provided a procedure for infringing on section 35 rights, the *Tsilhqot'in* (2014) decision clarified that section 35 is about protecting rights and should drive negotiations towards reconciliation. Further, "the dual perspectives of the common law and of the Aboriginal group bear equal weight in evaluating a claim for Aboriginal title" (*Tsilhqot'in* 2014: 14). Accordingly, the threshold for infringing on section 35 rights is remarkably high and, in the Tsilhqot'in case, involved re-negotiating the *BC Forest Act* on Tsilhqot'in title lands. The burden has thus shifted to the Crown to bring their laws, regulations, and policies into line with the dual perspective.

Metis peoples have also successfully turned to the court system to establish and define their rights under section 35. Three key decisions since 2003 (two within the last five years) are laying the groundwork for the exercise of Metis rights across the country. In addition to establishing traditional harvesting rights, *R. v. Powley* (2003) laid out the legal test[8] for

[6] These developments build upon the 1973 *Calder* decision, which initiated the resulting decades of case law regarding Aboriginal title and rights in Canada and notably shifted political will towards re-opening treaty negotiations (see Godlewska & Webber 2007).

[7] In the 1997 decision widely referred to as *Delgamuukw v. British Columbia*, we acknowledge the contribution of both the Gitxsan and Wet'suwet'en Nations to the case and therefore use the full title, *Delgamuukw and Gisdayway v. British Columbia*

[8] See R. *v.* Powley, [2003] 2 S.C.R. 207, 2003 SCC 43, Para 12

determining who is Metis (for the purposes of section 35). *Manitoba Metis Federation v Canada* (2013) in which the majority held that a promised land grant to Metis children of the Red River Settlement in the late 1800's had been improperly implemented, sets the stage for new Metis land settlements in that province, at least. And last - but most significantly for Metis peoples - the 2016 decision of the Supreme Court in *Daniels* closed the jurisdictional responsibility gap in which Metis peoples have been trapped for the past 150 years. The court determined Metis and non-status Indians to be "Indians" under section 91(24) of the Constitution[9]. This was not, as some worry, a case of creating a new "Indian" identity for the Metis. Instead it puts policy and legislative responsibility for them squarely in the lap of the federal government (as with Inuit in 1939 [10]) making it now clear which order of government Metis peoples can turn to for policy redress.[11]

Advances in Land Claims and Self-Government Agreements

In 1991, when the Royal Commission began its work, just three comprehensive land claims agreements had been negotiated, and only one "self-government" agreement had been concluded.[12] Four more comprehensive land claims agreements were reached while the Commission deliberated, including the umbrella Yukon Comprehensive Claims Agreement which led to self-government agreements being completed over time for each of the signatory First Nations and of course, the Nunavut Agreement in which Inuit opted for public government through the creation of Nunavut as their expression of self-government. There are now 32 agreements being implemented for land settlements, self-government or both. (see Tables 1-3).

The year before RCAP tabled its final report, the federal Cabinet adopted the Inherent Right Policy (1995), recognizing self-government as a constitutionally protected right under section 35. This had an immediate impact on the Nisga'a negotiations, leading to an land agreement in 2000 that included self-government provisions, and upon all subsequent negotiations.

In different ways, all of these agreements provide constitutionally protected space under section 35 from which to exercise self-government and frame a new relationship with other governments. All of the comprehensive land claims agreements remove the signatories from section 91(24) jurisdiction. All include cession of most traditional lands, certainty of ownership

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[9] See Daniels *v.* Canada (Indian Affairs and Northern Development), 2016 SCC 12, Para 15

[10] Supreme Court of Canada Reference whether "Indians" includes "Eskimo", [1939] S.C.R. 104 1939-04-05

[11] "A Matter of National and Constitutional Import: Report of the Minister's Special Representative on Reconciliation with Métis: Section 35 Métis Rights and the Manitoba Metis Federation Decision" was publicly released in August 2016. Its 17 recommendations include that Canada should create a framework for negotiating and addressing Metis rights, establish a Metis-specific claims process, review policy affecting Metis, and provide stable funding for some of the country's largest Metis "governments".

[12] The Sechelt Indian Band Self-Government Act (1986) was the first in Canada to remove several provisions of the Indian Act. The Act was 20 years in the making, in which the Band envisioned, and obtained, legislation that enabled certain self-government abilities while maintaining a relationship with the federal government prior to the constitutional protection of self-government (Etkins 1988).

over lands selected, large cash settlements providing capital for future-building, co-management boards, and a variety of other governance provisions. While the basic principle is similar, there are important differences, even among the four agreements of Inuit Nunangat, the Inuit homelands (discussed further in the next section).

Table 1: *Completed Comprehensive Land Claim Agreements (DSGA)*

Agreement	Effective Date
James Bay and Northern Quebec Agreement	1977
Northeastern Quebec Agreement	1978
Inuvialuit Final Agreement	1984
Gwich'in Comprehensive Land Claim Agreement	1992
Sahtu Dene and Métis Comprehensive Land Claim Agreement	1994
Nunavik Inuit Land Claims Agreement	2008
Eeyou Marine Region Land Claims Agreement	2012

Table 2: *Completed Comprehensive Land Claim with Self-Government Agreements*

Agreement	Effective Date
Council for Yukon Indians Umbrella Final and Self-Government Agreements (11 Total) - Vuntut Gwitch'in First Nation (1993) - First Nation of Nacho Nyak Dun (1993) - Champagne and Aishihik First Nations (1993) - Teslin Tlingit Council (1993) - Little Salmon/Carmacks (1997) - Selkirk First Nations (1997) - Tr'ondëk Hwëch'in (1998) - Ta'an Kwach'an Council (2002) - Kluane First Nation (2004) - Kwanlin Dun First Nation (2005) - Carcross/Tagish First Nation (2006)	1993-2006
Nunavut Land Claims Agreement	1993
Nisga'a Final Agreement	2000
Labrador Inuit Land Claims Agreement	2005
Tłı̨chǫ Land Claims Agreement and Self-Government Agreement	2005
Tsawwassen Final Agreement	2009
Maa-nulth Final Agreement	2011
Tla'amin Final Agreement	2016
Sahtu Dene and Métis Comprehensive Land Claim Agreement (1994) - Déljne Self-Government Agreement (2016)	2016

Table 3: *Stand-Alone Self-Government Agreements*

Agreement	Effective Date
Sechelt Indian Band Self-Government Act	1986
Mi'kmaq Education Agreement (sectoral agreement – education)	1997

Westbank First Nation Self-Government Agreement	2005
Sioux Valley Dakota Nation Governance Agreement	2015

Of the 99 open negotiation tables across the country, over half are in British Columbia (INAC 2014a). The independent BC Treaty Commission (BCTC) reports that the 65 BC First Nations that have completed or are negotiating comprehensive treaties represent 104 of the 203 Indian Act Bands in BC (BCTC 2016b). A structure unique to this province, the BCTC was established in 1992 to facilitate treaty negotiations between Canada, British Columbia, and First Nations in BC. It allocates funding to support First Nations in negotiation costs and works to educate the public regarding treaty negotiations (BCTC 2016a). Only four agreements have been completed under this process.[13] Seven nations are in the process of negotiating towards a final agreement. The rest are still at much earlier stages of negotiation (BCTC 2016b).

It is worth noting that neither of Canada's key frameworks for its negotiating positions – the Comprehensive Land Claims Policy and the Approach to the Implementation of the Inherent Right, have been formally updated to reflect changes in jurisprudence or precedents set in other agreements in the last 20 years. Canada announced consultations in 2014 to update its comprehensive claims policy but this process has yet to result in announced changes (INAC 2015).

Policy Instruments

Some First Nations still under the *Indian Act* are choosing a step-wise path to become more self-determining. Two pieces of opt-in legislation demonstrate this approach. First, the First Nations Land Management Act (FNLMA) delegates certain land management responsibilities under the *Indian Act* to Band Councils. Introduced in 1999, there are currently 36 First Nations operating under the FNLMA and 58 more who are working towards it (INAC 2014b). The FNLMA eliminates the need to seek Ministerial approval under the *Indian Act* on lands-related decisions, thereby freeing up time and money for other self-governance activities (Alcantara 2007; Warkentin 2014).

Second, the First Nations Fiscal Management Act (FNFMA) introduced in 2006 is intended to enhance the ability of First Nations to promote economic development and collect property tax. Since it came into force, 87 First Nations have opted-in and are currently collecting tax through the FNFMA (FNTC 2016a). A further 197 are in the process of opting-in (FNTC 2016a). The First Nations Tax Commission, established through the FNFMA, helps First Nations to realize opportunities through efficient, well-coordinated, and responsive tax systems that support economic growth on-reserve (FNTC 2016b). Notably, they provide assistance in drafting taxation laws and by-laws and have developed a training program for First Nation tax administrators.

Of the other policy instruments introduced after RCAP, the *First Nations Governance Act* (FNGA) introduced in 2002, is a notable failure. Intended to recognize the inherent right to self-

[13] One of the four, Yale First Nation Final Agreement was initialled in 2010. However, YFN released a letter in early 2016 stating their decision to not proceed with implementation. See the YFN press release: http://media.wix.com/ugd/6896ba_04f7889773c8491c8b91dba8a060966c.pdf

government and transform the relationship with the Crown, critiques regarding both the efficacy of the consultation process and the content of the FNGA largely concluded that it was yet another iteration of federal colonial policy (see for example, Cassidy 2003, Cornell et al. 2002, Ladner & Orsini 2003).

It is also worth noting the Kelowna Accord (2005), a 10-year plan developed to implement and evaluate strategies to equalize the standard of living of Indigenous Peoples with other Canadians. Although it was never implemented, ten years later the inclusive process used to reach the Accord is still largely regarded as an exemplar in consultative policy-making and a missed opportunity to reset Indigenous-Crown relations in Canada (Poelzer & Coates 2015).

Demographic Change

We can't fail to consider that whole new generation has grown up since RCAP, and a generation of elders passed on. The following table is only a minor snapshot of the significant demographic change that has taken place in the last 20 years, without reference to the numerous statistical indicators of progress or lack thereof in education, income, employment, health or the myriad other issues that complicate the landscape for governments - Indigenous and non-Indigenous alike. The numbers of Canadians who report identifying as Aboriginal has grown from 2.6 % of the general population to 4.2 %. It is a young population: Aboriginal children aged 14 and under made up 28.0% of the total Aboriginal population and 7.0% of all children in Canada. It is also mobile. In 1996, 49 per cent of people who identified as First Nation, Metis or Inuit lived in urban centres. In the 2011 National Household Survey, that number had grown to 56 per cent. [14]

Table 4: *Aboriginal Identity in Canada* from 1996-2006

Characteristic	Population			
	1996	**2001**	**2006**	**2011***
Canadian Population	28,528,125	29,639,035	31,241,030	32,852,320
Aboriginal Identity[15]	799,010	976,305	1,172,790	1,400,685
Metis Single Identity	210,190	292,305	389,780	451,795
Inuk (Inuit) Single Identity	41,080	45,075	50,480	59,440
On-Reserve Aboriginal Identity	-	286,080	308,490	324,780
Non-Reserve Aboriginal Identity	-	690,225	864,295	1,075,910
Urban Aboriginal Identity	-	494,095	623,470	-
Rural Aboriginal Identity	-	196,130	240,825	-

[14] Statistics Canada data: Censuses and 2011 NHS

[15] All sub-groups that comprise this figure are not included in this chart. However, these are the primary figures used in StatCans' public analytic documents on Aboriginal demographics. Note that Aboriginal identity was used throughout all three censuses, not Aboriginal ancestry.

III. The Next 20 years: Diverging Paths to Self-determination

A shift in the balance of power

Almost none of what RCAP specifically proposed for progress in Indigenous self-determination has happened in the last 20 years. What the Commission did achieve was to give authoritative voice to a new interpretation of Canadian history, with Indigenous-Crown relations at its centre, and to a new national consensus on the fundamental basis of the way forward. This includes truth-telling and mutual responsibility for reforming Confederation in the basis of consent and cooperation.

Events in the intervening years have lent even more exigency to their vision for renewed relationships based on "mutual recognition, mutual respect, sharing and mutual responsibility" (RCAP 1996b, p. 645). Most significant to our times was their assertion - now borne up and further detailed in numerous court decisions - that s.35 is a rather full box of rights indeed: rights that Indigenous peoples can assert and define for themselves how best to exercise; and that other governments must recognize and find ways to accommodate. The political balance of power has shifted dramatically, although the ramifications are only starting to be realized.

The relationship has also gained further "mutuality" through the growing number of significant modern treaties and land settlements. Collectively, modern treaties affect nearly half of Canada's land, waters and resources (LCAC n.d.). Since the early 90s, Inuit and some First Nations have established some form of constitutionally protected self-government arrangements within the existing framework of Canada's comprehensive claims and self-government policies.

Inuit across Canada have now concluded modern treaties with the Crown that encompass multiple communities and land title within four different provincial or territorial jurisdictions; each creating somewhat different governance arrangements. In Nunatsiavut, the modern treaty included the usual comprehensive land claim provisions (a cash and land settlement) but it also established the Nunatsiavut government, which is responsible to and serves Labrador Inuit Beneficiaries in Labrador and elsewhere in Canada.

In Nunavik, the Makivik Corporation has for forty years represented the interests of the Inuit of northern Quebec, who are also served by the public institutions of the Kativik Regional Government and the Kativik Regional School Board.

Nunavut is the new territory created by the Nunavut Agreement, with a public government serving all residents of Nunavut, coexisting in Nunavut with the treaty-holding organization, Nunavut Tunngavik Incorporated, and a number of co-management boards. In the Northwest Territories, Inuvialuit have managed their lands and capital through the Inuvialuit Regional Corporation and co-management boards.

All of these new governments are coping with growing pains –a high demand for skilled employees, huge demands on leadership and resources to respond to social, demographic and corporate pressures, and strong desires on the part of citizens for governments that operate in their own languages, and according to their own ways. In all parts of Inuit Nunangat, these are still distant goals. There is an acute shortage of Inuit who can staff the new governments, compounding the difficulty of the task of redesigning these governance forms so that they have a reasonable degree of continuity with Inuit traditions while maintaining their effectiveness in contemporary politics and administration. This remains an enormous challenge.

For First Nations, the evolution of self-determination is as divergent as the many different cultures and languages that exist within their territories. A handful is well on the way to being fully self-governing, having achieved agreements with other orders of government, and dozens more are at some stage of negotiation. Those with modern treaties, in common with Inuit, share the challenges of nation-building and development of effective and culturally appropriate forms of administration. The modern treaty-holding organizations have formed the Land Claims Agreement Coalition to address common problems and development issues. It is evident that relations between Canadian governments and Inuit, Metis and First Nations who are party to modern treaties are defined by those treaties—and by section 35 rights. The treaty-holding organizations require of Canadian governments that those governments ensure that the treaties form the basis for all bureaucratic and political initiatives towards them and their lands, something that is at the moment unevenly achieved.

Self-government agreements are only a beginning, not an end

Even assuming successful conclusion of modern treaties, the implementation path is not always smooth. In addition to the hard work of building and resourcing internal capacity to deliver on new roles and responsibilities, is the effort needed to uphold the Crown's commitments. The Minister's Special Representative on renewal of comprehensive land claims provides only the latest in a line of assessments criticizing government's record on treaty implementation (Eyford 2015). As more than one wag has quipped, treaties are like marriages – signaling only the start of a relationship that requires tending, continued negotiation and compromise over the long haul. As Eyford (2015, p.78) notes, "successful treaty implementation is part of an ongoing and collaborative relationship".

Recent research indicates that having a self-government and/or comprehensive land claims agreement increases community well-being (Pendakur & Pendkur 2015, p.19). These are early studies however. Tracking the outcomes of modern treaties is an area of study that deserves much more time and attention and could provide useful insights important to all the parties concerned – including those at the early stage of choosing their future path.

Forging new paths – Metis peoples; urban Indigenous populations

For Metis, their path to a renewed relationship is only starting to clear. Outside of Alberta and the Northwest Territories, no Metis community has a constitutionally recognized land base, nor is exercising the inherent right to self-government. Most Metis are now living dispersed throughout the general population of Canada, with Metis populations existing in all parts of the country. They have established almost everywhere a network of associations which could form the basis of "community of interest governments" as RCAP envisioned. The *Daniels* (2016) decision opens a new world of possibilities for negotiation with the Crown, but success will be largely determined by the Metis themselves in their ability to design creative proposals and manage the difficult internal dialogue and agreement required in many regions of the country to define their citizenship, confirm their representative governments and develop capable governing institutions.

In this study, we have not looked at the urban Indigenous population, comprised of Inuit, Metis, First Nations "status" and "non-status" Indians. The *Daniels* (2016) decision provided some clarity about federal responsibility for non-status Indians too, but again, this is only the beginning of a new path for all the parties, the end point of which is still uncertain. In regards to the exercise of self-determination for urban Indigenous populations in general: the continued rapid growth in these populations and the concomitant opportunities and pressures, makes this a significant and complex topic worthy in its own right of further study and discussion by all orders of government.

A new path: opportunities for transitional governance

20 years after RCAP, it must be said that the majority of First Nations continue as administrative subjects to that "ill-fitting boot", the *Indian Act* (Abele 2007).

Perhaps the most need, and the most opportunity for renewed relationships lies here. At least eight generations have been born and have grown up under the brutal reality of this oppressive law. In earlier times, the Indian Act was an instrument of direct assimilation and very successful in achieving what it was designed to do: First Nations were removed from traditional lands, settlements expanded, and the resulting developments supported European political and economic progress. Today, although its most egregiously oppressive features have been moderated, the Act still sucks time and initiative from community leaders who cannot be their own agents of change but must rely on the attention, approval and resources of others.

The Crown still determines the policy priorities, the program criteria, funding levels and the operational requirements of each band administration. [16] Still too much of this is designed and delivered in bureaucratic silos resulting in overlap, duplication, gaps and stretched capacity across the myriad of issues with which band councils have to deal. The *Indian Act* and its

[16] A recent BC Court of Appeal decision, *Louie v. Louie* (2015), affirmed the strict limitations on power and authority vested in Band Councils through s. 2(3) of the Indian Act which constrains decision-making powers in the absence of related by-laws or laws often subject to Ministerial approval.

bureaucratic implementation were designed to oppress and they continue to suppress First Nations. This is evidenced by the ongoing yawning gap between in the quality of life they "enjoy" versus other Canadians (see for example, Anaya 2014).

It is a mistake, however, to label all *Indian Act* First Nations communities as unsuccessful or problematic. Specific examples of economic, social, cultural or other success exist across the country. If one accepts the Community Well-being Index (AANDC 2015) as an indicator of progress, First Nations communities experience a range of well-being – from very high to the notably tragic and extreme situations of extreme poverty and poor physical and mental health. "Why are some successful and others not?" For successful communities, extensive personal experience tells us it has been achieved in part because of local histories and also by dogged persistence, ingenuity, business savvy and the occasional policy or economic opportunity. Having the option to allay some of the more problematic features of the *Indian Act*, through instruments like the FNLMA and FNFMA, has undoubtedly helped too. But the fact is that Canada lacks the longitudinal research and evidence about "what works" in developing First Nations[17], and has yet to apply a supportive and integrated development approach in its administration of First Nations communities.

Cutting their own path

At the current pace of self-government negotiations, it is not practical or humane to expect that it is the only path to lasting change. Nor does it need to be. As RCAP asserted and is now established in jurisprudence, First Nations have a "full box" of rights that they can use to begin to set themselves on the path to self-determination.

Notwithstanding this full box of constitutional and legally enforceable s. 35 rights, they have yet to be defined by Indigenous peoples who have a major challenge ahead to determine how they will choose to exercise those rights and bring clarity and detail to what must be recognized, accommodated or otherwise dealt with by other governments and other Canadians.

We call this "transitional self-government" and it encompasses not only the assertion of rights, but all the work that needs to go into responsibly exercising governing powers: from engaging and involving community members in setting a new direction, determining priorities and agreeing on political structures, to making a transition plan, drafting laws, and building the capacity of institutions to implement those laws.

It is not an all or nothing proposition. As with the step-wise development currently underway in some communities, First Nations can choose to begin with exercising their rights in a core jurisdiction of prime importance to them – whether it's lands and resources or culture and language or education. The important thing is that they begin.

[17] See, for example, in the U.S., The Harvard Project on Indian Economic Development http://hpaied.org/

In our view, it begins with band councils - elected members and staff – learning to master the *Indian Act*, in the sense of putting it in its place. The energies of community leadership must be liberated from 'serving the machine' –the endless round of reporting and record-keeping and proposal-writing required by funders, in particular but not exclusively, the department of Indigenous Affairs, in order to have time and energy for meaningful discussion, for policy development and planning and implementing a different future. Moving from *Indian Act* administration towards self-government entails a change of focus, away from small-scale or protracted negotiations with the Crown in right of the province or the federal government, and towards exercise of the jurisdictional rights and title over traditional lands that exist now. Some of the best experience and governing capacity will be gained on-the-job in the actual exercise of jurisdiction. (Warkentin 2014).

The process of mastery has to begin with community dialogue and education. There is widespread lack of understanding among First Nations peoples about the realities of the *Indian Act* and the multi-generational impact it has had and continues to have on the ability of Indigenous peoples to be masters in their own house. The need to heal and reconcile is as important for communities and nations as it is for individuals. Leaders will face many challenges in re-engaging their people, who have been robbed of a sense of agency by the colonial experience but, this must be where change starts.

Part of this process will be served by further research and evidence on why the *Indian Act* is not the right form of governance going forward and more importantly, on the strategies that will help for getting out from under it.

A note is needed here to acknowledge RCAP's strong view that the inherent right is vested only at the level of nations and can only be exercised by nations. Unfortunately, Canada's willingness in the last 20 years to enter into self-government agreements with so many small communities has waylaid that vision, at least insofar as it would be impossible to suddenly change course. Of the 10 comprehensive claims and self-government agreements and stand-alone SG agreements completed by First Nations, seven were signed by individual communities of which only two had a population of over 1000 people (Sioux Valley Dakota Nation and Sliammon First Nation) (INAC 2016a). Of the 99 open negotiations, nearly half are being negotiated with groups representing 1000 people or less (INAC 2014a)

From a practical governance perspective, nation-building is still to be wished for - not least because of the strength that comes with numbers and shared resources. We expect that as communities work to gain mastery over their own destiny, they will also build the confidence to delegate and share powers and responsibilities with others, for the greater good.

Governments and others as supportive enablers

While we see the shift to self-determination being primarily driven by the people themselves, federal and provincial governments should play a supporting role. If the history of Indigenous-Crown relations teaches us anything, it is that as much as the Crown must honour its promises, it cannot have more than an enabling and accommodating role in Indigenous social, political and economic development. This is not a call for benign neglect. Rather, we urge federal, provincial and territorial governments – at the political and bureaucratic level – to embark on their own critical self-examination of where their policies and actions continue to maintain the colonial mindset and hinder progress for Indigenous peoples and the creation of better long-term relationships between Indigenous and other Canadians.

At the political level, this means setting a new tone – as many are now doing – and consistently aligning actions with the avowals of reconciliation and new relationships. It means reframing the relationship from one that must be constricted, limited and "managed" in the short term to one that is accommodating and that acknowledges the ongoing nature of the relationship as well as the equal importance and value of the lives of Indigenous peoples to other Canadians within their jurisdiction. It means developing and maintaining the kinds of collaborative policy and agenda-setting relationships that the Kelowna Accord showed us are possible. While RCAP's recommendations for a new Proclamation, framework legislation and other legal instruments may still ultimately be useful for cementing agreements, they are not essential to getting on with renewed relationships.

Public servants can start with developing their professional responsibility to understand the historical and legal realities of the relationship and of the day to day challenges of their Indigenous counterparts. They need to adopt a supportive development mindset not unlike the approach Canadians proudly extend to countries in development. They need to ask themselves where can they combine and streamline program and service delivery to make things simpler, easier and more effective for the recipients? Where can they support or get out of the way of communities setting their own priorities? What funding models and approaches can they design to support local priorities and capacity building rather than drain it? And how can they practically restructure accountability relationships to support local accountability rather than to government bureaucracies?

Lastly, governments, universities and Indigenous governments and institutions themselves need to invest in training and support for self-governance through consistently funded, Indigenous-led institutions and other mechanisms that support the ongoing development of Indigenous governments no matter what their starting point.

Some of the institutions recommended by RCAP come into being (e.g. the National Centre for First Nations Governance; now the Centre for First Nations Governance; and the First Nations Information Governance Centre) while others were never implemented (Aboriginal Lands and Treaties Tribunal). The Aboriginal Healing Foundation was established in 1998, providing funding for work to heal the effects of residential schooling, until funding was withdrawn in 2009. The FNFMA established three institutions that support the fiscal aspects of self-government - the *First Nations Tax Commission*, the *First Nations Financial Management Board*, and the *First Nations Finance Authority*. Associations like AFOA Canada play a critical role in professionalizing band administration. Some universities now have graduate school offerings Indigenous governance and administration.

Given the task at hand and the diversity of needs, however, including for Inuit and Metis (whose needs are largely unmet in the above list of institutions) much more needs to be done.

V Conclusion

We end where RCAP began 20 years ago – with a hopeful vision for reconciliation and renewed relationships. Although all did not come to pass as the Commissioners might have hoped, progress is being made and there are stronger foundations from which Indigenous peoples and other Canadians can continue the hard work of forging a better future together. Without minimizing the strife and conflict that continues to exist in many quarters of our society, we are encouraged by a generally more positive political climate in many regions, and by seeing the burgeoning awareness of Canadians about the compelling reasons for change and the need for continued progress in Indigenous-Canadian relations. This is thanks no small part to the tremendously difficult and courageous work of all who participated in the Truth and Reconciliation Commission and who continue to carry the banner for truth and reconciliation. The importance of these efforts to renewing the relationship cannot be underestimated.

The path ahead will not always be over easy terrain and it is still long one for many, but the direction is clear.

References

Abele, F. (2007). *Like an ill-fitting boot: Government, governance and management systems in the contemporary Indian Act*. National Centre for First Nations Governance. Ottawa, Ontario, Canada. Retrieved from http://fngovernance.org/ncfng_research/frances_able.pdf

Aboriginal Affairs and Northern Development Canada (AANDC). (2015). *The Community Well-Being Index: Well-Being in First Nations Communities, 1981-2011.* Ottawa, Ontario. Retrieved from https://www.aadnc-aandc.gc.ca/eng/1345816651029/1345816742083#chp7

Alcantara, C. (2007a). Reduce transaction costs? Yes. Strengthen property rights? Maybe: The First Nations Land Management Act and economic development on Canadian Indian reserves. *Public Choice*, *132*(3-4), 421-432.

Anaya, J. (2014). Report of the Special Rapporteur on the rights of Indigenous Peoples: The situation of Indigenous Peoples in Canada. *United Nations General Assembly*: New York, New York, USA.

Asch, M. (2014). *On being here to stay: Treaties and Aboriginal rights in Canada*. Toronto, Ontario: University of Toronto Press.

Asch, M. (1997). *Aboriginal and treaty rights in Canada: Essays on law, equality and respect to difference.* Vancouver, British Columbia: UBC Press

British Columbia Treaty Commission (BCTC). (2016a). *About Us*. Retrieved from http://www.bctreaty.ca/about-us

British Columbia Treaty Commission (BCTC). (2016b). *Negotiations Update*. Retrieved from http://www.bctreaty.ca/negotiation-update

Campbell et al. v. AG BC/AG Cda & Nisga'a Nation et al. 2000 BCSC 1123.

Cassidy, F. (2003). The First Nations Governance Act: A legacy of loss. *Policy Options*. Retrieved from http://policyoptions.irpp.org/magazines/big-ideas/the-first-nations-governance-act-a-legacy-of-loss/

Cornell, S., Jorgensen, M., & Kalt, J. (2002). *The First Nations Governance Act: Implications of research findings from the United States and Canada*. Report to the Office of the British Columbia Regional Vice-Chief, Assembly of First Nations. Retrieved from http://www.nni.arizona.edu/pubs/AFN02Report.pdf

Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12

Delgamuukw v. British Columbia, [1997] 3 S.C.R. 1010

Eyford, D. R. (2015). *A New Direction, Advancing Aboriginal and Treaty Rights*. Report of the Ministerial Special Representative on renewal of the comprehensive land claims policy. Retrieved from https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-LDC/STAGING/texte-text/eyford_newDirection-report_april2015_1427810490332_eng.pdf

Etkins, C. E. (1988). The Sechelt Indian Band: An Analysis of a New Form of Native Self Government. *The Canadian Journal of Native Studies*, *8*(1): 73-105.

First Nations Tax Commission (FNTCa). (2016). *First Nations with Property Tax Jurisdiction*. [online] URL: http://fntc.ca/property-tax-fns/

First Nations Tax Commission (FNTCb). (2016). *First Nations Tax Commission*. [online] URL: http://fntc.ca

Foster, E. B. H., Raven, H., & Webber, A. J. (2007). *Let right be done: Aboriginal title, the Calder case, and the future of Indigenous rights law and society*. Vancouver, British Columbia: UBC Press.

Godlewska, C. & Webber, J. (2007). The Calder decision, Aboriginal title, treaties, and the Nisga'a. In Foster, E. B. H., Raven, H., & Webber, A. J. (Ed.) (2007). *Let right be done: Aboriginal title, the Calder case, and the future of Indigenous rights law and society* (pp. 1-33). Vancouver, British Columbia: UBC Press.

Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73, [2004] 3 S.C.R. 511.

Indigenous and Northern Affairs Canada (INAC). (2014a). *Comprehensive Land Claim and Self-Government Negotiation Tables*. Retrieved from http://www.aadnc-aandc.gc.ca/eng/1346782327802/1346782485058

Indigenous and Northern Affairs Canada (INAC). (2014b). *First Nations Land Management - Operational and Developmental First Nations*. Retrieved from https://www.aadnc-aandc.gc.ca/eng/1327165048269/1327165134401

Indigenous and Northern Affairs Canada (INAC). (2015). *Renewing the Federal Comprehensive Land Claims Policy*. Retrieved from https://www.aadnc-aandc.gc.ca/eng/1405693409911/1405693617207

Indigenous and Northern Affairs Canada (INAC). (2016a). *General Briefing Note on Canada's Self-government and Comprehensive Land Claims Policies and the Status of Negotiations*. Retrieved from https://www.aadnc-aandc.gc.ca/eng/1373385502190/1373385561540#s2-9

Indigenous and Northern Affairs Canada (INAC). (2016b). *Urban Indigenous Peoples*. Retrieved from https://www.aadnc-aandc.gc.ca/eng/1100100014265/1369225120949

Isaac, T. (2016). *A Matter of National and Constitutional Import: Report of the Minister's Special Representative on Reconciliation with Métis: Section 35 Métis Rights and the*

Manitoba Metis Federation Decision. Indigenous and Northern Affairs Canada: Ottawa, Ontario, Canada.

Ladner, K. & Orsini, M. (2003). The Persistence of Paradigm Paralysis: The First Nations Governance Act as the Continuation of Colonial Policy. In Murphy, M. (Ed.). (2003). *Canada: The State of the Federation 2003, Reconfiguring Aboriginal- State Relations.* (pp. 185-203). Kingston, Ontario: McGill-Queen's University Press.

Land Claims Agreements Coalition (LCAC). (n.d.). *Modern Treaties Benefit all Canadians*. Retrieved from http://www.landclaimscoalition.ca

Manitoba Metis Federation Inc. v. Canada (Attorney General), 2013 SCC 14, [2013] 1 S.C.R. 623

McNeil, K. (2007). *The jurisdiction of inherent right in Aboriginal governments*. Research paper prepared for the National Centre for First Nations Governance. Ottawa, Ontario. Retrieved from http://fngovernance.org/ncfng_research/kent_mcneil.pdf

McNeil, K. (1996). Aboriginal governments and the Canadian Charter of Rights and Freedoms. *Osgoode Hall Law Journal*, *34*, 61-99.

Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), 2005 SCC 69, [2005] 3 S.C.R. 388.

Morellato, M. (2008). *The crown's constitutional duty to consult and accommodate aboriginal and treaty rights*. Research paper prepared for the National Centre for First Nations Governance. Ottawa, Ontario. Retrieved from http://fngovernance.org/resources_docs/Crown_Duty_to_Consult__Accommodate.pdf

Newman, D. G. (2009). *The duty to consult: New relationships with Aboriginal peoples*. Saskatoon, Saskatchewan: Purich Publications.

Pendakur, K. & Pendakur, R. (2015). *An analysis of the socio-economic Outcomes of Aboriginal Peoples living in Communities Associated with Self-Government Agreements, 1991-2011.* Report commissioned by the Evaluation, Performance Measurement and Review Branch of Aboriginal Affairs and Northern Development Canada (AANDC). Ottawa, Ontario, Canada.

Poelzer, G. & Coates, K. (2015). *From treaty peoples to treaty nation: A road map for all Canadians.* Vancouver, British Columbia: UBC Press.

R. v. Powley, [2003] 2 S.C.R. 207, 2003 SCC 43

R. v. Sparrow, [1990] 1 S.C.R. 1075

Royal Commission on Aboriginal Peoples (RCAP). (1996a). *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*. Minister of Supply and Services, Ottawa, ON. Retrieved from https://www.aadnc-aandc.gc.ca/eng/1100100014597/1100100014637

Royal Commission on Aboriginal Peoples (RCAP). (1996b). *Volume 1: Looking Forward, Looking Back.* Minister of Supply and Services: Ottawa, Ontario, Canada. Retrieved from https://qspace.library.queensu.ca/bitstream/1974/6874/5/RRCAP1_combined.pdf

Royal Commission on Aboriginal Peoples (RCAP). (1996c). *Volume 2: Restructuring the Relationship.* Minister of Supply and Services: Ottawa, Ontario, Canada. Retrieved from https://qspace.library.queensu.ca/bitstream/1974/6874/4/RRCAP2_combined.pdf

Royal Commission on Aboriginal Peoples (RCAP). (1996c). *Volume 5: Renewal: A Twenty-Year Commitment.* Minister of Supply and Services: Ottawa, Ontario, Canada. Retrieved from https://qspace.library.queensu.ca/bitstream/1974/6874/1/RRCAP5_combined.pdf

The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11

Tsilhqot'in Nation v. British Columbia, 2014 SCC 44.

Warkentin, C. (2014). *Study of Land Management and Sustainable Economic Development on First Nations Reserve Lands: Report of the Standing Committee on Aboriginal Affairs and Northern Development*. House of Commons Canada/Chambre des communes Canada: Ottawa, Ontario, Canada. Retrieved from http://www.parl.gc.ca/content/hoc/Committee/412/AANO/Reports/RP6482573/AANOrp04/aanorp04-e.pdf

York, G., & Pindera, L. (1991). *People of the pines: The warriors and the legacy of Oka*. Toronto, Ontario: Little Brown.