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# IN BRIEF

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## The Report of the Royal Commission on Aboriginal Peoples

The Royal Commission on Aboriginal Peoples (RCAP) issued its final report in November 1996. The five-volume, 4,000-page report covered a vast range of issues; its 440 recommendations called for sweeping changes to the relationship between Aboriginal and non-Aboriginal people and governments in Canada. In response, Aboriginal communities and organizations pressed for action on the recommendations.

### SOME MAJOR FINDINGS OF THE REPORT

The report centred on a vision of a new relationship, founded on the recognition of Aboriginal peoples as self-governing nations with a unique place in Canada. It set out a 20-year agenda for change, recommending new legislation and institutions, additional resources, a redistribution of land and the rebuilding of Aboriginal nations, governments and communities. Recognizing that autonomy is not realistic without significant community development, RCAP called for early action in four areas; healing, economic development, human resources development, and the building of Aboriginal institutions. The Commission's implementation strategy proposed that governments increase spending to reach \$1.5 billion by Year 5 of the strategy, and \$2 billion in the subsequent 15 years. The report argued that the additional investment over 20 years would save money in the long term.

Major recommendations included the following:

- legislation, including a new Royal Proclamation stating Canada's commitment to a new relationship and companion legislation setting out a treaty process and recognition of Aboriginal nations and governments;
- recognition of an Aboriginal order of government, subject to the *Charter of Rights and Freedoms*, with authority over matters related to the good government and welfare of Aboriginal peoples and their territories;

- replacement of the federal Department of Indian Affairs with two departments, one to implement the new relationship with Aboriginal nations and one to provide services for non-self-governing communities;
- creation of an Aboriginal parliament;
- expansion of the Aboriginal land and resource base;
- recognition of Métis self-government, provision of a land base, and recognition of Métis rights to hunt and fish on Crown land;
- initiatives to address social, education, health and housing needs, including the training of 10,000 health professionals over a ten-year period, the establishment of an Aboriginal peoples' university, and recognition of Aboriginal nations' authority over child welfare.

The report highlighted several realities of importance to legislators and policy-makers. For example, today a significant percentage of Aboriginal people in Canada live in urban areas. Questions of urban self-government and disputes over government responsibility for the provision of services are therefore becoming increasingly prominent. A second demographic fact is that the Aboriginal population is currently growing at about twice the rate of the Canadian population; over half the Aboriginal population is under the age of 25. This has accentuated the need to address education, job creation, justice, health and recreation for Aboriginal youth.

### RESPONSE TO THE REPORT

The Royal Commission report was generally welcomed by Aboriginal groups, although not without some disagreement, and generated expectations for a government response. It received significant media attention upon its release, but faded from the public

agenda in the ensuing months. In December 1996, the Prime Minister said that the government needed time to study the recommendations and would not issue a response prior to a general election. The then Minister of Indian Affairs stated that it would be difficult to increase spending to the level proposed by the Commission. In April 1997, the Assembly of First Nations held a national day of protest to express its anger over perceived government inaction and the refusal of the Prime Minister to meet with First Nations leaders to discuss the report.

In January 1998, the government responded to the RCAP report. *Gathering Strength: Canada's Aboriginal Action Plan* set out a policy framework for future government action based on four objectives, each encompassing a number of elements.

- **Renewing the Partnership:** this commitment included an initial Statement of Reconciliation acknowledging historic injustices to Aboriginal peoples and establishment of a \$350-million "healing fund" to address the legacy of abuse in the residential school system. Other elements related to, *inter alia*, the preservation and promotion of Aboriginal languages; increased public understanding of Aboriginal traditions and issues; inclusion of Aboriginal partners in program design, development and delivery; government willingness to explore how existing systems might be improved; and addressing the needs of urban Aboriginal people more effectively.
- **Strengthening Aboriginal Governance:** initiatives identified under this heading pertained to, among other things, developing the capacity of Aboriginal peoples to negotiate and implement self-government; establishment of additional treaty commissions, as well as Aboriginal governance centres; creation of an independent claims body in co-operation with First Nations; a Métis enumeration program; funding Aboriginal women's organizations to enhance women's participation in self-government processes; possible development of an Aboriginal governments recognition instrument.
- **Developing a New Fiscal Relationship:** the government's goals in this area included working toward greater stability, accountability and self-reliance; developing new financial standards with public account and audit systems that conform to accepted accounting principles; assisting First Nations governments to achieve greater independence through development of their own

revenue sources; enhanced data collection and information exchange.

- **Supporting Strong Communities, People and Economics:** this objective entailed devoting resources to improving living standards in Aboriginal communities with respect to housing, water and sewer systems; welfare reform to reduce dependence and focus on job creation; a five-year Aboriginal Human Resources Development Strategy; expansion of the Aboriginal Head Start program; education reform; increased focus on health-related needs and programs; improved access to capital; and establishment of urban youth centres.

Pursuant to this framework, the Minister of the day and the then National Chief of the Assembly of First Nations announced a preliminary action agenda that outlined specific initiatives for immediate action and identified areas for future action. The agenda was to be developed further by First Nations and federal departments to include the resources that would be required from the federal government for implementation and identification of potential changes in government organization.

## COMMENTARY

In January 1999 and July 2000, the Minister of Indian Affairs and the Federal Interlocutor for Métis and Non-Status Indians released progress reports reviewing developments under headings outlined above. On both occasions, the government acknowledged the urgent need to address the lagging socio-economic conditions affecting Aboriginal peoples in Canada, particularly in light of rapid growth in the Aboriginal population. The July 2000 report asserts that a process of change "has begun to address key dimensions of the relationship between the Crown and Aboriginal people" and that, "though *Gathering Strength* is a long-term plan, in just two short years it has produced impressive results." In April 2000, then National Chief of the Assembly of First Nations Phil Fontaine stated that "the promises made by the Government of Canada ... represented the potential for a major step," but that these commitments arising out of the RCAP report "have not fully been implemented or honoured in the way in which we had anticipated." He nevertheless expressed hope that they would "one day, with proper management, and implementation in good faith, ... bear fruit." Others have viewed *Gathering Strength* measures less optimistically, and have questioned their adequacy as a response to the RCAP report.

The government's general approach to the RCAP report has been the subject of critical observations by national and international human rights bodies. In December 1998, the United Nations Committee on Economic, Social and Cultural Rights "[viewed] with concern the direct connection between Aboriginal economic marginalization and the ongoing dispossession of Aboriginal people from their lands, as recognized by RCAP," and expressed its "[great] concern that the recommendations of RCAP have not yet been implemented, in spite of the urgency of the situation." In April 1999, the United Nations Human Rights Committee also expressed concern that Canada had "not yet implemented the recommendations of the [RCAP]," and recommended "that decisive and urgent action be taken towards the

full implementation of the RCAP recommendations on land and resource allocation." In its 1999 Annual Report, the Canadian Human Rights Commission "reiterate[d] the view expressed in previous annual reports that the government's response to the 1996 report of the [RCAP] has been slow. We would not wish to minimize the significance of steps such as the ... \$350 million Healing Fund, nor deny the good intentions underlying *Gathering Strength* ... Nonetheless, much more attention still needs to be given to pressing issues...."

At this time, it remains difficult to predict whether or to what degree *Gathering Strength* programs may produce outcomes equivalent to those advocated by the RCAP's principal recommendations.