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THE EXPERIENCE OF ABORIGINAL PEOPLES IN CANADA

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1. This paper will speak about the painful experiences of Aboriginal Peoples in Canada and their hopes and aspirations for the future. According to William Commandant, Elder from the Algonquian Nation and keeper of the sacred wampum belts, “*we need this old knowledge in our teachings to get through this new age.*” This paper will provide a general introduction of past and present issues that affect Aboriginal Peoples in Canada as they pertain to the specific research questions posed. A full review of these issues, which is outside the scope of this paper, would include a detailed account of the activities currently underway in Aboriginal communities toward self-government.
2. This paper uses the words ‘Indigenous’ and ‘Aboriginal’ interchangeably. ‘Aboriginal’ is used in Canada to include Indians, Métis and Inuit as defined by the *Constitution Act*, 1982. ‘Indigenous’ is used in international treaties and is used in this paper in reference to indigenous and local communities, worldwide. ‘Indian’ is defined by the federal *Indian Act* as a person who pursuant to the *Indian Act* is registered as an Indian or is entitled to be registered as an Indian and once registered is referred to as a status Indian.
3. Article 1.1 of the International Convention on the Elimination of All Forms of Racial Discrimination (1965) defines *racial discrimination* as:

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
4. Resolution 49/146 of the United Nations General Assembly calls for the study of “economic factors contributing to the perpetuation of racism and racial discrimination.”

For too long the social research done on Native Peoples has generated theories about the shortcomings of Native Peoples rather than generate knowledge about the inadequacy of the social system in which they must survive.¹

¹. St. Denis, Vera Lynn. *A Process of Community Based Participatory Research: A Case Study*. Thesis presented to the Faculty of

5. In the words of an Aboriginal Elder, “*if it is true, as they say, that we have been researched to death, maybe it is time we started researching ourselves back to life.*” This paper represents my contribution to this process with the sincere hope that our children, grandchildren and generations unborn will benefit from our efforts. Consistent with Native world-views and philosophies, this paper will be presented in accordance with the teachings of the Medicine Wheel. The Medicine Wheel teachings provide us with a systematic approach to culture and society, while also providing avenues to achieve balance and harmony. The Medicine Wheel teaches us about the four directions of the Earth, the four colours of humankind and the corresponding gifts of each direction and colour. The Medicine Wheel teaches us about strength, kindness, honesty and sharing. It teaches us of the four basic modes of human perception, namely, intuition, sensation, intellect and emotion. It also teaches us about abilities and that we have four aspects to our nature: the spiritual, emotional, physical and mental. All four aspects of life are encompassed in cultural, social, political and economic spheres. All of which are symbolically represented by a circle, the circle of life, divided into four quadrants. The centre of the larger circle encompasses a smaller circle, which represents the individual, Mother Earth, Mother Earth’s element, fire as well as healing and balance.
6. The Medicine Wheel paradigm provides us with teachings about both the positive and negative aspects of life. It teaches us about caring, discipline, humility and respect. Likewise, it teaches us of the dark side of life, namely, uncaring, inferiority, jealousy and resentment. This paradigm stresses that for growth and healing to occur, reflection on weaknesses and negative aspects is necessary before strengths and positive aspects can be enriched.² The Medicine Wheel paradigm serves as the foundation of this paper because it is culturally specific to Aboriginal Peoples and because it is holistic in nature and teaches of life.
7. This paper is presented in four sections, which represent the four directions and the gifts corresponding to those directions. Beginning in the East, which brings the gift of vision and beginnings, I will present a brief overview of our experiences of history as Aboriginal Peoples in Canada as well as *identify the economic manifestations of racism for Aboriginal Peoples in Canada, nationally and globally*. Next, to the South direction, which brings the gift of time and relationships, I will present an overview of the impact of colonisation as well as *illustrate how economic discrimination and racial discrimination are linked or sustained*. In the West direction, which brings the gift of reflection and respect, reflecting on our history and past relationships, I will discuss *the extent to which recent economic developments are diminishing or exacerbating existing forms of discrimination*. I will also *identify what policies have been attempted to address entrenched economic and racial discrimination*. Last, in the North direction, which brings the gift of movement and hope for the future, I will offer some recommendations and *policies for adoption that may help disentangle entrenched racial and economic discrimination as well as reduce the economic exclusion and racial discrimination suffered*.

INTRODUCTION

8. Statistics on infant mortality, teen suicide and incarceration serve as a preface to virtually every report regarding Aboriginal Peoples in Canada. In 1998, a United Nations study named Canada as the best place in the world to live. But a government study of status Indians, using the same United Nations Index, found that living conditions for many Aboriginal Peoples in Canada are more like those in the developing world than in the best place in the world to live. The Human Development Index measures real gross domestic product per capita, educational attainment, and life expectancy, in order to calculate a global measure of quality of life. According to the Canadian study, carried out by the

the University of Alaska, May 1989.

². Solomon, Anne. *Study of Native Adolescent Males: Their Successes in Education and Life and Their Familial Relationships*. Thesis Proposal submitted in conformity with the requirements for the degree of Masters of Social Work, University of Toronto, 1994.

Department of Indian and Northern Development, the quality of life of registered Indians living on reserves³ would place them about sixtieth of the one hundred and seventy countries studied by the United Nations. The situation is somewhat better for status Indians living off reserve. While the Department's study did not calculate scores for Métis, Inuit and non-status Indians, there is no reason to believe that their quality of life is significantly higher than that of status Indians.⁴

9. According to most recently published data, the number of Aboriginal Peoples in Canada in 1991 was between 626,000 and just over 1,000,000, depending on the definition and data source used. The 1991 census reported the latter figure based on a question that determined cultural origins or ancestry, while the former figure resulted from a 1991 national survey of Aboriginal Peoples known as the Aboriginal Peoples Survey, also conducted by Statistics Canada. This survey focused on those who identified with their Aboriginal ancestry.⁵
10. Statistics Canada figures from the 1991 census show over fifty six per cent of the Aboriginal population were less than twenty-five years of age and almost thirty-seven were under fifteen years of age. In contrast, only thirty-five of the overall Canadian population were under twenty-five years while twenty-one were under fifteen years of age. The Aboriginal labour force is young and growing at twice the Canadian rate. In 1991, forty-three per cent of the Aboriginal population was of working age. This is expected to grow to sixty-two per cent for the on-reserve population by the year 2015.⁶
11. In 1988, the Canadian Bar Association released a report entitled *Locking Up Natives in Canada*, which detailed the extent of Aboriginal over-representation in the prison system. The figures indicated that while Aboriginal Peoples only comprised approximately two per cent of the general population, they made up ten per cent of the federal penitentiary population.⁷ Since the *Locking Up Natives in Canada* report was published, over-representation of Aboriginal offenders has increased. In 1995-96, Aboriginal offenders accounted for sixteen per cent of all sentenced admissions while comprising only an estimated 3.7% of Canada's population.⁸
12. The current conditions of Aboriginal offenders throughout Canada are particularly alarming and symbolised by gross Aboriginal over-representation in prison. Numerous studies, inquiries and Royal Commissions have examined the issues relating to Aboriginal Peoples and the criminal justice system. These reports, studies and Commissions found indications of systemic discrimination within the Canadian Criminal Justice system. There were also indications that estrangement and alienation from the Aboriginal community and social, economic and cultural dislocation are contributing factors to Aboriginal criminality. Taken together, statistics and numerous reports have shown and the reality

³The Federal *Indian Act*, R.S.C. 1985, c. I-5, defines a reserve as a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band.

⁴1998 *Canadian Human Rights Annual Report*

⁵*Royal Commission on Aboriginal Peoples Final Report (Ottawa: The Commission, 1996)*

⁶Indian and Northern Affairs Canada, Statistics on Economic Development; Aboriginal Labour Force, Last Updated: 2000-06-21.

⁷*Locking Up Natives in Canada - A Report of the Canadian Bar Association on Imprisonment and Release* (Michael Jackson: Canadian Bar Association, Ottawa, 1988) at p. 215.

⁸The rise in over-representation is seen dramatically in Manitoba in both federal and provincial institutions. The Aboriginal population at the Stoney Mountain Penitentiary increased from twenty-two per cent in 1965 to thirty-three per cent in 1984 to forty-six per cent in 1989. At the Headingly Correctional Institution, Aboriginal Peoples were thirty-seven per cent of the population in 1983 and forty-one per cent by 1989. A report commissioned by the Alberta government - *Justice on Trial* - estimated that by the year 2011, Aboriginal offenders will account for 38.5% of all admissions to federal and provincial correctional centres in that province, compared to 29.5% in 1989. In Saskatchewan, Aboriginal offenders now make up seventy-two per cent of all admission to provincial correctional facilities. In British Columbia, Aboriginal Peoples were seventeen per cent of sentenced offenders; in Alberta, thirty-six per cent, in Saskatchewan: seventy-two per cent; in Manitoba fifty-five per cent; in Ontario eight per cent; in Quebec one per cent; in New Brunswick six per cent; in Nova Scotia four per cent; in Newfoundland seven per cent. *Canadian Centre for Justice Statistics Adult Correctional Services in Canada 1995-96*, p. 30, figure 5.

today is, Aboriginal Peoples in Canada have a better chance of going to prison than graduating from high school and participating in the Canadian mainstream economy.

WHAT ARE THE ECONOMIC MANIFESTATIONS OF RACISM, NATIONALLY AND GLOBALLY FOR ABORIGINAL PEOPLES IN CANADA?

Colonisation – Displacement and Dislocation

13. Much of what we know about the history of Aboriginal Peoples in Canada before the arrival of the Europeans is derived from oral histories, which have been handed down through the generations. Our Peoples have been on this land which we call Turtle Island and is now called by others as North America since time immemorial. At the time of the arrival of the Europeans, Aboriginal Peoples were practising self-government and were self governing nations as evident from the countless references to Indians as “Nations” throughout history. Aboriginal rights refer to our inherent rights as Aboriginal Peoples to self-determination and to self-government, which are recognised in Canadian law and in various government statements.
14. In 1763, the Royal Proclamation established the boundaries between Indian tribal lands and those forming the American colonies. The Royal Proclamation allowed the Crown to assert sovereignty over Indian Peoples and their land by establishing the legal framework for surrender, by treaty, of Aboriginal rights in the land. This framework dictated that legal proprietary title was vested in the Crown. While the Crown recognised a usufructuary right in the land – which essentially grants the use and benefit of the land but not ownership – could be surrendered or sold only to the Crown.
15. Treaties have been categorised as ‘pre-Confederation’ and ‘post-Confederation’ treaties. Post-confederation treaties, also known as the ‘numbered’ treaties (1-11) were concluded between 1871-1929 and covered parts of Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon and the western part of the Northwest Territories. Post-confederation treaties were motivated by economic development over land and resources. It was therefore in the interest of the Crown to remove Indians from their land. Thus, a process of dispossession, displacement and the imposition of laws and policies began.
16. At Confederation of the provinces in 1867, the *British North America Act*, now called the *Constitution Act, 1867*, divided certain powers between the provincial and federal governments. The Act gave the federal government exclusive jurisdiction over “Indians and lands reserved for Indians.” In 1876, the federal Parliament enacted the first *Indian Act* to regulate the administration of Indian affairs. The *Indian Act* grew out of the Province of Canada legislation entitled, “*An Act for the Gradual Civilisation of the Indian Tribes of Canada (1857)*”. The Act imposed a system of government on Aboriginal Peoples in Canada. In effect, the *Indian Act* provided the foundation for colonial administration of Indians and Indian reserves.

Royal Commission on Aboriginal Peoples

17. On April 29, 1991, the Federal Parliament announced a Royal Commission on Aboriginal Peoples.⁹ The Royal Commission was established by Order-in-Council under a broad mandate. The Report of the Royal Commission was the most massive investigation ever undertaken in Canada of the Aboriginal Peoples. It attempts to explain how Aboriginal Peoples came to occupy such an oppressed and marginalised position in Canada and to explore the requirements of a new constitutional destiny of section 35 of the *Constitution Act, 1982*. The Commission examined the economic, social and cultural situation of Aboriginal Peoples in Canada and considered solutions conducive to a better relationship between Aboriginal Peoples and the Canadian government and Canadian society as a whole. The Royal Commission on Aboriginal Peoples examined the five hundred years of relations between Indigenous Peoples and the newcomers in Canada. The Commission focused on four areas of federal policy and action:
- the *Indian Act*, which was and remains the legislative centrepiece of federal policy;
 - *residential schools*, through which Aboriginal children were uprooted from families and traditions, with the objective of assimilation into non-Aboriginal society;
 - the *relocation* of entire Aboriginal communities in the name of development or administrative efficiency; and
 - the treatment of *Aboriginal veterans* who served Canada in wartime but were the victims of governmental neglect in the peace that followed.
18. The aforementioned areas were selected for scrutiny by the Commission because Aboriginal Peoples have said that they were among the most unjust policies imposed on them and that those injustices, while rooted in history, have affects that continue to this day. As a result of internal colonialism, Aboriginal traditional systems and roles were destroyed and displaced with systems and institutions of the dominant society.¹⁰ With the loss of traditional practices came a loss of identity, a sense of powerlessness and despair and vulnerability to non-Native influences.

Federal Residential School Policy

19. Throughout the nineteenth century, the Canadian government's policy in regard to Indians was assimilation. As one example of assimilation policy, the government created two types of residential schools: boarding schools for younger children and industrial schools for their older siblings. Native children were forcibly removed from their parents and their homes and forced to attend residential schools. Thousands of Aboriginal children were removed from their homes and communities and placed in the care of strangers, whose appointed duty was to separate them from their traditional cultures and to 'civilise' them in the ways of the dominant European, Christian society.

⁹. After five years of intensive study, the Commission had met one hundred times, had one hundred and seventy-eight days of hearings, recorded 76,000 pages of transcripts, generated three hundred and fifty-six research studies, and published four special reports on justice, land claims and extinguishment, suicide, and relocation of Inuit to the High Arctic, and two commentaries on self-government. In November of 1996, the Royal Commission on Aboriginal Peoples issued its five volume Report to the federal government. The Report took about four thousand pages of text to explain the requirements of restoring justice to the relationship between Aboriginal Peoples and Canadians. To propose practical solutions to stubborn problems took over four hundred recommendations. For unexplained reasons, the government has not continued publication of the Commission's Report, but it is available on the Internet. Some commentators have been preoccupied with the allegedly prohibitive cost of implementing the recommendations of the Royal Commission on Aboriginal Peoples. The Commission amply illustrates the enormous cost of not acting on the recommendations immediately. In other words, failure to spend today will result in enormous loss in the future.

¹⁰. McKenzie, B. *Cultural Knowledge and Traditional Practises: An Empowerment Based Model for Aboriginal Social Work Practise*. P.E.I.: 1992.

20. While attending these schools, many Aboriginal children were victims of extreme abuse, which is now the subject of ongoing litigation across the country. Many children were severely punished for practising traditions or speaking traditional languages. Many children were victims of severe physical, sexual, emotional and spiritual abuse. As a result of these experiences, many of these children who are now adults have been robbed of their culture, traditions and spirituality. The impact of these experiences, the affect of these experiences pervade all aspects of life and affect whole families, whole communities, from one generation to another.
21. Many of the current problems Aboriginal parents experience with their children stem back to the experiences of Aboriginal Peoples in the Residential School system. As a consequence of these experiences, traditional positive Aboriginal parenting was lost and many Aboriginal Peoples today still feel the affects of these experiences.

Community Relocation

22. As if removing children from their homes was not extreme enough, the government unilaterally decided to relocate whole communities often to very remote parts of the country. Government rationale varied from the need to disperse Aboriginal Peoples back to the land or to alleviate population or economic scarcity problems; the desire to centralise or to facilitate less expensive program delivery; and the intention to proceed with natural resource and other forms of economic development. While the rationales varied, all were influenced by a view that Aboriginal Peoples were unsophisticated and incapable of making their own choices. The manner of relocating Aboriginal Peoples, without any meaningful consultation or involvement or their free and informed consent, suggests that normal democratic rights and processes did not apply.¹¹
23. The Royal Commission on Aboriginal Peoples found that the affects of relocations are felt today in significant ways. Many thousands of Peoples were moved and their economic self-sufficiency was weakened or destroyed and their adverse health conditions were made worse. In present day reality, we need only look to the extreme conditions that the Innu of Newfoundland are forced to endure. Poor living conditions in different Native communities in Labrador are a contributing factor to the difficulties that many of the community members face. In 1993, the Innu of Davis Inlet released a video showing six youth, sniffing gasoline, screaming that they wanted to kill themselves. Many of these youth and others were sent away to addictions treatment centres in other parts of the Country. The Innu, a traditionally nomadic hunting and fishing Peoples who moved to the settlement about forty years ago, have one of the highest suicide rates in the world. The lifestyle of the Innu has been interrupted by major hydroelectricity developments, mining projects and military flying exercises. The community also has abnormally high levels of infant mortality and alcohol-related deaths. The federal government promised to move the settlement fifteen kilometres away to a site on the mainland and build a new community with modern amenities. Today, the Davis Inlet residents are still waiting through delays in constructing the new community.
24. As a result of colonialism, Aboriginal Peoples were displaced physically. They were denied access to their traditional territories and in many cases forced to move to new locations selected for them by colonial authorities. They were also displaced socially and culturally. They were subject to intensive missionary activity and the establishment of schools, which undermined their ability to pass on traditional values to their children, imposed male-oriented Victorian values, and attacked traditional activities such as significant dances and ceremonies. They were displaced economically and politically. They were forced by colonial laws to abandon traditional governing structures and processes in favour of colonial style municipal institutions.¹²

¹¹. *Royal Commission on Aboriginal Peoples Final Report*, Ottawa: The Commission, 1996.

¹². *Royal Commission on Aboriginal Peoples Final Report*, Ottawa: The Commission, 1996, Vol. 1, Ch 6, S. 1.

25. The experience of colonialism by Aboriginal Peoples in Canada is not simply a historical fact; it is a contemporary reality. The reserve system created under the *Indian Act* was established not to respond to the needs of Aboriginal Peoples, but to implement the federal government's policy to isolate Aboriginal Peoples from the general population. Various federal policies, including those of enfranchisement,¹³ encouraged or forced Aboriginal Peoples who left reserves to assimilate and leave behind their cultural identities. Another reality of colonialism is the large scale adoption of Aboriginal children in Canada that began in the 1960s and, as with residential school, continues to have an impact both on those who were adopted and the families that the children were taken from. Findings from the Royal Commission on Aboriginal Peoples dramatically illustrate the affects of cultural, social and economic dislocation on Aboriginal offenders. In a submission to the Royal Commission on Aboriginal Peoples from the Native Brotherhood at the Prince Albert penitentiary, it was revealed that ninety-five per cent of all Aboriginal inmates had been adopted or placed in foster care at some point in their lives.¹⁴
26. Assimilation policy is an expression of racism and genocide. It is racist to view Aboriginal Peoples as inferior and it is genocide to forcibly remove Aboriginal Peoples from their land and create obstacles to their communal development, thus destroying a Peoples. While the ultimate remedy for colonialism may be self-government, the existing system must make accommodations if it is not to perpetuate the legacy of colonialism, including social and economic dislocation.¹⁵

HOW ARE ECONOMIC DISCRIMINATION AND RACIAL DISCRIMINATION LINKED OR SUSTAINED?

27. Economic discrimination and racial discrimination are linked and sustained by false assumptions, myths, stereotypes and contemporary manifestations of colonialism. False assumptions devised by political institutions that Aboriginal Peoples constitute an 'interest group,' one among many in a pluralistic society have created a climate wherein Aboriginal Peoples are not seen as having legitimate political authority, as being nations entitled to treatment as nations.¹⁶

Dependence

28. In contemporary reality, as a by-product of colonialism, many Aboriginal Peoples, communities and nations have become dependent. With the disruption of traditional economies, reduction of land and resources and being subjected to inappropriate economic policies and practises, many Aboriginal Peoples are no longer self-reliant. Dependence is related not only to lack of jobs and reliance on

¹³. Voluntary or involuntary enfranchisement: one of the ways Native Peoples could lose their status was through the process of enfranchisement. This process dates back to an act passed by the colonial government in 1857. Its objective was to assimilate Native Peoples into mainstream non-Aboriginal society. By giving up his Native heritage, any native male over the age of twenty-one, literate in English or French, educated to an elementary level, of good moral character and free of debt, could be declared to be enfranchised, "no longer deemed to be an Indian." There would then be no distinction between him and any other non-Aboriginal citizens. A 1933 amendment to the *Indian Act* took enforced enfranchisement further by empowering the government to order the enfranchisement of Native members who met the qualifications set out in the Act, even when they had not requested this. Until 1960, Native Peoples could not vote in federal elections. Before 1960, Native Peoples could only vote federally if they became enfranchised. Native Peoples had to give up their Indian status in order to vote in federal elections like any other Canadian citizen. Native Peoples were also enfranchised automatically when they joined the clergy or completed University.

¹⁴. Royal Commission on Aboriginal Peoples, *Bridging the Cultural Divide: A Report on Aboriginal Peoples and Criminal Justice in Canada*, Ottawa: Canada Communication Group, 1996, p.129.

¹⁵. Hon. E. Bayda, "The Theory and Practise of Sentencing," in P. Healy and H. Dumont eds., *Dawn or Dusk in Sentencing*, Montreal: Themis, p. 5.

¹⁶ Draft Submission entitled *Aboriginal Peoples and World Conference Against Racism Consultations*, A Report of the Focus Group at the Native Law Centre of Canada, 2000.

social assistance but also to the kinds of jobs held by the employed population, many of which are dependent on government funding. Aboriginal Peoples, to a greater extent than other Canadians, rely on employment in the public sector. This may, however, reflect the greater presence of government services in Aboriginal communities.¹⁷ It also suggests greater dependence on externally derived funding and a weaker private sector, especially among registered Indians and Inuit.¹⁸

29. The Royal Commission on Aboriginal Peoples reported that the *Indian Act* had the affect of removing Indian lands and property from the Canadian economic realm. Creditors and bankers are reluctant to enter because they cannot exercise their rights in case of default; provincial governments are reluctant to enter because it is an area of exclusive federal jurisdiction; individual entrepreneurs are reluctant to enter because they perceive that reserves are inhospitable to their interests; and band councils have experienced considerable uncertainty and restriction in terms of their capacity to regulate the business environment.¹⁹ The Royal Commission found that on average, Aboriginal economies will require substantial rebuilding to support Aboriginal self government and to meet current and anticipated income and employment needs.

Inequality

30. Economic and racial discrimination are sustained by the inequality that exists between Aboriginal Peoples and the total Canadian population on measures of economic outcomes. The Royal Commission found that Aboriginal labour force participation rates, unemployment rate, the proportion of the adult population that is employed and the percentage of the population with less than \$10,000 in total annual income is lagging compared to the total Canadian population.²⁰ It is evident that the inequalities of the present have their roots in the policies and practises of the past and the patterns of disadvantage tend to perpetuate themselves from generation to generation.²¹

Demography

31. Another contributing factor is demography. Residence plays a role in economic prospects because jobs tend to be created at a higher rate in urban than in rural areas. The issue is not only the rapidly increasing Aboriginal labour force but also a mismatch between the geographic location of that

¹⁷ The annual allocating of the federal budget to Indians and lands reserved for Indians is 4.5 billion dollars. Much of which is used to administer government policy. For the most part, Aboriginal communities carry out the administration of government policy.

¹⁸ In a recent study, *Expanding Commercial Activity on First Nations Land*, the researchers found that the lack of opportunities on reserves has resulted from the imposed system of government, which has the affect of artificially raising the costs of doing business for Aboriginal Peoples. As a result, investment has been skewed from First Nations towards lower valued returns. The researchers recommended that a strategy for improving First Nation's economies is more than social policy aimed at helping the disadvantaged. It must be a fundamental element of any strategy for improving Canadian productivity and ensuring the sustainability of social programs. Improving First Nation economies should be a national policy imperative. "Fiscal Realities, Economists. *Expanding Commercial Activity on First Nation Land: Lowering the Costs of Doing Business on Reserve*," presented to the Research Analysis Directorate of Indian and Northern Affairs Canada and the Indian Taxation Advisory Board (November 1999).

¹⁹ *The Indian Act* forms the basis of the current regulatory regime that affects Indian Reserves. It places decision making power and a fiduciary responsibility over reserve lands into the hands of the Minister of Indian Affairs. This has created an enormously complex job for the Department of Indian Affairs because there are over six hundred First Nations in Canada. This enormous responsibility prevents timely responses to economic development proposals and does not provide incentives for First Nations to develop their own administrative infrastructure.

²⁰ *Royal Commission on Aboriginal Peoples Final Report*, Ottawa: The Commission, 1996, Vol. 3, Ch 3.

²¹ For example, children of parents who are long-term recipients of social assistance are less likely to be healthy, less likely to do well in school, and more likely to be unemployed themselves than are children born into more affluent circumstances.

labour force and the anticipated location of job growth in the Canadian economy. While the future of Aboriginal employment may not necessarily be as tied to urban locations as non-Aboriginal employment is, it can be expected that in the coming years Aboriginal Peoples will continue to migrate to urban areas for jobs as well as other reasons. Thus, policy attention needs to be directed to urban areas and to migrants there, as well as to the challenge of expanding economic opportunities in rural and northern areas.²²

32. Economic development policies of federal and provincial/territorial governments have tended to treat Aboriginal economies as though they were the same as non-Aboriginal economies. Aboriginal economies are quite diverse, however, in their histories, goals, cultural bases and their legal relationship to Canada as well as their social and economic characteristics. The Royal Commission examined the following types of Aboriginal economies: First Nation reserves, rural Métis communities, urban Aboriginal economies, and northern economies and found each to be unique and distinct in itself with some common characteristics.²³

Relationship to Land Base and Importance of Land Rights

33. Of particular importance is the relationship of Aboriginal Peoples to the land. Indigenous land rights are of special concern because they are integral to the distinctive culture of an Aboriginal society. Aboriginal land rights include the right to fish, hunt, trap and relationships to plants and with wildlife and water. Recognition must be given to the spiritual, cultural, social, ceremonial and economic relationship that Aboriginal Peoples have to their lands, territories and resources. Thus, when the Crown unjustifiably infringes on Aboriginal land rights and Aboriginal title, Aboriginal Peoples have the right to be compensated. Compensation can provide one means by which to enhance the ability of Aboriginal Peoples to use their Aboriginal title lands. Hence, before Canadians can expect to see an end to the enormous waste in human and financial resources that accompanies the economic and social marginalisation of Aboriginal Peoples, they must come to terms with a redistribution of this country's land and resource base.

Canadian Racism

34. Economic and racial discrimination are further linked and sustained by racism. Racism has and continues to pose obstacles to Aboriginal Peoples participation in the economic mainstream. When Aboriginal Peoples look to the reserve for employment, they often see hopelessness, yet when they look to the Canadian mainstream, they see a wall of racism.
35. Removal of barriers to Aboriginal Peoples participation in the mainstream economy is imperative. In the past, the Canadian solution to this problem of prejudice was expressed in terms of 'tolerance' of racial differences and 'Charter protection' of individual rights and equality. To remove the barriers, Canadians and Canadian governments must go beyond tolerance of racial differences and *Charter* protection of individual rights and equality. Aboriginal Peoples cannot successfully participate in the mainstream economy within this context because tolerance for a racial group implies or is perceived negatively, socially and culturally. Full participation can only occur within a climate of respect for Aboriginal culture, identities and aspirations. Canadians must esteem Aboriginal cultures as a valued part of Canadian cultural heritage and as a vital component to the mosaic of world civilisations. Until this is done, the *Charter*, other legislation, and the Courts will prove ineffectual in guaranteeing the

²². *Royal Commission on Aboriginal Peoples Final Report*, Ottawa: The Commission, 1996, Vol. 2, Ch. 5.

²³. See *Royal Commission on Aboriginal Peoples Final Report*, Ottawa: The Commission, 1996.

equality of Indians when they participate in the Canadian mainstream, even under the most zealous law enforcement.²⁴

WHAT POLICIES HAVE BEEN TRIED TO ADDRESS ENTRENCHED ECONOMIC AND RACIAL DISCRIMINATION?

36. To address entrenched economic and racial discrimination, wide spectrums of policies have been attempted from legal redress, affirmative action, and education to studies and Royal commissions. Generally, governments in Canada were not very active in promoting economic development until it became clear that approaches such as promotion of agriculture and relocation of communities closer to employment opportunities were too narrow in scope. While the federal government attempted new initiatives, the approach continued to be premised on assimilation and integration. In an effort to support business activity, the *Indian Act* was amended in 1951 to allow the Minister of Indian Affairs the authority to make loans for economic development.
37. The Royal Commission on Aboriginal Peoples found that since 1960, the federal government has pursued the following five approaches to economic development:
 - migration to mainstream employment sites, especially urban areas;
 - business development;
 - sectoral development;
 - human resource development; and
 - community economic development.
38. Reflecting on the experiences with economic development policy and programs over the past thirty years, the Royal Commission made the following conclusions:
 - Single focused approaches of the past have had limited success. Government policy must acknowledge the diversity of Aboriginal economies and Aboriginal economic goals. Its aim should be to facilitate, encourage, advocate, assist and support the development of sustainable economies. This means establishing a broad policy framework within which Aboriginal communities and nations can design their own instruments to further their objectives.
 - Aboriginal Peoples must have stewardship of their economies if development is to succeed. Aboriginal Peoples must be able to plan the development of their economies, develop the projects, implement them, monitor them and change them if necessary. To accomplish this, government policy should continue to encourage the development of Aboriginal economic institutions to play a variety of roles, including the provision of capital, sector development, management and technical assistance, economic analysis and planning support.
 - Economic development is unlikely to succeed if the severely constrained land and resource base is accepted as given. Public policy must come to grips with these factors before even the best-designed business development program can be expected to be broadly successful.
 - Consideration must be given to the most appropriate units for economic development. For the most part, policy and programs have been geared to individuals. While community-based economic development is important, it is also important to consider what can be accomplished by working with units of larger scale.

²⁴. Boldt, Menno. *Surviving as Indians: The Challenge of Self-Government*. University of Toronto Press, Canada: 1993.

- Economic development of Aboriginal communities cannot occur in isolation from the rest of the Canadian economy. Aboriginal Peoples' overall participation in the Canadian economy has been marginal: if they have participated as workers, it has usually been in low-skilled, low-wage, easily lost jobs; if they have participated as business Peoples, they have encountered significant obstacles, such as racism and insufficient access to capital. In many cases, local Aboriginal economies are invisible to the surrounding economies, although they are significant contributors to those economies. Aboriginal Peoples must participate in federal, provincial and local economic planning mechanisms. The establishment of genuine partnerships with the non-Aboriginal private sector should also be encouraged.
- Holistic approaches to development are crucial to sustainability. Economic development must be accompanied by activities that, while not focusing directly on economic development, still have a significant affect on it. These activities include education, improving overall levels of health, developing positive cultural identities, and building and maintaining infrastructure and services for communities and families. In the absence of improvements in these other areas, economic development will be curtailed.

TO WHAT EXTENT ARE RECENT ECONOMIC DEVELOPMENTS DIMINISHING OR EXACERBATING EXISTING FORMS OF DISCRIMINATION?

39. Recent economic and political developments have the affect of diminishing and exacerbating existing forms of discrimination. For example, the constitutionalisation of Aboriginal and treaty rights in section 35 (1) of the *Constitution Act, 1982* has brought about a greater recognition of Aboriginal Peoples as political and cultural entities rather than racial groups. Despite constitutional affirmation of Aboriginal and treaty rights, the race based federal *Indian Act* remains unchanged and still directs the lives of Indian Peoples in Canada. The resulting apparent conflict therefore has resulted in some Canadian leaders and society to develop a greater willingness to include Aboriginal Peoples as partners in Canada but the challenge of poverty and powerlessness of Aboriginal Peoples remain. The affect nationally, is that the typical Canadian still views Aboriginal Peoples as a race and perceives Aboriginal participation in Canadian mainstream as a race-based proposition.
40. Tensions between Aboriginal Peoples and other Canadians have increased in recent years as a result of developments in such areas as land claims and fishing rights. The manifestations of these tensions are economic marginalisation or exclusion and the perpetuation of racism. For example, within the Canadian criminal justice system the Supreme Court of Canada has recently noted that the increased tensions between Aboriginal and Canadians “increase the potential for racist jurors siding with the Crown as the perceived representative of the majority’s interests”.²⁵
41. Recently, the Supreme Court of Canada has given increased and greater recognition to Aboriginal and treaty rights. In an attempt to limit Aboriginal and treaty rights, Canadians cite conservation as a concern or as justification to limit the exercise of treaty and Aboriginal rights.²⁶ Treaty hunting and fishing rights have been limited to support the purchase of day-to-day needs of Aboriginal peoples and their immediate families. This limitation implies that Aboriginal Peoples only have the constitutional right to a moderate living from the land and its resources, which interpreted by the federal government means a bare subsistence and not the “accumulation of wealth.” We can all imagine the outcry if Canadian commercial fishermen were told that their livelihood was limited and that they could only catch what they could eat and could not become wealthy by their commercial

²⁵ R. v. *Williams*, [1998], 1 S.C.R.

²⁶ R v. *Marshall*, [1999] S.C.J. No. 66, 179 D.L.R. (4th) 193

licenses.²⁷ This implies that only non-Aboriginal Peoples enjoy the right to become wealthy through commercial exploitation of natural resources. This exacerbates existing forms of discrimination.²⁸

WHAT MIX OF STRATEGIES NATIONALLY AND GLOBALLY ARE MOST HELPFUL IN DISENTANGLING ENTRENCHED RACIAL AND ECONOMIC DISCRIMINATION, AND REDUCING THE ECONOMIC EXCLUSION AND RACIAL DISCRIMINATION SUFFERED IN SUCH CASES?

42. When important decisions are made in the Aboriginal community, the Elders often remind us that we must think seven generations ahead. As Oren Lyons – Faithkeeper of the Onondaga Nation has said:

In our ways of life, in our government, with every decision we make, we always keep in mind, the seventh generation to come. It is our job to see that the Peoples coming ahead, the generations still unborn have a world no worse than ours – hopefully better. When we walk on Mother Earth we always plant our feet carefully because we know the faces of our future generations are looking up at us from beneath the ground. We never forget them.²⁹

43. As Aboriginal peoples, we realise that it is difficult for some Peoples to think ten or fifteen years down the line, much less seven generations. The sad reality of economic exclusion and racial discrimination, can be at least partially understood by the fact that historically decision-makers in Canada have often not looked at all on the impact of their decisions on Aboriginal Peoples.

44. To disentangle entrenched racial and economic discrimination and reduce economic exclusion and racial discrimination, it is imperative to focus our collective energies in the following four areas.

- recognition of fundamental principles,
- accountability and rebuilding capacity,
- sustainability, and
- growth and expansion.

45. A recognition of the *fundamental principles* of self-determination and the inherent right to self-government is a national imperative. This can be accomplished by the adoption of the Draft International Declaration on the Rights of Indigenous Peoples and implementation of the recommendation of the Royal Commission on Aboriginal Peoples. This is a first step toward *accountability and rebuilding capacity* in Aboriginal communities and nations.

46. Aboriginal Peoples are not impoverished racial minorities whose interests need to be served better by the Canadian State. They are political entities that because of their treaties and relationship to the land base known as Canada, the recognition of their rights in Canada's constitution and the nature of their social and cultural cohesion need to be recognised as nations. As such they must be negotiated with as Nations and thereby empowered to implement their own solutions within a flexible Canadian federation.³⁰

47. As I have written elsewhere, our crisis may be expressed in the element of T.I.M.E., which can be used as an acronym to relate the importance for our need for growth and change. The tools that are

²⁷ Draft Submission entitled *Aboriginal Peoples and World Conference Against Racism Consultations*, A Report of the Focus Group at the Native Law Centre of Canada, 2000.

²⁸ Draft Submission entitled *Aboriginal Peoples and World Conference Against Racism Consultations*, A Report of the Focus Group at the Native Law Centre of Canada, 2000.

²⁹ Oren Lyons as cited in Brascoupe, S., "Aboriginal Peoples' Vision of the Future: Interweaving Traditional Knowledge and New Technologies" *Visions of the Heart: Canadian Aboriginal Issues*. Harcourt Brace & Company, Toronto, Ontario: 1996.

³⁰ *Royal Commission on Aboriginal Peoples Final Report*, Ottawa: The Commission, 19 Vol. 2 Ch. 6.

needed to grow and change are Trusting one another; Inspiring a new and different identity and moving away from the false concept of race; Moving in a positive direction; and Embracing one another as we struggle together to make our world a better place to live.

48. In order to achieve full and equal participation of Aboriginal Peoples in Canadian and global economies, the onus rests on the shoulders of the Canadian government to create a climate of trust. Inherent within trust, is the responsibility of reciprocity. We need to develop and nurture reciprocal relationships that are founded on trust. From an Aboriginal perspective, a history of Canadian deception, theft, and betrayal has resulted in a collective and individual attitude of distrust towards mainstream society. This distrust is translated into a profound reluctance to enter the Canadian social and economic mainstream. Unless the Canadian government takes responsibility and is accountable for the injustice inflicted on Aboriginal Peoples, honour and implement treaties and agreements, remove barriers and prevent exclusion, provide for equitable redistribution of land and resources and provide adequate constitutional guarantees of justice in the future, Aboriginal Peoples in Canada will remain distrustful and apprehensive about participating in the mainstream society and economy.³¹
49. Inspiring new and different identities that are not ‘race’ based but are based on mutual respect, dignity, humanity and reciprocal relationships is essential. It is imperative that, throughout this process, the concept of ‘race’ and its relationship to colonialism be eliminated. The International Convention on the Elimination of all forms of Racial Discrimination was ratified by Canada. The Convention affirmed that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, social unjust and dangerous. It affirmed that there is no justification for racial discrimination, in theory or in practice. In order to eliminate racism, the false notion of ‘race’ must also be eliminated.³²
50. Movement toward and working together to further the decolonisation of Aboriginal Peoples is crucial. Decolonisation involves, in part, the replacement of present Euro-Canadian conventional systems with re-integrated aspects of traditional systems displaced during colonisation. While it may not be possible to restore our traditional systems to their original strength, nonetheless, all strategies must always reflect and be cognisant of our history in order to protect our traditional systems in ways that are consistent with honoured traditions.³³
51. Embracing each other as brother and sister nations in order that we may create a better world for our children and at least seven generations in the future is essential. It is important for past wrongs and painful experiences to be addressed. Importantly, for the first time in Canadian history, a federal government has openly and publicly acknowledged that the past treatment of Aboriginal Peoples was wrong and acknowledged that government policies caused incredible pain and suffering which reverberates and manifests itself in various forms in present day reality. The federal government has committed itself to working with Aboriginal Peoples to build a new and better future.
52. All of the discussions and analysis in this paper have taken us on a journey to a new beginning. The commonalties throughout are the virtues of acceptance, recognition and respect. The philosophy on which this paper is written is on the restoration of balance in a holistic way focusing on the four aspects of nature: the physical, mental, emotional and spiritual. Inherent this philosophy is an understanding of the interconnection, inter-relation and inter-dependence of all relationships. From our collective knowledge and history as Aboriginal Peoples in Canada in combination with an understanding of our current situation and how it came about, we have what our Elders call “double

³¹. Boldt, Menno. *Surviving as Indians: The Challenge of Self-Government*. University of Toronto Press, Canada: 1993.

³² Draft Submission entitled *Aboriginal Peoples and World Conference Against Racism Consultations*, A Report of the Focus Group at the Native Law Centre of Canada, 2000.

³³. McKenzie, B. *Cultural Knowledge and Traditional Practises: An Empowerment Based Model for Aboriginal Social Work Practise*. P.E.I.: 1992.

understanding.” It is with “double understanding” that we may contribute and further the decolonisation of Aboriginal Peoples in Canada. Throughout this process, we need to take T.I.M.E. According to an Elder’s teaching,

we must be sure that we use our time wisely to ensure that we leave a path for future generations to come. If we move too quickly, we may create dust and the generations to follow may become lost. We must be absolutely conscious of the value of life we are dealing with (Elder’s teaching).

RECOMMENDATIONS

53. To attempt to identify a combination of policies that may successfully address the severe discrimination that occurs in situations where racism and economic disempowerment combine in regard to Aboriginal Peoples in Canada, I propose at a minimum, the following:

- adoption of the conclusions and implementation of the recommendations of the Report of the Royal Commission on Aboriginal Peoples;
- adoption of the Principles of the International Declaration on the Rights of Indigenous Peoples;
- adoption of the Principles and Guidelines of the Protection of the Indigenous Heritage;
- continued examination and establishment of Principles and Guidelines for the protection of cultural and intellectual property of Indigenous Peoples; and
- continued study and establishment of Principles and Guidelines with respect to the recognition of Indigenous Land Rights and Relationships to the Land.