

The CONGRESS OF ABORIGINAL PEOPLES



April 2001

The national voice of off-reserve Aboriginal People throughout Canada since 1971

IT'S A QUESTION OF FAIRNESS

◆ IN THE FOREFRONT OF THE ABORIGINAL RIGHTS STRUGGLE FOR 3 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 number of Aboriginal people in Canada for the past 30 years.

As the organizations that have represented the interests of off-reserve Indian and Metis people — who outnumber Registered Indians living on reserves by a margin of three-to-one — NCC/CAP have been instrumental in effecting positive change for Aboriginal people.

It is a proud and productive legacy that will continue to shine as a beacon for generations of Aboriginal people to come.

(See *The Journey* — page 3)

Total Aboriginal Ancestry	1,377,900
Total Registered Indians	674,800
Other categories of Indian non-status, etc.	426,800
Metis	215,300
Inuit	61,000

◆ THE ABORIGINAL REALITY IN CANADA

There are more than 1.3 million people of Aboriginal ancestry living in Canada.

Aboriginal peoples are described in the Constitution of Canada (1982) as "Indian, Inuit and Metis," and their rights are "recognized and affirmed."

But there is no clear definition of what constitutes an Indian or a Metis. Instead, the Aboriginal population in Canada is referred to by a mind-numbing range of categories developed by governments. This includes registered Indians living on reserves, registered Indians not living on reserves, unregistered Indians, Inuit, non-status Indians, treaty and non-treaty Indians, Metis and many others.

Of the 1.3 million number, about 230,000 are registered Indians (sometimes known as "Indian Act Indians") living on reserves. But more than 260,000 registered Indians do not live on reserves, having chosen to follow other pursuits in cities, towns and villages throughout the country. In all, more than 987,000 Aboriginal people do not live on reserves.

◆ HOW IT GOT THAT WAY

Four years after Confederation in 1867, the process of shrinking the size of the Aboriginal population in Canada began, with the Indian Act as the instrument used by the federal government.

The act became an internal colonial device used to regulate the affairs of Indians and the lands reserved for them.

In 1872, the Act defined 'Indian' as a person entitled to be registered as an Indian and the heirs of such a person in accordance with a 'patrilineal descent' rule i.e., only a person whose father was registered as an Indian was eligible for registered Indian status. The rule denied status to an Indian woman who married a 'non-status' Indian man or to a non-Native man, and to her children from the marriage as well.

A 1985 amendment to the act permitted tracing of descent through either male or female lines and outlined criteria and a process for non-status Indians to apply for registration. To date, close to 130,000 have been registered, but a large percentage do not live on reserves. One important reason is because they are deemed not to meet the residency and/or membership requirements of band governments.

(See *An Aboriginal caste system* — page 4)



◆ WHY THE CONGRESS OF ABORIGINAL PEOPLES?

The clear message is that there is a huge Aboriginal reality in Canada that is often overlooked, or even dismissed, by federal and provincial governments, the news media, and even sometimes by Aboriginal organizations.

But off-reserve people — the largest and fastest-growing group — comprise the natural constituency of the Congress of Aboriginal Peoples. And yet we face as many if not more problems as our on-reserve brothers and sisters who come under the aegis of the Indian Act.

The fact is that serious problems affecting the well-being of Aboriginal peoples living in Canada — poverty, homelessness, AIDS, diabetes, lack of access to proper education, racial discrimination and others — are not confined to Indian reserves.

Indeed their tentacles stretch to every corner of the country, including skid row — the longest street in Canada!

Says Congress of Aboriginal Peoples Chief and President Dwight Dorey, "Our people are suffering significantly from a lack of resources in virtually all areas of social and economic development. What we need," says Chief Dorey, "are federal policies and programs that are status and residency-blind."

"What should it matter whether an Aboriginal person lives on or off-reserve, especially when our rights are recognized and affirmed in the Constitution of Canada?"

The Chief emphasizes that registered Indian people living on reserves should continue to be provided with the resources they are receiving, and notes that even the benefits they currently receive are inadequate.

"But," he says, "with current and projected huge budget surpluses, the federal government must do two things, First, it must accept clear fiduciary responsibility for all Aboriginal peoples,

not just the smaller number of registered Indians under the Indian Act who live on reserves. Second, it must commit to a substantially increased investment in economic and social development for off-reserve Aboriginal peoples. Chief Dorey says the government can invest in Aboriginal peoples now, or pay for the consequences later.

"Otherwise the problems facing off-reserve people will soon escalate to the breaking point," as the report of the Royal Commission on Aboriginal Peoples warned.

"After all," he stresses, "It's a Question of Fairness!"

◆ NATIONAL ABORIGINAL POLITICAL ORGANIZATIONS

There are five national Aboriginal political organizations in Canada.

Congress of Aboriginal Peoples (CAP)

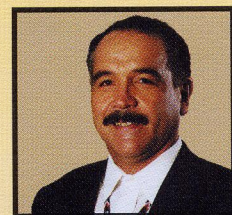
Originally incorporated as the Native Council of Canada in 1971, CAP has traditionally represented the interests of Aboriginal people living away from reserves, including registered Indians, unregistered Indians, non-status Indians and Metis people not represented by the Prairie-centred Metis National Council.

The ancestry of the people associated with the Congress is clearly that of an Aboriginal nation, such as Cree, Haida, Ojibway, Algonquin, Mi'kmaq, to name only a few.

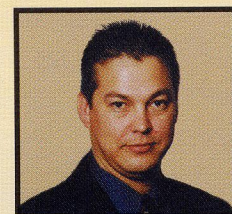
We live in urban, rural and remote areas, from Newfoundland/Labrador to the Pacific Coast, and from the Canada/US border to the Northwest Territories. Many belong to the provincial and territorial Aboriginal political organizations that are constituent members of the Congress.

THE CONGRESS OF ABORIGINAL PEOPLES

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CAP's mandate is to speak for all Aboriginal people living away from reserves — excluding Inuit and a portion of the Metis population served by their own national organizations.

Assembly of First Nations (AFN)

Incorporated as The National Indian Brotherhood, the Assembly of First Nations represents the interests of about 230,000 registered Indian people on reserves.

There are about 660 Indian bands in Canada, each of which is headed by a chief and council.

The Metis National Council (MNC)

The MNC comprises Metis political organizations primarily centred in Manitoba, Saskatchewan and Alberta, with a constituency of about 150,000.

Inuit Tapirisat of Canada (ITC)

There are about 60,000 Inuk (the singular term for Inuit people) in the Northwest Territories, Nunavut, as well as in Northern Quebec and Labrador. The national organization that represents their interests in Ottawa is Inuit Tapirisat.

The Native Womens' Association of Canada and The Metis National Council of Women represent the interests of Aboriginal women who are their members.

◆ **THE JOURNEY**

• It was in the early 1970s that the Native Council of Canada and its provincial and territorial members ensured that shelter programs to alleviate the desperate conditions Aboriginal people were living in were established by CMHC.

Homes were built and others repaired to ensure that thousands of Aboriginal and non-Aboriginal people were afforded the opportunity to acquire decent basic shelter.

- It was the Native Council'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 people.
- It was the Native Council's Aboriginal Order of Canada in the 1970s that preceded the Aboriginal Achievement Awards so widely publicized today.
- It was the Native Council that 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 resulted in the James Bay Agreement — the first modern-day treaty with Aboriginal people.
- It was the Council that 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 Council, along with the support of its provincial and territorial leaders, who lobbied successfully with then-Justice Minister Jean Chretien and Prime Minister Trudeau to include Indian, Inuit and Metis peoples in The Constitution of Canada (1982).
- It was the Congress of Aboriginal Peoples who assisted more than 800 Aboriginal clients — about 400 in long-term jobs and a further 400 in career training positions — to build toward a productive future through the Urban Aboriginal Job Fund of Human Resources Development Canada. This was accomplished within the program's short 15-month life span.
- It was CAP who convinced Statistics Canada to launch a project to more precisely identify the Aboriginal ancestry population in order to more appropriately reflect the real Aboriginal population in Canada.
- It was CAP who negotiated and signed agreements with the Canadian Labour Congress and the Public Service Alliance of Canada to open doors to greater career opportunities within major organizations for off-reserve Aboriginal 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 similar rights and benefits enjoyed by status Indians under the jurisdiction of the federal government.
- It was the Congress, along with the Native Womens' Association of Canada and others, who came forward as intervenors on behalf of John Corbiere to seek equal voting and other rights for off-reserve registered Indians to those living on reserves.
- As well, the Congress is involved in initiating a number of programs including employment creation and training, health care, child and youth development and others to improve the well-being of Aboriginal people.
- A number of court cases in which we are involved centre around affirming our identity and establishing our rights as Aboriginal peoples in Canada on a par with Registered Indians living on reserves. It is why we have adopted as our motto: "It's a Question of Fairness!"

***It is a journey
without end.***



An Aboriginal caste system

The continuing proliferation of legal categories generated by the Indian Act has created an Aboriginal 'caste system' in Canada.

The caste system includes status (registered) Indians, on-reserve status Indians, off-reserve status Indians, non-status Indians, treaty Indians, non-treaty Indians, prairie Metis, non-prairie Metis, Nunavut Inuit, Northwest Territories Inuit, northern Quebec Inuit, and Labrador Inuit. Each caste is accorded differential treatment by the federal government in recognizing Aboriginal rights and in the provision of services.

The federal government's policy is to recognize a fiduciary obligation and a responsibility only for status Indians living on reserves in bands — euphemistically called "First Nations," even though membership may be less than a dozen people in some cases — and for Inuit living in Nunavut.

Status Indians living away from reserves are deemed to have given up their Aboriginal rights and to have become the responsibility of the government in the province or territory where they live. As off-reserve Indians, they are lumped together in the minds of policy makers with the non-status Indians, Metis and those Inuit not living in Nunavut or the NWT.

It is this group of 'outcast' Aboriginal peoples that CAP, and its predecessor, the Native Council of Canada, speaks out for and has done so for the past thirty years.

The name game

The issue of aboriginality is further confused by the fact that section 35 of Constitution Act, 1982, names only

three Aboriginal groups — Indian, Metis, and Inuit. It does not define 'Indian' or refer to Indian Act criteria such as registration status, treaty membership, reserve residence, or band membership.

It simply says 'Indian.' Similarly, it does not define Metis or Inuit.

The prideful and great names which Aboriginal peoples had for themselves before 1867, including Ojibway, Mi'kmaq, Mohawk, Cree, Dene, Haida, Tlingit, have been replaced by a bewildering array of product names denoting their legal status as 'things' rather than as peoples.

It was bad enough when they were mistakenly named 'Indians' by Columbus but even more humiliating now to be called 'non-status Indians,' non-persons, nobodies.

Much of the litigation undertaken by Aboriginal groups on behalf of those living away from reserves has been to clarify who is an Aboriginal person. Clarification is related to questions of entitlement to Aboriginal rights — to land, resources, self government, as well as to rights associated with language and cultural survival.

A mistaken view is that the only 'real' Indians in Canada are those who live on reserves and are registered under the Indian Act, but more than 72 percent of the Aboriginal population in Canada live away from reserves in urban, rural and remote areas throughout the country.

Recent projections from the '96 Census place the size of the Aboriginal population at 1.4 million or four percent of the country's total population.

Of the reported \$4.6 billion annual funding by the federal government for Aboriginal peoples, nearly all is spent

on those status Indians living on reserves. That is, only 28 percent of the Aboriginal population, and on those Inuit living in Nunavut and NWT, just over four percent of the Aboriginal population.

Only token amounts are spent on non-status Indians, status Indians, off-reserve and Metis — those lower down in Canada's unique Aboriginal caste system.

Negotiation the key

It is CAP's position that Aboriginal rights apply to *all* Aboriginal peoples, regardless of Indian Act status or place of residence.

The discriminatory system which pits Aboriginal peoples against each other in the scramble for scarce resources, must be changed.

Unless a meaningful negotiation process is adopted by the federal government to resolve disputes, Aboriginal peoples will continue to have no alternative but take court action, which is costly and likely to create antagonism between Aboriginal peoples and their non-Aboriginal neighbors.

Aboriginal peoples take pride in being founding peoples of Canada and wish to see the country grow and prosper for the benefit of all.

What the Congress of Aboriginal Peoples seeks to establish is a mutually-advantageous partnership with government. Unless this is done the hopes and aspirations of the majority of Aboriginal peoples will continue to be frustrated and beneficial progress by both partners will never take place.

