



## 2000 ANNUAL GENERAL ASSEMBLY EDITION IT'S A QUESTION OF FAIRNESS

### CORBIERE DECISION AFFECTS OFF-RESERVE INDIAN RIGHTS

The Congress of Aboriginal Peoples has set up a commission of inquiry on the Supreme Court's decision last May that had the effect of opening voting in band council elections to registered Indian band members living away from reserves.

The court declared that the words in Section 77(1) of the Indian Act "and is ordinarily resident on the reserve" are unconstitutional because they discriminate against the equality rights on non-resident band members by preventing them from voting.

The Supreme Court suspended implementation of the decision until November 20, to allow for extensive consultations with both on and off-reserve Indian band members.

CAP quickly established its commission of inquiry in March and began to consult with off-reserve registered Indian band members across the country. During this period a number of CAP's provincial affiliates conducted their own hearings as well. A final national consultation takes place at CAP's annual assembly in Ottawa, April 28th.

Following these consultations, CAP will prepare a report containing its findings and present it to the Department of Indian Affairs. Meanwhile a more extensive consultation process will continue with a view to ensuring a full and fair representation of views from registered Indian people living on and off reserves across Canada.

Once the consultative process is completed, and the findings are presented to the Department of Indian Affairs, the Supreme Court will decide on the next steps in this critically important event, which will have major repercussions across Canada, regardless of the ultimate decision taken.

### LANDMARK METIS, "NON-STATUS" INDIAN RIGHTS CLAIM BEFORE FEDERAL COURT

A statement of claim filed with the Federal Court of Canada last December would force the federal government to assume clear responsibility for negotiating directly with Metis and "non-status" Indians on their rights and needs as Aboriginal peoples, should the court rule in favour of the respondents.

More specifically, the claim seeks judicial declaration that Metis and "non-status" Indian people are Indians within the expression "Indians and lands reserved for Indians" in Section 91.24 of the Constitution Act, 1867 seeking to determine whether or not Metis people are defined as Indian for purposes of the Act. The claim also states that the federal government owes a fiduciary responsibility to Metis and "non-status" Indians as Aboriginal peoples. It asks the court to affirm that Metis and "non-status" Indians have the right to be negotiated with in good faith by the federal government on a collective basis, through representatives of their

choice, respecting all their rights, interests and needs as Aboriginal peoples.

The statement of claim was filed with the Federal Court of Canada last December by Harry W. Daniels, as a Metis person and as president of the Congress of Aboriginal Peoples, along with Leah Gardner, a "non-status" Indian living in Dryden, Ontario.

In filing the claim Mr. Daniels pointed out that Aboriginal peoples have suffered discrimination and deprivation because of the federal government's denial over its responsibility for Metis and "non-status" Indians, while accepting full responsibility for status Indians. "This has had the effect of denying basic rights to as many as three quarters of all Aboriginal peoples living in Canada, and preventing access to the material and cultural benefits available to status Indians by reason of their connection to Indian reserves," said Mr. Daniels.

*Continued on page 2*





## ANNUAL ASSEMBLY 2000

Welcome to the Annual Assembly 2000 edition of The Forgotten People, and an especially warm welcome to Elders, delegates and guests from across Canada.

During the assembly 16 delegates from each of CAPs' provincial and territorial member associations, along with other voting delegates (former presidents, honorary presidents, youth and Elders), will cover a wide range of issues

**Place: Travelodge Hotel - Ottawa**

### Thursday, April 27

5:00 pm to 9:00 pm

- Registration - Lower Level

### Friday, April 28

8:00 am - 9:00 am

- Registration - Lower Level

9:00 am - Corbiere Commission Hearing (panel, plenary session, discussions)

10:45 am - Health Break

11:00 am - Corbiere Commission resumes

12:00 pm - Lunch

1:00 pm - Annual General Assembly Opening Ceremonies

- Opening Prayer
- Welcoming Remarks - Harry W. Daniels, President, CAP  
- Michael McGuire, President, OMAA (Host Province)

- Appointment of Chairpersons
- Acceptance of Agenda
- Adoption of Assembly Rules of Procedure
- Appointment of Dispute Resolution Committee
- Appointment of Elections Committee
- Appointment of Resolutions Committee
- Disposition of 1997 AGA Motions/Resolutions

2:30 pm - Health Break

2:45 pm - President's Report

- Vice President's Report

5:30 pm - Auditor's Report

Provincial Territorial National Youth Representative Reports

7:00 pm - Reception - Hosted by Ontario Metis Aboriginal Association

Solarium - Main Floor

affecting off-reserve Indian and Metis peoples over a three-day period running from April 28th to 30th.

As well, elections will be held for the positions of national president and national vice president of the Congress at this assembly. Successful candidates will serve for a three-year term of office.

### Saturday, April 29

During the day two concurrent policy discussion workshops will be conducted on a number of subjects of interest to delegates. Two rooms are being provided for this purpose.

At press time the full details were not available but delegates will be advised by announcements from the chair and by notices on bulletin boards.

9:00 am

#### Workshop A

Human Resource Development Issues

#### Workshop B

Governance/Political Accord Issues

10:30 am - Health Break

10:45 am - Workshops Resume

12:30 pm - Lunch

1:30 pm

#### Workshop A

Indian & Northern Affairs Strategic Directions

#### Workshop B

Other Issues TBA

3:30 pm - Health Break

3:45 pm - Workshops Resume

5:30 pm - Sessions End

7:30 pm - Banquet & Social Evening

### Sunday, April 30

9:00 am - Elections Committee Report

9:15 am - Nominations for President, Vice President, Speakers' Forum

10:45 am - Health Break

11:00 am - Elections

12:30 pm - Lunch

1:30 pm - Elections, contd. & announcement of elected President, Vice President

4:30 pm - Prayer & Closing Ceremonies

*Landmark Metis continued from page 1*

It has nothing to do with taking away the need for the federal government to be responsible for status Indians, Mr. Daniels added. "They should maintain that access and even

have it strengthened because of their desperate plight. But to deny the majority of Aboriginal peoples in this country the same type of access is outrageous and inequitable. It's a question of fairness," he said.





## CAP/NCC AT LEADING EDGE OF MAJOR ABORIGINAL INITIATIVES FOR THREE DECADES

It's a bold but verifiable claim that the Congress of Aboriginal Peoples and its predecessor, the Native Council of Canada, have been at the leading edge of national issues that have affected the greatest numbers of Aboriginal peoples in Canada for the past 30 years.

As the organizations that have represented the interests of off-reserve Indian and Metis peoples — who outnumber on-reserve Indians by a three-to-one margin — NCC/CAP have been instrumental in effecting change for their peoples, even though they have not enjoyed the substantially larger funding provided to other Aboriginal political organizations.

A few highlights:

- It was the Native Council and its provincial and territorial affiliates who ensured that shelter programs were put in place by Canada Mortgage and Housing Corporation to offer homes and residential repairs, not only for Aboriginal peoples, but non-Native peoples as well in smaller communities across Canada. The result was that thousands of homes were built and thousands more were repaired under the programs.
- It was the NCC's Metis and Non-Status Indian Crime and Justice Commission's study and report that formed the basis for fundamental changes to the criminal justice system as it affects Aboriginal peoples.
- It was the NCC's Aboriginal Order of Canada in the 1970s that preceded the Aboriginal Achievement Awards so widely publicized in the 1990s.
- It was the Native Council who in the 1970s was instrumental in early actions on behalf of the Cree and Inuit of the James Bay region in bringing their case to a lower court in Quebec that ultimately resulted in the James Bay Agreement.
- It was the NCC who intervened, along with the Native Womens' Association of Canada, to ensure that Aboriginal women and others would regain their Indian status that had so long been denied to them.
- It was the NCC's negotiator, along with the support of provincial and territorial leaders, who lobbied successfully with Hon. Jean Chretien and Prime Minister Trudeau to include Indian, Inuit and Metis as Aboriginal Peoples in the Constitution of Canada.
- It was the Congress of Aboriginal Peoples who assisted more than 800 clients — about 400 in long-term jobs and a further 400 in career training — through the delivery of Human Resources Development Canada's Urban Aboriginal Job Fund, all within the program's short 15-month life.
- It was CAP who convinced Statistics Canada to launch a project that would more precisely identify the Aboriginal ancestry population in order to support CAP's natural constituency.
- It was CAP who negotiated and signed partnership agreements with labour organizations, financial institutions and governments to open access to greater career opportunities within major organizations for off-reserve Indian and Metis people.
- It was CAP's president who filed a statement of claim with the Federal Court of Canada that would provide Metis and "non-status" Indians with rights and benefits similar to those enjoyed by status Indians in Canada

## The FORGOTTEN PEOPLE

*The National Voice of Off-reserve Indian and Metis Peoples Throughout Canada*

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under the jurisdiction of the federal government.

- It was CAP, along with the Native Womens Association of Canada and others, who came forward as intervenors on behalf of John Corbiere and other non-resident members of the Batchewana Indian Band, in "The Corbiere Decision."

These are but a few examples where CAP and its predecessor, the Native Council of Canada, exercised leadership and effected change on behalf of Aboriginal peoples across Canada as a major national Aboriginal organization.

It has been a proud and productive legacy for more than 30 years and will continue to shine as a beacon for generations to come.





## CAP'S "PEOPLE UNIVERSE" HUGE, ANCESTRY THE KEY

The debate continues as to whether people should determine their Aboriginality in the census by their ancestry or by simply identifying themselves as Aboriginal.

But it is one where the Congress of Aboriginal Peoples firmly holds the position that ancestry is the only legitimate basis for determining whether or not a person can claim to be Aboriginal. In fact it is written into the constitution and by-laws of the Congress that "its mandate includes all persons of Aboriginal ancestry who reside off-reserve in that province or territory."

CAP is currently serving on a Statistics Canada committee along with other Aboriginal organizations on the Aboriginal Peoples' Survey to resolve the issues of ancestry versus identity prior to the next census.

According to the 1996 census the natural constituency of CAP — off-reserve Indians and Metis people — along with its provincial and territorial member political organizations,

comprise the largest number of Aboriginal peoples in Canada by a huge margin.

Data from the '96 census show that of the 1.2 million peoples of Aboriginal ancestry living in Canada (Indian, Inuit and Metis), 79 per cent live away from Indian reserves.

Of the total number, more than 600,000 Indian people, or 73 per cent, live off reserve, meaning that only 27 per cent live on reserve.

It is clear that CAP and its predecessor the Native Council of Canada, have always used ancestry in defining an Aboriginal person. It is equally clear, though, that the organization under either name has always fought hard for Aboriginal people throughout Canada regardless of their status, in advancing, protecting and preserving their rights and interests.



# Congress of Aboriginal Peoples

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