# 7

## Conclusion

**A GREAT MANY ABORIGINAL PEOPLE** in Canada, including First Nations, Inuit and Métis people, male and female, old and young, in isolated northern communities and in urban areas, confront common problems. To an external observer, these problems consist mainly of social and economic disadvantage, and the solutions seem self-evident. Individuals are expected to seize opportunities to improve their situation by advancing their education, competing in the job market, moving from regions of slow economic activity to more promising locations, and adopting healthy lifestyles.

Many have pursued these options, as shown by statistics on education levels, labour market participation, urban migration and health. But on the whole gross disparities persist between the quality of life of Aboriginal people and that of most Canadians. The pain of deprivation and disorder in Aboriginal people's lives is intimately bound up with their identity and experience as peoples. They believe that solutions can be found by drawing together as nations and defining their collective place in Canadian life, rather than in further dispersing their communities and diluting their cultures.

## 1. Common Problems: Collective Solutions

We are in favour of collective solutions that are complementary to individual efforts, not a rejection of them. The rationale for structural change in the relationship between Aboriginal nations and Canadian society is set out in Volume 2 of this report in terms of Aboriginal peoples' right of self-determination, in terms of justice defined by Canadian law and international norms, and in terms of sound, practical steps and policies to set the relationship between Aboriginal and non-Aboriginal people on a more

harmonious and productive course.

In dealing with the social and cultural concerns of Aboriginal people, we emphasize the need to place social issues in the context of political and economic relations with the rest of Canadian society. When adults have meaningful work and a respected role in society, families will be restored to their role of nurturing and protecting their members. When Aboriginal people have a more equitable share in the wealth of the land, and regain the authority to govern themselves, they will shake off the poverty and powerlessness that sap their emotional, intellectual and spiritual vitality. Living conditions that undermine morale and physical well-being must be raised to Canadian standards through the collaborative efforts of individuals, communities, Aboriginal nations and the Canadian state. Education must affirm Aboriginal people as members of historical nations with distinctive cultures, while equipping them to reach out and participate in a global society. The authentic self-expression of Aboriginal people, as individuals and collectivities, must be heard in councils and public media and seen in history books, art galleries and on ceremonial occasions, signalling that the phase of displacement and denial of their presence in Canada has been put behind us forever.

Ideals of equality and respect have appeared consistently in public discourse on Aboriginal policy for the past 25 years.[1] A review of various policy sectors shows, however, that changes in the situation of Aboriginal people relative to the rest of Canadian society have been minimal, halting and, in some areas, retrogressive. Fundamental change will require decisive action, which we believe can be achieved best through recognition of Aboriginal jurisdiction to enact laws and implement policy, with appropriate agreements to harmonize the actions of Aboriginal, federal, provincial and territorial governments.

The social policy sectors discussed in this volume are of vital concern to the life, welfare, identity and culture of Aboriginal nations. We anticipate that these will be among the first areas where Aboriginal governments will exercise authority. It will take time to put self-government agreements in place, however, and the pace of change will vary in different nations, depending on their degree of political development. We therefore see change proceeding on three fronts:

1. negotiations to establish the scope of self-government and the institutional structures through which it will operate within the Canadian federation;

2. transitional measures mandated under the proposed recognition and government act; and

3. policy reform within existing federal, provincial and territorial jurisdictions.

The recommendations in this volume apply in any of these situations. They are based on the premise that Aboriginal people must have the authority to define their problems, establish goals, and mobilize and direct resources, whether these resources are found within their nations and communities or in federal, provincial and territorial government programs.

## 2. Traditional Culture and Institutions of Self-Government

Aboriginal self-government will have as its core purpose the affirmation and conservation of Aboriginal cultures and identities as fundamental characteristics of Canadian society. It will allow Aboriginal nations and communities of interest to develop institutions that reflect a distinctive world view and diverse forms of social organization. (For more detail, see Volume 2, Chapter 3, where we identify three principal models of self-government — public governments, Aboriginal nation governments, and communities of interest.) Self-government will also be the vehicle for negotiating adaptations in mainstream institutions that serve Aboriginal citizens. It therefore represents a reversal of the intent to 'civilize' and assimilate that drove public policy on Aboriginal affairs for over a century.

It should be understood that self-government does not mean bringing Aboriginal nations into line with predetermined Canadian norms of how peoples should govern themselves. It is the reinstatement of a nation-to-nation relationship. It is the entrenchment of the Aboriginal right of doing things differently, within the boundaries of a flexible *Canadian Charter of Rights and Freedoms* and international human rights standards.

The prospect of Aboriginal peoples pursuing their economic, social and

cultural development in ways they freely determine[2] will raise the spectre in some minds of Aboriginal communities as backwaters of under-development, indifferent to the benefits of modernization and forever subsidized by government. This image fits better with the present reality — after more than a century of enforced assimilation — than with the perceptions Aboriginal people have of their cultures and the role their traditions will have in charting a future course.

Aboriginal peoples have survived for millennia because their cultures are dynamic and able to adapt to changing circumstances. This openness to change does not negate their traditional view of reality — that life manifests itself in repeating patterns, in the cycle of days and seasons, and in the universal experience of birth, maturation, decline, death and new birth. Life is not a linear journey in which humanity progresses to ever higher levels of enlightenment. It is a circle, with natural and spiritual laws established from the foundation of the world, and with lessons human beings have been learning throughout thousands of years of history. A good life, a fulfilling life, is gained through knowledge and ethical choice; it is not dictated by technology. A hunter in the bush can learn and abide by natural law — or violate it recklessly. An engineer can build electricity-generating devices in a way that respects the right of all creatures to share the environment — or disregard those rights. So an Aboriginal person who is instructed in and lives by traditional wisdom can live a traditional life in the bush or in the city. People who adhere to traditional ways are not hostile to change and growth; they resist systems and relationships that negate their understanding of natural and spiritual law. (For more discussion of Aboriginal cultures and their relevance to contemporary issues, see Volume 1, Chapter 15.)

Aboriginal people criticize services delivered by agencies external to their nations and communities as culturally inappropriate. Recognition of their nations' jurisdiction over social policy will pave the way for them to devise and legislate their own institutions. This will make room for creativity that does not flourish easily in the context of minority initiatives in mainstream institutions. Some nations have mature institutional arrangements in place already and require only recognition of their role in relation to other laws and authorities in Canada. Other nations will take a cautious approach, testing their capacities in specific initiatives before attempting comprehensive institutional development; still others will continue to look to

mainstream institutions to meet their needs.

Distinct institutions will respond to social needs in family support, health and healing, housing, and education and will encourage cultural expression. They will honour traditional knowledge, work out new applications of old wisdom, and synthesize these with insights from mainstream science and institutional practice. The methods of problem solving developed in Aboriginal institutions will provide reference points for what is possible and desirable in mainstream services. Aboriginal institutions will not only deliver services but sustain cultures and identities in the twenty-first century.

While recognition of Aboriginal jurisdiction and development of Aboriginal institutions are central to social change, the needs are so urgent that reforming social policy within existing jurisdictions, and laying the groundwork for transition to self-government, must proceed without delay.

# 3. Policy Reform and Transition

Aboriginal nations will be able to exercise authority in core areas of jurisdiction while new or renewed treaties are being negotiated. During the transition, community services will be delivered variously by new institutions mandated under Aboriginal authority; by agencies mandated by federal, provincial and territorial governments but directed by Aboriginal people; and by mainstream institutions that have modified their approaches to provide culturally appropriate services. While structural change is being negotiated, there is an urgent need to implement new approaches that will

1. assign a priority to social policy development;

2. adopt an integrated approach across policy areas and between different governments and government departments; and

3. create space for Aboriginal initiative.

## 3.1 Social Policy as a Priority

Political and legal reforms will be successful only if they make life better for

the ordinary Aboriginal person. This was made very clear in our hearings, where Aboriginal people told us repeatedly that the healing of individuals, families, communities and nations must accompany self-government. Women, in particular, said that social concerns often seemed to be overshadowed by political priorities. At the Special Consultation on Suicide Prevention (convened by the Commission in Ottawa on 7 June 1993), Joey Hamelin of the Métis National Council declared, "Suicide is as important as the constitution."

Political change is essential to progress toward resolving social problems. However, progress should also be seen as an immediate priority and a powerful means of mobilizing the commitment of Aboriginal and non-Aboriginal people to support fundamental structural change. We have set out proposals for movement on social concerns in order to break down the paralyzing sense that problems are so entrenched and pervasive that nothing can be done. We amplify the voice of Aboriginal people, particularly women, who urge their leaders and Canadian governments to recognize that social concerns deserve priority and to pursue action on social policy in concert with political change.

## 3.2 Integrated Approaches

The way social and community services are organized now contributes to fragmentation of effort, gaps in program coverage and conflict between governments on the extent of their responsibility.

Aboriginal people say it is not helpful to categorize them as patients, parents, offenders, welfare recipients or drug abusers. They are whole human beings with strengths and weaknesses and, above all, the capacity to learn from experience how to use the resources in their environment to solve their problems. In conceptualizing the form of new Aboriginal service organizations, it will be important to avoid replicating a problem-specific group of services. Even under present regimes, however, the constraints on holistic program development can be eased. Healing centres under Aboriginal control and single-window access to adult education and training are examples of holistic services described in earlier chapters of this volume.

When services are being provided, different categories of Aboriginal status

are the basis for different treatment. We maintain that, regardless of current distinctions, Aboriginal people share a common entitlement to have their presence as collectivities recognized and affirmed within Canada. They share certain experiences and needs, stemming from culture and history. Where access to appropriate services is restricted or denied because of legal status or place of residence, these inequities should be rectified. Where people experience disadvantaged living conditions because of historical policies that deprived them of resources or services, these disparities should be addressed. Where well-being is threatened by abusive or oppressive treatment implemented or permitted by misguided government policy, enriched services to counter the corrosive effects should be made available.

In Volume 4, Chapter 7, we examine the policy vacuum resulting from conflicts between federal and provincial governments over jurisdiction and responsibility for Aboriginal people living in urban areas. Social housing for off-reserve First Nations and Métis people is just one area where the various orders of government must collaborate to achieve improved levels of well-being.

Where Aboriginal governments with clear authority are established and recognized by federal and provincial governments, there is some prospect of escape from fragmentation, undercoverage and jurisdictional conflict. Even before self-government is implemented, authority and responsibility can be transferred to Aboriginal nations and to agencies mandated by Aboriginal governments and organizations. Conflicts between federal and provincial governments about the locus of responsibility for service delivery and funding support should be resolved promptly. In Volume 4, Chapter 7, we propose an approach for distributing responsibility between federal and provincial governments; even with this approach, however, resolution of conflicts will require a firm commitment to co-operative effort.

## 3.3 Creating Space for Aboriginal Initiative

There is currently a wealth of Aboriginal initiative and innovation in the field of community services. For example,

• language immersion and daycare involving parents, volunteers and elders in culture-based programming;

• healing circles promoting recovery from the lingering effects of violence;

• Aboriginal child and family services extending conventional limits of child welfare services;

• Métis housing corporations building a sense of community in urban centres;

• Aboriginal colleges and training institutes filling the gap between post-secondary education institutions and self-defined community needs; and

• a whole community engaged in planning a collective future after repeated displacement and years without a land base.

Many such innovations were reported in the foregoing chapters; many more are recorded in our hearings transcripts, briefs and research studies.

There is a widespread sense of anticipation among Aboriginal people that they are about to enter a new era, when their identities as peoples will be recognized, when they will regain control of their lives, and when their knowledge will count in decision-making councils. But their initiatives in social and cultural affairs are struggling for survival on the margins of institutional services that command stable support and professional recognition. Chief Gordon Peters expressed the sense of anticipation and the readiness to assume responsibility in the following words:

Across the board, a lot is going on right now. It is given different names and takes shape in different circumstances. Some call it healing; some call it regeneration. No matter what it is called, it is the same process — people taking control of their individual lives.

The route that we are going to follow is that we first need to take control of our individual lives, to be able to accept those things that are given to us by the Creator. Then we can talk to our families and then we can talk to our communities. It spreads out and continues until there is an understanding….

That is when you start to have unity of people, as in the expression people coming to one mind. You won't find that in a legislative process, and you won't find it in the constitutional process.

Chief Gordon Peters
Chiefs of Ontario
Toronto, Ontario, 18 November 1993[*]

Leslie Knight spoke in Yellowknife of the process of rebuilding capacity that must occur, and the necessity of having the resource base to achieve the transformation:

Over the last few decades individuals and communities have almost been trained to seek solutions outside of themselves, to think that the best solutions will come from professionals, experts and agencies. I think there needs to be some retraining and some careful support of individuals and communities and groups to show them that they have the inherent skills to cope with many of the problems themselves, as long as there are appropriate resources and support given to them.

Leslie Knight
Yellowknife, Northwest Territories
8 December 1992

The challenge for policy makers in the next decade will be to make room for Aboriginal initiative in the institutional life of Canada. Institutions mandated by Aboriginal governments will play a major role in extending the boundaries of what is possible. Mainstream institutions will have an equally important contribution in clearing the field for Aboriginal initiative and assuming a collegial rather than a supervisory role. Aboriginal-specific adaptations in mainstream institutions may serve as transitional forms on the way to self-directing Aboriginal institutions, or adapted services may become continuing features of Canadian life.

In some cases legislative changes by federal, provincial or territorial governments will be required to redistribute effort and resources and to provide stable support for Aboriginal initiatives. In other cases, existing programs and regulations can be adjusted to achieve the same ends.

## 4. Achieving a Balance

The prospect that Aboriginal and non-Aboriginal people will operate separate institutions in some cases, share services in others, and help each other to devise the most effective means of meeting social needs harks back to the nation-to-nation relationship envisaged in treaties of peace and friendship. Non-Aboriginal people might describe the change as progress toward greater justice. Aboriginal people are more likely to describe it as a second chance to establish the balanced relationship never realized fully in historical encounters. The practical steps and the financial investment required to implement the new relationship are the subjects of Volume 5.

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## Notes:

**1** See RCAP, *Soliloquy and Dialogue: Overview of Major Trends in Public Policy Relating to Aboriginal Peoples*, volume 1 of *Public Policy and Aboriginal Peoples 1965-1992* (Ottawa: Supply and Services, 1996 (forthcoming)).

**2** This is the language used in the Draft United Nations Declaration on the Rights of Indigenous Peoples, as quoted in [1994] 1 Canadian Native Law Reporter 40-47.