Indian and Northern Affairs Canada
Affaire indiennes et du Nord Canada

IMPACTS OF THE 1985 AMENDMENTS TO THE INDIAN ACT (BILL C-31)

1) ABORIGINAL INQUIRY

Canada

CORRECTING HISTORIC WRONGS?

Report of the National Aboriginal Inquiry on
the Impacts of Bill C-31

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1. Enquête autochtone

EPIGRAPH

Our grandmother, the moon . . . watches over all of the female life of the earth, and has concern for the coming generations of the people, and has given instructions that when people come together to plan for the future they will plan for seven generations to come, so that our children and grandchildren will not be hurt by the decisions that we make today.

(Quote from the traditional Mohawk prayer of thanks given by Ernie Benedict at the beginning of the Eastern Inquiry hearings.)

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All witnesses who came forward to the inquiry
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This report is the result of a joint project undertaken by the Native Women's Association of Canada, the Native Council of Canada and the Assembly of First Nations. The contents represent the views of aboriginal people as expressed in testimony to the Bill C-31 Inquiry.

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EXECUTIVE SUMMARY

Introduction

In preparation for the 1990 Report to Parliament on the Impacts of Bill C-31 by the Minister of the Department of Indian Affairs and Northern Development, (DIAND), the department, in close consultation with the three national aboriginal organizations, developed an assessment approach that included four specific research modules. One of the modules funded by the department involved a national inquiry process, jointly planned and managed by the three national aboriginal organizations: the Native Women's Association of Canada (NWAC), the Native Council of Canada (NCC) and the Assembly of First Nations (AFN). The process involved a series of hearings at 19 municipalities across the country, where aboriginal presenters were invited to share their personal perspectives and experiences with respect to Bill C-31.

The National Aboriginal Inquiry on the Impacts of Bill C-31 Report is intended to provide the perspective of aboriginal people, in their own words, on how the Bill has affected their lives directly either as individuals, family members, service providers, politicians, elders or children. The national inquiry approach and resulting report are different from the research undertaken by the DIAND Evaluation Directorate in that this report identifies and describes impacts that are often unmeasurable in any scientific way. The impacts described by presenters to the National Aboriginal Inquiry provide a human perspective on these and other problems. At the same time, the aboriginal people themselves have suggested a number of acceptable ways and means to address these issues.

While this report addresses all of the concerns listed in the inquiry Terms of Reference (Appendix B), evidence has been organized under specific issue areas as follows:

1. Status and Band Membership

   - The number of aboriginal people applying for status and band membership were grossly underestimated by DIAND, resulting in a strained and inefficient registration system.

   - Confusion resulted from a lack of information on the registration process.

2. Aboriginal Reaction to Bill C-31

   - Many aboriginal people do not believe Bill C-31 is in their best interests and view the enactment of the Bill as an assimilation mechanism.

- Many treaty Indians do not recognize or endorse Bill C-31 because they feel only they have the right to determine membership (as stated in their treaties).

- Many aboriginal people believe Bill C-31 undermines the culture, customs and traditional laws respecting citizenship.

- Many aboriginal women hoped that Bill C-31 would restore equal rights, but discrimination is still evident in some sections of the bill and in corresponding restrictive government policies.

3. Documentation Requirements

- Across Canada, the issue of documentation requirements to prove eligibility for Indian status was seen as the most frustrating and often fruitless process associated with Bill C-31.

- Under the *Indian Act*, the authority to determine status is vested in the Registrar. Neither the *Indian Act* nor Bill C-31 specifies what documents an applicant needs in order to establish his or her eligibility for reinstatement; instead, the requirements have been determined by the Registrar -- in other words, they are DIAND policy.

- What DIAND now requires of applicants is that they prove -- incontrovertibly and with full documentation -- their relationship to the ancestor who lost status. In many cases this involves a full-scale genealogical search back as far as the mid-nineteenth century.

- Even though DIAND possesses much of the required documentation, applications are not cross-referenced, requiring each family member to submit separate applications with corresponding documentation.

- Affidavits may or may not be acceptable to DIAND.

- The issue of documentation is particularly difficult in adoptive situations.

- Children born out of wedlock are assumed to be fathered by non-Indians unless acknowledged by the father in legal documents. This reduces the status of the child from section 6(1) to section 6(2), and the child cannot transmit status to his or her children unless the father of this child is a status Indian. In some families, the status of children may vary depending on the marital status of their mother at their birth.

- Recommendations for change included streamlining the process, relaxing the formal requirements, empowering DIAND officials to take oaths or affirmations from individuals, cross-referencing DIAND files and having DIAND make use of information in its own files.

4. Second Generation Cut-Off -- Inequality of Treatment

- Without question, the second generation cut-off clause, section 6 of Bill C-31, has caused the most confusion and division within aboriginal families and communities. Many aboriginal people have been denied registration because of the Act's generational cut-off rules, which in effect continue the discrimination that Bill C-31 was intended to eliminate.

- Under section 6 of the amended *Indian Act*, an individual who has only one parent entitled to registration or reinstatement under section 6(1) is classified under section 6(2). Due to provisions under Section 6(2), the individual can transmit status to succeeding generations only if their spouse or partner is a status Indian.

- Section 6 treats children of the same family in different ways. Prior to the 1985 amendments to the *Indian Act*, a band could request and receive, by proclamation, an exemption from section 12(1)(b). Indian women from these bands who married non-Indians after the date of proclamation and before April 17, 1985, did not lose their status and their children were automatically registered as status Indians. After the *Indian Act* was amended in 1985, these children were entitled to status under section 6(1), while children of the same women, who were born after April 17, 1985, are entitled only to registration under section 6(2).

- The sexual discrimination that was to be redressed through Bill C-31 continues to be felt. There remains unequal treatment of male and female siblings. Women who lost status through marriage cannot pass status along through successive generations in the same way as their brothers who married non-Indian women prior to 1985. The brothers, their non-Indian spouses and children are automatically considered band members while their sisters' children can only acquire status. The children of the female line have conditional entitlement to band membership.

5. Reinstatement Process

- Women are reinstated by the DIAND Registrar and placed on the Indian status list. They are only automatically placed on the band list if the Registrar controls membership. If a band controls its own membership, the reinstated women are placed on the status list by the Registrar and they must apply directly to their band for addition to the band list.

- Evidence placed before the inquiry pertaining to reinstatement indicates a lack of information on the process and a lack of consistency in the processing of applications. Family members who applied at the same time and under the same conditions are not treated uniformly.

- Individuals caught up in the reinstatement process object to the fact that DIAND is not transferring people between bands, even when they have been accepted for a transfer.

- The lack of communication and clear information on entitlements under Bill C-31 and a mismanaged reinstatement process have resulted in confusion, anxiety and frustration for aboriginal people who viewed the legislation as an answer to their prayers.

6. Band Membership and Codes

- Bill C-31 provides bands with the option of assuming control and authority of their membership. The Act, however, distinguishes between band membership and status. Bands may confer membership but not status -- the department retains the authority for determining status.

- In order for a band to gain control there is a requirement for approval of 50% plus one of their electors. This is viewed by many bands as imposing an overly restrictive requirement for community decision-making which is often impossible to meet.

- Because band councils have been delegated the authority to pass laws to control residency on-reserve, Bill C-31 does not ensure that aboriginal women who lost status as a result of marriage will regain on-reserve residency. If denied, then their rights have not been reinstated and they are often denied participation in deciding on the content of the community's membership rules and in the vote to approve these rules.

- The aboriginal population is divided over who determines the substance of band membership codes and how the code is ratified and implemented.

7. Discrimination

- The second generation cut-off clause has served to create new classes of aboriginal people and sexual discrimination has simply been hidden in the legislation. Residency requirements of the *Indian Act* have disallowed the participation of many aboriginal people in determining the future course of their home communities. The legislation has also caused serious divisions within the membership of First Nations communities.

- Due to a lack of clear information in First Nations communities on Bill C-31 and its implications, misinformation and confusion developed. People within First Nations communities viewed returning members as competitors for scarce resources and resented the individuals rather than focusing on the need for expanded resources to support the implementation of Bill C-31.

- The amended *Indian Act*, which embodies new and more sophisticated instruments for generating division, impedes and, in some instances, bars the integration of reinstated members into their home communities. In evidence entered into the inquiry record from individuals and bands, there is recognition of discrimination within the First Nations, and that the government has been able to wash its hands of these problems.

8. Benefits Associated With Status and Band Membership Access to Services and Benefits

- According to DIAND policy, access to certain services is determined by residency. DIAND interprets the federal fiduciary responsibility as only to those status band members residing on reserves. This policy is viewed as a blatant violation of the fiduciary trust relationship between aboriginal peoples and the Government of Canada, outlined in treaties, the nature of aboriginal rights and as reflected in section 91(24) of the *Constitution Act* 1867. The Constitution delegates responsibility for "Indians and lands reserved for Indians" to the federal government and makes no distinction between on-reserve and off-reserve Indians.

- Under current federal government policies, status Indians living off-reserve are entitled to post-secondary educational assistance and medical benefits, but they are denied access to other benefits available to status Indians living on-reserve. Housing programs, economic development programs and, in some provinces, provincial sales tax exemptions are benefits that are denied to off-reserve status Indians. Many aboriginal people would like to return to their home reserves after regaining status, but discover that housing is unavailable due to the large backlog in meeting housing needs. In other cases, the small land bases of many reserves cannot accommodate the requirements of returning families.

9. Housing

- Bill C-31 did not herald the housing crises on reserves. Inadequate housing stock and lengthy waiting lists have long been a reality in most communities and now, with the increase in population, the problems are further exacerbated. In many communities, an inadequate land base and the lack of community infrastructure will not allow for additional housing even if Bill C-31 housing subsidies are accessed by the band.

- The termination of the off-reserve housing program immediately prior to the passage of Bill C-31 effectively blocked one avenue through which the housing crisis may have been eased.

- Presenters to the inquiry recommended that an off-reserve housing program be developed and announced immediately, as one answer to the housing crisis.

10. Education

- Aboriginal people, whether they live off- or on-reserve, are entitled to Post-Secondary Education Assistance (PSEA). However, post-secondary assistance guidelines were recently revised by DIAND and the revisions effectively limit the numbers of aboriginal people who qualify for sponsorship. It is the perception of the aboriginal community that changes instituted by DIAND in PSEA guidelines were undertaken in anticipation of increased demand for educational assistance as a result of the enactment of Bill C-31.

- Accessing PSEA funds on behalf of Bill C-31 registrants has caused administrative nightmares for bands who administer the program.

- Even though problems such as lack of information, difficulties in accessing PSEA funding and restrictive guidelines have been cited, many newly reinstated aboriginal people felt that the financial assistance they were able to access through PSEA was a positive impact of Bill C-31.

11. Social, Economic and Employment Development

- Parallel to issues in education and housing, concerns were voiced respecting other program areas such as social assistance, and economic and employment development.

- Presenters addressing these areas generally expressed concern over the lack of employment opportunities on reserves and the resulting impact on social assistance payments.

12. Health and Medical Services

- Generally it is not necessary for reinstated individuals to live on reserves to access medical services and benefits (except in Manitoba), therefore, most newly reinstated people have been able to acquire the necessary care and assistance. However, due to increasing numbers and additional pressures on the system, flaws and restrictions within medical services have become more pronounced.

- Presenters to the inquiry pointed out that, as newly reinstated status Indians, individuals must apply for federal health coverage. Many presenters, however, related unexplained delays in qualifying for coverage. Others described instances of sudden discontinuance of coverage without explanation.

- As is the case with post-secondary educational assistance, even though there are problems associated with accessing health-care benefits, many newly reinstated status Indians indicated that they believe health-care benefits are a positive impact of Bill C-31.

13. Band Land

- People reinstated under Bill C-31, who are members of bands, have a right to access reserve land. However, in addition to problems created by an inadequate land base, other problems exist. Lands held in common by the band are often already allocated and are held by individual families under Certificates of Possession and Certificates of Occupation. As a result, reinstated members must either purchase land from another band member, if possible, or share land held by their families.

- In other cases, the only available land has been set aside for its development or revenue-generating potential. In communities where there is a dire need for economic development and employment, bands are understandably reluctant to reassign development lands for residential development. In addition, the cost of providing the necessary development infrastructure to make available lands habitable are prohibitive and often impossible to meet.

- Aboriginal people believed that section 17 was incorporated into Bill C-31 to allow the minister the authority to create new bands.

- This authority could provide a solution for people restored to status under Bill C-31, however, federal policy on this issue, developed subsequent to Bill C-31 (1987), virtually renders the use of section 17 inoperable.

- Unless the land base is increased and resources provided for development or, alternatively, residency requirements are reversed, reinstated people will be denied access to rights and benefits associated with status, namely housing, employment and economic development programs, etc. While bands have attempted to expand the existing land base through a number of means (including pressuring government to recognize treaty land entitlement, securing Crown land and submitting specific land claims), their efforts have been stymied.

14. Band Resources

- Lack of resources is the paramount issue associated with Bill C-31. Bands and tribal councils represented at the inquiry felt betrayed because commitments made by the Minister of Indian Affairs in 1985 to maintain the status quo have not been honoured. The results of this betrayal are felt at all levels.

- The communities are worse off than they were prior to Bill C-31. Band and tribal council administrations have lost the trust of applicants, reinstatees and other band members.

- Reinstatees and band members feel shortchanged and regard each other with suspicion and, in some cases, outright hostility.

- All aboriginal organizations (including, urban-based friendship centres, native women's organizations, and local, regional, territorial and national organizations) feel powerless.

- The credibility of DIAND in upholding its legal, moral and financial obligations to Indian people has been further eroded.

- Recommendations for change cover every aspect of funding: the timeframe for funding of this Bill must be extended; First Nations must have input into the budget process; and additional funds, in excess of what is presently budgeted, must be made available for capital and program planning.

15. Other Issues

- There is a need for funding to aboriginal organizations, to allow for the provision of information on Bill C-31, follow-up on requests, provision of assistance with documenting status, etc.

- There is a need for greater access to litigation funding for individuals seeking restitution through the courts on matters such as equality and equity of access to benefits and services.

16. Conclusion

- Changes to Bill C-31 and associated federal government policies must occur with the full participation of the aboriginal people.

1. INTRODUCTION

The National Aboriginal Inquiry on the Impacts of Bill C-31 Report is intended to provide the perspective of aboriginal people, in their own words, on how the Bill has affected their lives directly, either as individuals, family members, service providers, politicians, elders or children. The national inquiry approach and resulting report are different from the research undertaken by the DIAND Evaluation Directorate in that this report identifies and describes impacts that are often unmeasurable in any scientific way. The impacts described by presenters and the National Aboriginal Inquiry provide a human perspective on these and other problems. At the same time, the aboriginal people themselves have suggested a number of acceptable ways and means to address these issues.

The purpose of this report then, is to accurately and objectively describe the impacts Bill C-31 has had on the aboriginal population of Canada from the perspective of the people directly affected.

According to principles outlined by the Government of Canada, Bill C-31 was intended to remove sexual discrimination, reinstate individuals affected by discriminating clauses and recognize band control over membership. At the same time, former Minister David Crombie promised that "no band was to be made worse off" due to the passage of Bill C-31.

When the Bill was announced in 1985, the aboriginal leadership voiced their concerns with respect to existing problems in First Nations communities associated with lack of resources and land. Many feared that Bill C-31 would simply exacerbate these shortcomings. The Government of Canada, however, assured the aboriginal people that additional resources would be made available to facilitate the implementation of Bill C-31.

Discrimination based on sex still exists within the *Indian Act*, although it now rests in section 6 rather than in section 12(1)(b). Members of the same family are treated unequally and this has resulted in confusion, frustration and pain. Further status distinctions have been defined by Bill C-31 and the basic principle of equality has been undermined.

While Bill C-31 was intended to recognize the control of bands over membership, the requirements of section 10 have undermined this goal. The requirement for a 50% plus one vote at the community level to ratify membership codes has proven unrealistic and untenable for some communities. For those First Nations, including treaty nations, who contend that they never relinquished their right to determine membership, this process is viewed as another attempt by government to undermine their status and ignore treaty obligations.

Adequate mechanisms were not put in place to inform or assist those seeking reinstatement. Rather, bureaucratic obstacles greeted those who had been denied their citizenship for so long. Unfortunately the government didn't anticipate the number of aboriginal people who would come forward in pursuit of their Indian status. The Government of Canada has not accepted responsibility for explaining and informing Bill C-31 registrants of the limitations imposed by DIAND policies on access to benefits and services. As a result, First Nations bear the brunt of criticisms levied against restrictive guidelines and criteria.

Because inadequate resources and no provision for expanding the existing land bases on reserves accompanied Bill C-31, long-time First Nations community residents resent newly reinstated individuals and view them as competitors for meagre resources. Those who may have received educational assistance in the past, for example, are now being denied due to new restrictive DIAND policies.

Aboriginal people question their leadership as to why they have not pressured the Government of Canada to live up to its obligations. But even when impact studies are completed and rationale to support expanded resources are provided, the government turns a deaf ear.

The social, cultural, economic and political impacts Bill C-31 has had on aboriginal people are often unmeasurable. The strain placed on individuals, families and communities can only be felt. This report is intended to outline the degree to which Bill C-31 has affected the lives of many aboriginal people.

Presenters to the inquiry made it clear that aboriginal people must have a voice in how changes are made to Bill C-31 and implementation policies. Specific recommendations were offered by inquiry participants to address the problems and obstacles resulting from the implementation of Bill C-31.

Finally, presenters to the inquiry made it clear that government, in cooperation with the aboriginal population, must take action to correct the imbalances and continuing inequality of treatment perpetuated by Bill C-31 and DIAND's associated policies.

2. THE IMPACTS OF BILL C-31

2.1 Status and Band Membership

2.1.1 Overview

It was the stated intention of the federal government that Bill C-31 would address the following three principles:

1. removal of sexual discrimination from the *Indian Act*;
2. reinstatement of all those individuals affected by the discriminating clauses; and
3. recognition of band control over membership.

Despite the warnings of the aboriginal people, DIAND was not prepared for the actual consequences of the legislation.

The number of those applying for membership through DIAND strained the registration system, which resulted in bureaucratic delays and often a total lack of response. The inordinate amount of historical and personal documentation required of an individual to prove Indian status resulted in denial of status for those unable to comply, despite community members and, members of the local clergy, attesting to their eligibility.

The sexual discrimination that was to be removed from the *Indian Act* was simply disguised in the form of the second generation cut-off clause and resulted in unequal treatment within aboriginal families.

Bill C-31 resulted in the creation of a hierarchy of status classes within a population that is clearly recognized as the most underprivileged and severely disadvantaged in the country. While First Nations strive to achieve some degree of self-sufficiency and equality with the rest of Canadian society, further burdens and demands have been placed on their evolving and struggling communities. Band councils and aboriginal service providers resented the action of government in imposing more numbers on limited human and financial resources and often displayed this resentment through unfair treatment of Bill C-31 registrants. In some communities the treatment was overt and took the form of refusal to accommodate the needs of the new registrants. In other communities more subtle actions made it apparent to the new registrant that he or she was simply not welcome. And in other communities bands welcomed the newly registered individuals but resented the imposition by government of new, more complicated processes.

It is difficult to document the very real emotions felt by those affected by Bill C-31, but the degree of frustration, anger and confusion felt by all sectors of the aboriginal population was clearly expressed by participants during the National

Aboriginal Inquiry process. Their words speak for themselves. Quotes from various presenters are used in this report as examples of commonly expressed views of inquiry witnesses.

2.1.2 Aboriginal Reaction to Bill C-31

Aboriginal people view Canada's introduction of Bill C-31 as an attempt by government to respond to section 15 of the *Charter of Rights*. Bill C-31 is also viewed as a direct result of international pressure exerted by the United Nations Human Rights Committee (UNHRC) in support of a challenge brought forward by Sandra Lovelace. The UNHRC agreed that the *Indian Act* violated her right as an Indian woman to live with her family and, in 1981, advised Canada to change the Act in a manner that would comply with international law.

> **Now, if anyone thinks that the federal government, of their own free will, agreed to make changes to the *Indian Act* to eliminate the discrimination of section 12(1)(b), they're very, very mistaken. In fact, Canada is a signatory to the International Bill of Rights. It was the kind of pressure that was brought by our people in this country, various ones of our people, at the United Nations level that forced the Canadian government to address the question of discrimination . . .**
> **(Bill Lightbown, Vancouver, B.C.)**

Aboriginal people do not view the initiatives of the federal government as being in their best interests and mistrust the stated intentions of Bill C-31.

> **After the DIAND propaganda and hype in the media on Bill C-31 had died down we had to deal with the reality, which is never portrayed in the media. Government politicians and senior bureaucrats found every excuse in the book to not deliver what they had told the Canadian public [they would deliver]. Why help native people when it is contrary to government's wishes . . . We would like you to carry this message to the federal government and make them live up to their propaganda. We want them to start becoming responsible for their actions.**
> **(Helen Seymour, Fort George Band, B.C.)**

> **Bill C-31 has not lived up to the expectations of our people but rather, as predicted, has created a new class of citizen and continues to discriminate against and assimilate our people. The problems of this newly created bureaucracy merely reaffirmed in our minds that we as First Nations citizens must determine our own membership. The process of reinstatement through Bill C-31 has created more problems and will continue to be divisive to, rather than unifying, our people. The odious policies of the *Indian Act*, which had altered so many lives, reappeared under the guise of righting old wrongs through Bill C-31.**
> **(Linda MacDonald, Yukon Native Women's Association, Yukon)**

> **I would like the native leaders throughout the country to design and create their own solutions to our own problems rather than listening to a government that has dictated legislation and imposed laws over native people while saying that it was to our benefit. . . . I would like to go on record as saying that Bill C-31 is nothing more than another vehicle in which to divide and conquer the native people and the indigenous people of Canada.**
> **(George Holem, Prince George, B.C.)**

Many aboriginal people view the enactment of Bill C-31 as an assimilation mechanism that protects some of the rights of individuals, therefore threatening the collective rights of First Nations. In addition, many treaty Indians refuse to recognize or endorse existing legislation because it gives no consideration to collective rights and obligations under treaty. Under international and constitutional law, a treaty can only be changed with the mutual consent of both parties. Because treaty Indians and their leadership did not consent to any changes affecting the right to determine membership, Bill C-31 is viewed as invalid.

> **The Touchwood File Hills Qu'Appelle Tribal Council of Chiefs recognize and believe that determining who is an Indian and who should be a member of a nation or band is a sovereign right that was never relinquished. This right was recognized by the Canadian government when they entered into treaty negotiations with**

the Indian nations. The treaty-making process also protected and kept intact the collective rights of Indian nations. It did not weigh in favour of individual rights. This was a reflection of the unique ideologies and special relationship Indian nations held and intended to protect.
(Touchwood File Hills Qu'Appelle Tribal Council, Saskatchewan)

One of the major violations to our treaty is Bill C-31. When we entered into treaty with the British Crown, it was up to the chiefs and headmen to determine who were their members. The British government representatives did not determine who were their members. The British government representatives did not determine which citizens were to belong to which nation. This was our right which we never relinquished. Bill C-31 was designed, as far as we are concerned to undermine our treaty.
(Sharon Venne, Legal Counsel, Chiefs of Northeast Alberta, Alberta)

> **If the United States passed an immigration and citizenship law and tried to apply such legislation to Canada, the Canadian government would view the action as hostile to the sovereignty of Canada. Yet the Canadian government has no compulsion to pass such legislation and then try to force the indigenous nations into the legislation. This is contrary to our rights as nations with sovereign rights.**
> **(Sharon Venne, Legal Counsel, Chiefs of Northeast Alberta, Alberta)**

Aboriginal people feel that their culture, customs and traditional laws are threatened and undermined by Bill C-31. The Algonquin Council of Western Quebec maintains that only Algonquins can determine citizenship and this should be done by consensus. The Nuu Chah Nulth Tribal Council expressed a similar view:

> **Nuu Chah Nulth culture and laws find expression through the potlatch. At a Nuu Chah Nulth potlatch it would be common to see elders and other members of the Nuu Chah Nulth communities acknowledge either verbally or**

> **otherwise the roots that they have in our various communities. We have an expression in our language, "multh-muumpts", which refers to a person's roots. We continue to practice that recognition, that law and that tradition today. We believe it is incumbent on the federal government to recognize that Nuu Chah Nulth people have a long history of laws and culture dealing with membership and association with other tribes.**
> **(Hugh Braker, Nuu Chah Nulth Tribal Council, B.C.)**

Aboriginal women and others who lobbied for changes to the *Indian Act* prior to 1985 hoped that Bill C-31 would finally restore status and equality to those who had been denied, under law, these basic human rights for so many years. The intention of these aboriginal people was to compel the Government of Canada to correct historic wrongs. While some aboriginal people view Bill C-31 as a minor victory in the struggle for equality, others object to the process followed by government to revise the *Indian Act* and are outraged by the results of the action.

> **In 1981, the association (Ontario Native Women's Association (ONWA), under strained conditions in our own province, fought for the inclusion of the Equality Clause in the Constitution and, at the same time, to end the discrimination of aboriginal women by the removal of section 12.1.b of the *Indian Act*.**
>
> **It was during this time that the Department of Indian Affairs took it upon itself to revise the *Indian Act*, without the input of aboriginal nations, including the association.**
>
> **It is our view that the legislation enacted under Bill C-31 has caused more confusion, and has continued to divide families, as did the old *Indian Act*. While thousands have been reinstated, the categories created by Bill C-31 still draws lines and divisions in families and deviates from the principle of equality.**
> **(Susan Hare, OWNA, Toronto, Ontario)**

Aboriginal people who have been "on the outside looking in" for so long, resent the fact that while the Government of Canada has allowed them "a way in" through Bill C-31, further restrictions and limitations apply. These limitations include: access to services and benefits; residency requirements; the second generation cut-off clause; invasion of privacy to prove a child's citizenship; etc.

Finally, aboriginal people who have been newly reinstated resent the fact that because the Government of Canada did not plan for their needs, they are blamed for placing a further burden on already inadequate band budgets.

2.1.3 Documentation -- Bureaucratic Requirements

Across Canada, the issue of documentation requirements to prove eligibility for Indian status was seen as the most frustrating and often fruitless process associated with Bill C-31.

Under the *Indian Act*, the authority to determine status is vested in the Registrar. Neither the *Indian Act* nor Bill C-31 specifies what documents an applicant needs in order to establish his or her eligibility for reinstatement; instead, the requirements have been determined by the Registrar -- in other words, they are DIAND policy.

What DIAND now requires of applicants is that they prove -- incontrovertibly and with full documentation -- their relationship to the ancestor who lost status. In many cases, this involves a full-scale genealogical search back as far as the mid-nineteenth century.

Depending on the applicant's remoteness from the ancestor who had full status and band membership, this proof can be more or less straightforward. When the applicant is, for example, the grandchild of a woman who lost status, the demands can be staggering. DIAND demanded that Colleen MacMillan of Prince Edward Island furnish the following:

1. her own long-form birth certificate;
2. her mother's long-form birth certificate;
3. her maternal grandparents' birth, marriage and death certificates; and
4. proof of her grandparents' band affiliation and status number.

Her grandparents were born more than a century ago in the Yukon. MacMillan asked, reasonably, whether most Canadians could come up with these documents.

> **In the four years since 1985, a reinstatement process was formulated for people wishing to gain or regain their Indian status. In the four years since 1985, there have been many reinstatements. However, there are many applicants who have been caught up in a bureaucratic process and who have been unable to regain their status for any number of reasons. Some of these were people who have been born and lived their lives on the land. Because they are unable to produce the documents demanded by the reinstatement office, they are unable to receive these benefits they are entitled to. A review of the process is long overdue. Does the present process meet the needs of the people it is there to serve? What recourse or aid is available to people who fall between the cracks? (Rose-Marie Blair-Smith, Council for Yukon Indians, Yukon)**

Because many elders, who may be full-blooded Indians, have "never existed on paper" or the only documentation supporting their Indian status was kept in churches that have long since burnt down, they are denied status.

> **Many of our elders were born and married long before the arrival of non-native people. Family histories were passed on orally and sometimes given greater permanence by the use of place names given to various geographical locations. In-depth knowledge of clans, families and kinships were standard for all First Nations peoples. This knowledge is evident today in the abilities of our people, especially our elders, to relate complex genealogies and histories. This was our only method of recording and keeping track prior to the arrival of non-native people. Other than scarce and scant records of the Hudson's Bay Company and a variety of explorers, our earliest foreign documentation was done by the missionaries. Often, this documentation was done if one consented to be baptized; thus, those people who did not want to**

**embrace the foreign religion were not added to the church's register.
(Linda MacDonald, Yukon Native Women's Association, Yukon)**

Many presenters before the inquiry pointed out that while DIAND possesses much of the necessary information in their files, they are reluctant to provide even basic assistance to applicants. Because DIAND does not cross-reference applications from members of the same extended family, each applicant is required to provide the full range of information, in spite of the fact that the documents are already on file. In fact, much of the necessary information (for example, band registration and status number) is already in DIAND's possession, but applicants must secure the information and resubmit it to the department from which it came. Other documents may be on file at provincial or national archives, to which the applicant must travel, or at the Hudson's Bay Company archives, to which access is absolutely restricted.

In theory, DIAND accepts sworn affidavits to replace missing documents. In practice, affidavits may or may not solve the problem of missing documentation:

I know the history of Marie Louise's husband. Even my own father says that he has known that person, that Mrs. Richard. They know the background of that lady, and in Ottawa they don't want to recognize it. . . . Why aren't we credible? They don't take our word. (Merilda St. Onge, Quebec Native Women's Association (QNWA) of the North Shore, Quebec)

In some places in Canada, people do not exist on paper and the acquisition of affidavits is particularly difficult when family or tribal territories cross provincial, territorial or international boundaries:

. . . we had a hard time because some of our family originated in Alaska before it was changed and the border put in. We had a hard time getting affidavits accepted [and] they didn't have birth certificates at that time. (Joanne MacDonald, Yukon)

**If one is not registered then a statutory declaration must be obtained. Explaining this to an elder is painful because the process is so outrageous. Where else in Canada are people put through this degrading process? Imagine our elders having to swear that they are indeed of aboriginal ancestry! This issue of statutory declaration is still preventing people from regaining status.
(Linda MacDonald, Yukon Native Women's Association, Yukon)**

Normally, two or three sworn affidavits are accepted as a means of establishing ancestry. In one instance, an individual was required to obtain 12 affidavits in order for her application to be processed.

The issue of documentation is particularly onerous for individuals who have been raised by adoptive parents. In adoptive situations, two pieces of documentation are required: a birth certificate and an adoption order. Records kept by the United Native Nations in B.C. show a changing trend over the last year and a half, in that the people applying for registration now tend to be Métis or legally adopted. As of December 1989, the adoption unit was working on applications received two-and-a-half years ago. Those people of Indian descent who were adopted by non-Indian people wish to reclaim Indian status, but there is a lot of red tape involved with the *Privacy Act* and the confidential nature of adoption.

Many of the aboriginal people who have been legally adopted or fostered were born or raised in urban centres such as Vancouver - an environment that does not nurture traditional culture or the spirit of a community. It is no great surprise to me that, increasingly, these people who are legally adopted or fostered and are requesting our assistance in applying for status under Bill C-31 are doing so with the hope of determining where they come from and thereby determining who they are. For the most part, obtaining status means that, for the first time, they will be connected to family and family necessarily connects them to a distinct aboriginal group of people, perhaps to a sense of community

they have never known and a culture they do not know how to begin to define.
(Liz Pointe, United Native Nations, B.C.)

During the middle of this century, thousands of aboriginal children were removed from their families and adopted by or put into foster care with non-Indian families. Unfortunately, DIAND policy makes no allowances for this historical fact. Adoptees run into almost insurmountable problems obtaining birth certificates and adoption orders due to provincial and federal laws respecting confidentiality and access to birth records.

At one time I would have said it was time consuming but not impossible. Recently however, some of the sources of information have become closed to us. At one time we could have a name and a date of birth and if we wanted to check that this person was a band member or a former band member, we would telephone the appropriate district office and the membership clerk would do a check for us. This summer, however, two very well used district offices quoted the *Privacy Act* upon our request. It did not matter that they provided the service before, they were not allowed on unlawful grounds.
(Liz Pointe, United Native Nations, B.C.)

This perspective regarding difficulties encountered by people who have been raised in foster or adoptive homes was corroborated by evidence from individuals. One presenter had applied in July 1986 and as of April 1990, had not received any correspondence from DIAND regarding his application. (Most of his family members have had their applications processed.)

I never even thought about having status or anything in my life, because I was brought up in a white family all my life. It was just lately that I have started working with my own people. I realize that there are a lot of benefits to having the status card. So far, I have paid for everything that I have had, my own medical. And it would be nice because I realize that

native people do have a lot that they can give to their own people, and I would like to be a part of that.
(Clarence Prince, Prince George, B.C.)

Individuals neither fostered nor adopted, but raised separately from their community, have particular problems in tracing ancestry, especially if both parents are deceased.

In instances where individuals are not able to demonstrate to the satisfaction of the department their eligibility for reinstatement, an appeal process is in effect for three years. For many, this extension does little to alter the fact that, in some cases, data does not exist.

Children born out of wedlock are affected by the restrictions of sections 6 and 11 of the legislation (section 11 is the membership section of the *Indian Act*). If there are no membership rules in place at the band level, section 6 applies. Since 1985, a full-blooded status Indian woman who bears a child out of wedlock must prove that the father is a status Indian to register the child under section 6(1). If the father is not named, the child is registered under section 6(2) and alone cannot transmit status to his or her children. DIAND assumes that the father is non-Indian until proven otherwise. The invasion of privacy and total disregard for human dignity demonstrated by this policy would never be generally tolerated by Canadian society.

An Indian woman's word that her child's father is a status Indian is not, according to DIAND policy, acceptable. The father must acknowledge paternity in writing. Many men refuse to provide this evidence:

Either he is already married or . . . [he] does not want to recognize his fatherhood, or maybe the mother had a one-night affair and it's impossible to know the father. And there are also fathers who live with other women and it would disrupt their relationship. (Merilda St. Onge, QNWA of North Shore, Quebec)

It may be that the woman has suffered as a result of incest or rape. These are the two most extreme conditions I can think of [in which] a woman would not want to disclose the name of the father. . . . To me, it's just a question of

rights. I think she should have the same right as any other woman in Canada to keep to herself the name of her child's father, if she so wishes. (Hugh Braker, Nuu Chah Nulth Tribal Council, B.C.)

Before the passage of the Bill, out-of-wedlock children whose band membership went unchallenged (even if their fathers were non-Indian) had full status and could transmit this status to their descendants. If, on the other hand, an Indian woman married the non-Indian father of her child, her subsequent children would have no status. Nothing has been done to correct this absurdity; the descendants of full siblings may be status or non-status, depending on whether the siblings were born in or out of wedlock.

Anne Brascoupe's first child was born in 1980 and was registered on her band list without difficulty. Her second child, born in 1986, has a status Indian father, but the couple is not married. Brascoupe applied to register the younger child on her band list. She discovered that the younger child was registered under section 6(2) because Brascoupe had not indicated who the child's father was.

The QNWA strongly objects to DIAND's requirement that an aboriginal woman must name the father of her child before registration is considered. The QNWA supports the August 1988 recommendation of the Standing Committee on Aboriginal Affairs that would effectively put an end to this practice and added "that the declaration under oath indicating the status of the father only, without giving his name, should be sufficient."

Action on the part of government officials resulted in whole families being removed from their homes and communities in Alberta:

In northern Alberta in the 1940s, action was taken by representatives of the Department of Indian Affairs wherein those representatives travelled throughout each of our reserves in our region, and decided unilaterally that some Indians did not belong on the reserve membership lists. In many cases where those Indians had families, [they] were established in the reserve community and were accepted by the bands in question. The departmental representatives gave those families 24-hour notice

to vacate reserves, to sell the houses, the livestock, the property they had on the reserve, and to move from the reserve location. (Harold Cardinal, Edmonton, Alberta)

Descendants of those families are now much greater in number. Because their ancestors were banished from their homes and stricken from band lists, their descendants were exempted from access to rights and benefits associated with status. It is only through extensive research that some families have been able to have the Registrar acknowledge that earlier officials had "acted in error." Requests for assistance or redress were, however, denied by government since the individuals in question reside off reserve land. Further, the unit of government they appealed to did not have the mandate to deal with individuals.

The initial response of the department, or of the officials in the department, was that while there seemed to be a situation that called for redress or action on the part of the department in this particular instance, they could not deal with the claims of individuals because they said the mandate of the specific claims branch was restricted to deal only with collectives, whether it was bands or organizations. . . . That position that was given to us in writing by these officials was that the Department of Indian Affairs did not have the mandate to be able to deal with the kinds of individual claims that arose from this particular situation. (Harold Cardinal, Edmonton, Alberta)

Expectations were raised through the enactment of Bill C-31. Subsequently, expectations have been dashed. Harold Cardinal summed up feelings expressed by many people who appeared before the inquiry.

I think it is really unfair, in many ways it is immoral, unjust and brutal, to put individuals through that kind of experience. It seems to me that when you look at the kind of hype that went into the formulation of Bill C-31, that it was going to bring some sense of justice, redress to people who had been unfairly dealt with, and then not follow up with the establishment of mechanisms or processes to deal with the needs

of individuals, is the cruellest hoax that can be pulled on people. . . . When you find that no matter which way you turn, no one is able to deal with the situation, no one is able to help out or provide the assistance or redress that you need, the kind of disappointment, the kind of hurt that flows from that, I think, is almost beyond description.
(Harold Cardinal, Edmonton, Alberta)

In his presentation, Cardinal considers where the responsibility lies in terms of providing redress to individuals. The government acknowledged that wrongs have been committed and as a consequence restored individuals to status and band membership. In admitting that it had erred and in accordance with precepts of justice, the government is then liable. However, in reality it is the bands who are placed in the position of providing redress for the errors of government.

If the Crown commits a wrong against Indian people, particularly in the discharge of its fiduciary obligations, then the Crown is legally liable to provide redress to the Indian people who have been dealt with unjustly.

. . . It is wrong . . . for the Crown to now turn around and expect the bands of this province to provide redress for something the Crown itself had done over the years.
(Harold Cardinal, Edmonton, Alberta)

The inquiry heard many recommendations for change in the documentation process required by DIAND that would streamline the process and reduce the time, cost (the inquiry heard numerous testimonies on the prohibitive costs associated with documentation including: travel, research, acquisition of birth certificates, duplication, follow-up by mail and telephone, etc.) and the stress on applicants. These recommendations included: relaxing the requirements to allow far less formal documentation; empowering DIAND officials visiting remote areas to take oaths or affirmations from applicants; integrating and cross-referencing family files; and having DIAND make direct use of information it had in its own files.

However, First Nations contend that it is only First Nations who have the right to decide who First Nations people are:

Nuu Chah Nulth people reject classification of our people as either 6(1) or 6(2); we reject the classification of our people as on-reserve or off-reserve. We reject the classification of our people as half breed, quarter breed, or full breed. We reject the classification of our people as non-status. We reject the classification of our people by anything other than their roots. (Hugh Braker, Nuu Chah Nulth Tribal Council, B.C.)

2.1.4 Second Generation Cut-Off -- Inequality of Treatment

Without question, the second generation cut-off clause (section 6) of Bill C-31 has caused the most confusion and division within aboriginal families and communities. Many aboriginal people have been denied registration because of the Act's generational cut-off rules, which in effect, continue the discrimination that Bill C-31 was intended to eliminate.

Under section 6 of the amended *Indian Act*, an individual who has only one parent entitled to registration or reinstatement under section 6(1) is classified under section 6(2). Due to the provisions under section 6(2), the individual can only transmit status to succeeding generations if their spouse or partner is a status Indian.

Section 6(2) treats children of the same family in different ways. If an Indian woman married a non-Indian prior to 1985, but did not report that marriage, children are registered under section 6(1). After 1985, children of the same woman are only entitled to be registered under section 6(2), resulting in division within families.

I would feel that the idea of second generation or blood content as a cut-off is outright discrimination. . . . Why should an Indian be denied his inheritance because he is second generation or he doesn't have the blood content? It's illegal, common law recognizes inheritance indefinitely. Why should that be denied to the Indian?
(Mike Douglas, Toronto, Ontario)

New provisions to the *Indian Act* further entrench discrimination. It is commonly recognized that there now exists a "higher" and "lower" form of status. The most alarming form of discrimination is the section 6(2) restrictive recognition to first-generation children with one Indian parent and one non-Indian parent. It does not guarantee these first-generation children automatic membership. It further denies both status and membership to the second and succeeding generations, unless intermarriage occurs with an individual who has status. This will have the effect of limiting the number of people officially recognized as Indians by the Canadian government.
(Susan Hare, ONWA, Ontario)

The sexual discrimination that was to be redressed through Bill C-31 continues to be felt. There remains unequal treatment of male and female siblings. Women who lost status through marriage cannot pass status along through successive generations in the same way as their brothers who married non-Indian women prior to 1985. The brothers, their non-Indian spouses and children are automatically considered band members while their sisters' children can only acquire status. The children of the female line have conditional entitlement to band membership.

Aboriginal people contend that sexual discrimination is still very much alive in the *Indian Act* and further, that the second generation cut-off rule demonstrates the real intent of government -- to terminate and otherwise limit the size of the status Indian population. It is the view of many that limitations imposed by section 6 is a deliberate move to diminish the number of status Indians for whom the federal government continues to have a statutory responsibility.

The NWAC maintains that the restricted ability of First Nations women to pass on status and band membership to their children and grandchildren is discrimination on the basis of sex and descent. It is therefore in violation of section 15 of the *Canadian Charter of Rights*, sections 2 and 7 of the Universal Declaration of Human Rights, sections. 1, 2(1), 3 and 26 of the *International Covenant on Civil and Political Rights*, and section 1(1) of the *International Covenant on the Elimination of all Forms of Racial Discrimination.*
Since the Bill was passed, the distinction has been made

between male children and female children born out of wedlock. A male child is registered under section 6(1) due to eligibility under the old Act, whereas the female child, under identical circumstances is registered under section 6(2). This is seen as blatant discrimination that creates an environment of "conditional" band membership and limits the transmission of status.

Recommendations for change in this area ranged from a request that DIAND review each registration under 6(2) to abolishing section 6(2) altogether. The United Native Nations of B.C. recommends:

That a complete review be made of all applications for status accepted under section 6(2) of the *Indian Act*. Those qualifying for status under other sections must be upgraded to the appropriate section.
(Ron George, President, United Native Nations, B.C.)

The Pavilion Band of B.C. recommends:

That Bill C-31 or section 6(2) of the *Indian Act* be looked at and reconstructed by the only two groups of people that have full knowledge of being Indian. Two groups of people being someone that was born and still has full status and someone regaining status through Bill C-31.
(Laverne Paul, Pavilion Band, B.C.)

The Sto:Lo Nation of B.C. recommends:

That section 6(2) be abolished.

The ONWA recommends:

That all discriminatory sections that exist in the present Bill C-31 be revised so as not to exclude or omit any person of aboriginal ancestry . . .
(Susan Hare, ONWA, Ontario)

2.1.5 Reinstatement Process

Women who had enfranchised themselves have to apply for reinstatement to their band. They are not automatically returned to the band list. They are not automatic band members, which I think is not fair. If the law is changed then it should be automatically reinstated.
(Nellie Carlson, Indian Rights for Indian Women, Alberta)

Indian Rights for Indian Women (IRIW) object to the fact that women who either voluntarily or involuntarily became enfranchised are restored only to status and not directly to band membership where the band has a restrictive membership code.

Women are reinstated by the DIAND Registrar and placed on the Indian status list and the band list if the Registrar controls membership. However, if a band controls its own membership, the reinstated women are placed only on the status list by the Registrar and they must apply directly to their band for addition to the band list.

Since the Act was amended to restore equality, IRIW maintains it has fallen short of this mark in its treatment of women.

Both the ONWA and the QNWA indicated that they felt there should be no differentiation between receiving status and band membership. The QNWA stated that the membership rules developed by bands should be consistent with section 15 of the *Canadian Charter of Rights and Freedoms*.

Section 12(1)(a)(i) and (ii) of the old *Indian Act* stipulated that Indian people who "received or who were alloted" scrip, and their descendants, were not eligible to be entered on the Indian register or on band lists. That is, in exchange for one-time payments, these people lost all status and rights under the Act.

All of section 12(1)(a) was specifically repealed under Bill C-31, but the Bill makes no provision for "the reinstatement of scrip-takers or their

descendants". DIAND's policy seems perfectly clear in response to this oversight: the 34539 natives who took scrip, and their descendants, are ineligible for registered status.

The policy itself says that [DIAND] will not consider the scrip-taker as somebody who is . . . entitled to registration unless they were either registered in 1958 or . . . able to prove that the parents of the scrip-taker were entitled to be registered.

The department's viewpoint so far has been that, unless you can show that your ancestor was previously on a band list, they are very reluctant to admit that [your ancestors] were in fact native Indian people and hence entitled to the benefits of the current *Indian Act*.
(James Sayers, legal counsel for Arlene Talbourdet, B.C.)

Many full-blood Indians, as well as western Métis, were induced to take scrip. With generations of inter-marriage between Indians and scrip descendants, the result is tens of thousands of Indians, many with full-blood descent, having no direct entitlement to recognition and little chance to prove entitlement due to DIAND's rejection of scrip documentation as evidence of entitlement. These people were Indians under the *Indian Act* at one time, and should be entitled to reinstatement after 1985. Yet the occurrence of the scrip system in the interim has combined with a technical flaw in Bill C-31 to effectively prevent their registration. DIAND has detailed documentation on these people (as a result of the scrip process), but does not permit the use of these documents, placing those concerned in a catch-22.
(James Sayers, B.C.)

Bill C-31 is not a panacea for all past atrocities perpetrated through legislation or at the hands of government officials. As an example in point, prior to 1951 an aboriginal woman upon marriage to a non-Indian was involuntarily enfranchised under section 109(1) and was issued a red ticket. Although she ceased to be a member of her band, the red ticket ensured

that she would retain full interest in the assets, annuities and rent income of the band. Although this provision was not consistently applied to all women, it was removed from the Act following the 1951 amendments. Be that as it may, the obvious intent of this clause was to encourage women to become enfranchised, with the inducement being monetary. (Women could redeem the ticket for lump-sum, 10-year payments of annuities, but the ticket was not transferrable to their children.)

Under Bill C-31, red ticket holders, although now few in number, are eligible for reinstatement under section 6(1)(c).

Many aboriginal people object to the fact that non-aboriginal women who gained "status" and band membership prior to 1985 by marrying aboriginal men continue to maintain their status and band membership even after they divorce their husbands. These non-aboriginal women are viewed as "Indians on paper" who are eligible and, indeed, access services and benefits provided for Indians. Many aboriginal people believe that status and band membership for these women should terminate with their divorce from aboriginal spouses.

Evidence placed before the inquiry pertaining to reinstatement indicates a lack of information on the process and a lack of consistency in the processing of applications. Family members who applied at the same time and under the same conditions are not treated uniformly.

In one instance, a family of eight from the Northwest Territories completed their applications three years ago. The father, mother and two adopted daughters were forwarded under one application. Four adult children submitted their applications separately at about the same time. The father alone was reinstated, followed later by a married daughter. Two weeks prior to the Fort Smith (NWT) hearings, the two youngest daughters were reinstated. Neither the mother nor three of her adult children have had their applications processed, nor has there been a response to advise them whether or not their applications are under review.

Individuals caught up in the reinstatement process object to the fact that DIAND is not transferring people between bands, even when they've been accepted for a transfer. Reinstatees have a right to be admitted to the band from which they were removed, but not to a previous one, which in many instances is their home band. In some cases, a woman may have

involuntarily transferred to her husband's band then, upon becoming divorced or widowed, subsequently married a non-Indian and lost status.

When reinstated, the woman is restored to her first husband's band and must then apply to her home band. This simply leads to more administrative documentation that could be alleviated if requests regarding band preference were accepted in the first place.

> **When I married, I did not apply to have my birth band membership terminated, nor did my parents, nor did my birth band council or chief initiate this ostracism. The discrimination, which continues to affect me today was designed, initially enacted and implemented at the federal level. Further, it was perpetuated and/or maintained there despite Indian people's protests over the years. Because it has been initiated and implemented at the federal government level, it must be corrected there . . .**
>
> **Further, for the federal government and/or its DIAND staff to direct me and others, who are systematically deprived of our birth band membership, to apply for transfer, instead of reinstating us since the offending sections of the *Indian Act* had been abolished, is outrageous. We have as much inherent right as a child defined in Indian acts prior to and since C-31's passage, as our birth band brothers and sisters, including chief and council, and more than some of our sisters-in-law, who are not direct descendants of Indians.**
> **(Sylvia Deleary, London, Ontario)**

Another important status issue raised by aboriginal people is the failure of the Canadian government to recognize the status of American Indians whether full-blooded or otherwise. Because First Nations have maintained close relationships across the Canada/United States border, this issue has presented another set of problems:

> **There is a lot of communication between us and marriage between people from different sides of the border is not uncommon. For some of our**

tribes it's very common. And yet, if one of our people marries an American Indian from Neah Bay, although the child is 100% Nuu Chah Nulth, the federal government will only give them a lower classification of 6(2). Not only that, the spouse can never get Indian status. We totally reject the federal government's attempt to divide our people that way.
(Hugh Braker, Nuu Chah Nulth Tribal Council, B.C.)

The lack of communication and clear information on entitlements under Bill C-31 and a mismanaged reinstatement process has resulted in confusion, anxiety and frustration for aboriginal people who viewed the legislation as an answer to their prayers.

The ONWA charged that DIAND was ill-prepared to effectively and efficiently reinstate individuals due to understaffing, lack of trained staff and poor management.

2.1.6 Band Membership and Codes

The third principle that was to be addressed by Bill C-31, "recognition of band control over membership", has not, in the view of aboriginal people, been successful. Bill C-31 stipulates the manner in which bands may assume control of membership. Presenters before the inquiry criticized the government for continuing its practice of flagrantly disregarding the laws of First Nations.

Bill C-31 provides bands with the option of assuming control and authority of its membership. The Act, however, distinguishes between band membership and status. Bands may confer membership but not status -- the department retains the authority for determining status.

In addition, presenters before the inquiry take issue with the manner in which the dictates of the band membership section have been implemented and funded.

In order for a band to gain control, there is a requirement for approval of 50% plus one of their electors; a requirement which the Nuu Chah Nulth Tribal Council of B.C., among others, find paternalistic and patronizing.

We don't see the Canadian government demanding that white municipalities or white provincial governments get 50% plus one of their population to approve of legislation. Never. It's only the Indians who the federal government doesn't think can administer their own affairs who must get 50% plus one of their population to approve.
(Hugh Braker, Nuu Chah Nulth Tribal Council, B.C.)

Many aboriginal people living in First Nations communities do not vote on any issue, nor do they participate in the election of band councils, as prescribed in the *Indian Act*. These people adhere to more traditional forms of decision-making such as decision by consensus. In these communities, the requirement of the federal government for a 50% plus one vote of all electors to approve a band's membership code will never be achieved.

The ONWA raised the issue of some newly registered aboriginal women being denied the opportunity to participate in the drafting and approval of band membership codes. Because band councils have been delegated the authority to control residency on reserves, Bill C-31 does not ensure that aboriginal women who lost status as a result of marriage will regain residency on reserves. If denied, then they are often denied participation in deciding on the content of the community's membership rules and in the vote to approve these rules. This whole question of band membership is an issue that ONWA wants to address with the full participation of off-reserve aboriginal people.

The requirements which the *Indian Act* has attached to the development of membership rules, are in direct contradiction with the concept of self-government.
(Susan Hare, ONWA, Ontario)

The imposition of DIAND control and authority over how band membership and codes are developed and enacted meets with strong objection from treaty bands.

First the band must vote according to the department's rules and regulations. Secondly the band council must submit a resolution requesting that the Minister of Indian Affairs recognize the code. Thirdly the Minister of Indian Affairs

accepts or rejects the codes. We view this process as a relinquishment of our right to determine citizenship. In other words, we would be consenting to come under the laws of Canada [that relate to] citizenship. This is not something that the treaty indigenous nations can agree to do.
(Sharon Venne, legal counsel, Chiefs of Northeast Alberta, Alberta)

The QNWA argues that membership rules developed by bands ought to be consistent with section 15 of the *Canadian Charter of Rights and Freedoms*, as was recommended in the *Standing Committee on Aboriginal Affairs, 1988 Report on Bill C-31.* The QNWA maintains that any government, whether it be a band government or the federal government, must protect the right of the individual.

Finally, DIAND provides bands with a one-time grant to cover costs associated with the development of membership codes. Because the issues are complicated and varied, the resources provided by DIAND are often inadequate. In addition, resources required for the administration of band membership codes are not available even though funding has been promised by the federal government.

We have not got one penny from the federal government to date to administer our membership rules. They promised every single year since 1985 that there would be funding available. Every single year they've said so and not once have we got a penny.
(Hugh Braker, Nuu Chah Nulth Tribal Council, B.C.)

2.1.7 Discrimination

Discrimination against large numbers of aboriginal people resulting from the *Indian Act* was supposed to be addressed through Bill C-31. However, unreasonable documentation requirements and the reinstatement process itself have placed often insurmountable barriers in the path of those seeking

status. The second generation cut-off clause has served to create new classes of aboriginal people and sexual discrimination has simply been hidden in the legislation. Residency requirements of the *Indian Act* have disallowed the participation of many aboriginal people in determining the future course of their home communities. The legislation has also caused serious divisions within First Nations communities themselves:

Bill C-31 has created a number of political and therefore social divisions between: one, those with both status and band membership; two, those with status but who have only conditional band membership; three, those who are band members but who do not have the right to status; and four, those who are not entitled to status and band membership. To put it more simply, Bill C-31 has created further division within the native community.
(Evelyn Ballantyne, President, Opasquiak Aboriginal Women, Manitoba)

The designation of being a "C-31" within the community has resulted in the creation of a status lowerclass. People feel isolated and ostracized by the label:

DIAND funding requirements now require that all funds going to persons reinstated by C-31 be identified. There are already too many obstacles acting against the successful integration of reinstated persons back into their First Nations [communities] without DIAND insisting that these persons be constantly identified and treated in a manner different than other citizens of the First Nation.
(Chief John Meechas, Portage Band, Manitoba)

The brunt of the impacts has been on native women and has affected deeply and thoroughly native families and native communities. Just as the divorce statistics do not reflect the pain of a marriage break down, so too statistics on the impact of Bill C-31 do not reflect the pain of acceptance.
(Susan Hare, ONWA, Ontario)

Loretta McGregor stated at the Toronto inquiry that she was never told about status and non-status categories before she married an Indian man, who it turned out did not have status. Due to Bill C-31 she got her status back. She feels that she now has the option to return to the reserve, although acceptance by her neighbours is a completely different story. However, she saw this as a minor negative impact and felt that, in time, people in the communities would come to accept the people reinstated by Bill C-31.

Due to a lack of clear information in First Nations communities on Bill C-31 and its implications, misinformation and confusion developed. People within First Nations communities viewed returning members as competitors for scarce resources and resented the individuals rather than focusing on the need for expanded resources to support the implementation of Bill C-31.

In some regions of the country - Alberta for example - some bands in their haste to protect what is theirs, developed membership codes with exclusionary clauses that affect most returning women and their children. This action is considered by some to be in contravention of the intent of treaty.

> **. . . when my forefathers signed treaties they wanted to make sure that their generations to come would survive, so the treaties concluded: "as long as the grass grows, the rivers flow and the sun shines," which meant that the treaties would last forever. They did not distinguish between men and women when they signed treaties "for generations to come," otherwise the wording would have been "for men only" excluding those women who have married non-treaty men. Therefore, women who have lost treaty rights by marrying non-treaty men have a legitimate claim to residency and band membership through inheritance, just like aboriginal men.**
> **(Linda Minoose, Edmonton, Alberta)**

The ambiguity of clauses within the *Indian Act* pertaining to band membership codes has wreaked havoc within band administrations and among their population. The apparent

lack of communication between administrations and returning members only serves to fuel the fires of suspicion. On-reserve residents direct their frustrations toward members restored to status under Bill C-31. Some fear that the resulting effects of dissention may be irreversible.

> **The damage that it had caused may be irreparable. People who are in power are taking it upon themselves to make all kinds of rules and regulations to suit themselves, causing more dissention among its treaty members. All this anger is vented toward the reinstated treaty women and innocent children. If these so-called leaders do not protect the rights of the women and the children, then who will?**
> **(Agnes Gendron, Edmonton, Alberta)**

Regardless of the environment or community, substantial increases in population accentuate internal problems. Where the response mechanisms within communities are inadequate or strained beyond capacity, the search for cause and blame begins and ends with returning members. Those who have been restored to status are naturally incensed that they should be targeted as the primary cause of internal problems.

> **. . . all the social problems regarding alcohol abuse [and] family abuse have always been on that reserve. It wasn't because of Bill C-31 that there is more abuse of family and alcohol or drug use. Those problems have been on the reserve since day one and I think everyone knows that. So who are we trying to kid?**
> **(Celina Minoose Ritter, Edmonton, Alberta)**

In the absence of communication and information, harmony within families and the community at large suffers. Factions are created. Individuals who had suffered discrimination at the hands of government must now contend with intolerance within their home bands.

> **I am a Bill C-31. Since the reinstatement of Bill C-31 and over the past year, I have been listening to a lot of people speak. The general population seems to be putting the blame just on C-31s. When I hear that it makes me quite angry. For one thing, I feel we are playing right into the federal government's hands. All of this**

is creating discontent among the people. . . . As Indian people we emphasize the extended family. Does not Bill C-31 fall into this category?

Instead of playing into the government's hands and allowing the dividing and conquering, I think the moral thing to do is embrace the Bill C-31s as the extended family.
(Cindy Sparvier, Saskatoon, Saskatchewan)

The amended *Indian Act*, which embodies new and more sophisticated instruments for generating division, impedes and in some instances bars the integration of reinstated members into their home communities. In evidence entered into the inquiry record from individuals and bands, there is recognition of discrimination within the First Nations, and that the government has been able to wash its hands of these problems.

I think the government is doing what they set out to do. Discrimination now lies with our own people. We do have discrimination amongst our own people, especially toward the, and I don't really like to use the expression, Bill C-31s. The government feels free now that they don't have to face these problems.
(Chief Danny Watts, Opetchesaht Band, B.C.)

Much of this discrimination has been felt directly by individual reinstatees, who have felt repercussions in housing, employment, integration and involvement in reserve life. These individuals ask whether Bill C-31 has helped or has in fact allowed tribal governments to slam the door in their faces.

I did not realize the seniority system of the Spallumcheen Indian Reserve would disallow me from employment opportunity on the reserve. I did not consider that I would be socially discriminated against and treated as an outsider. In spite of negative experiences, my family and I were determined to stick it out, and believed sooner or later we would successfully integrate into the native community. Instead, after 5 years of struggling, my family and I have become enmeshed in what I call the reserve welfare syndrome.
(Tom Ley, Vancouver, B.C.)

A survey done by the Ontario Métis Aboriginal Association (OMAA) found that most aboriginal people are being treated fairly by bands, but, in nearly half of the cases, tensions are apparent. Most of the animosity is caused by a severe shortage of residential land and lack of financial resources in other areas.

Isadore Agawa of Ontario told the inquiry that "Bill C-31 people are seen as a separate class of people." He said that they are made to feel that they are imposing on the bands by requesting education and housing funds and that, as a result, there is discrimination against newly registered aboriginal people. He felt that DIAND will feel the impact of these problems if bands are unwilling to accommodate the needs of the new members.

Who determines the substance of band membership codes and how the code is ratified and implemented are questions that are not easily answered. The aboriginal population is divided over the issues. It is interesting to note that the impact of colonialism and the movement of non-aboriginal people and their influence from the east to the west and from the south to the north is evident in the degree to which government direction is acceptable. In B.C., the Yukon and the N.W.T., many First Nations clearly transcend the legislated band system and rely on traditional laws to govern membership thus "working around" government policies, even though budgets are hard-pressed to meet the needs of growing populations. In the Prairies, many bands contend that because they have never negotiated membership as treaty Indians, they have never relinquished their right to determine membership. Further east and south, many bands view Bill C-31 registrants as the cause of many of their problems and implement laws that deny them residency on the reserve.

Bill C-31, in the view of many, has resulted in those seeking reinstatement becoming scapegoats for all of the problems currently facing aboriginal people. The lack of adequate resources and services available to aboriginal people has been consistently blamed on the number of Bill C-31 registrants. A backlash has developed in many First Nations communities and discrimination against those who were supposed to benefit from Bill C-31 has resulted.

Another form of discrimination is oriented toward the non-native family members of those wishing to return to the reserve. Also, those who have never lived on the reserve, or have been away from the reserve for an extended period of time, are not always welcome to return.

Since its inception, the *Indian Act* has permeated every facet of individual and community life. Legislative discrimination under the Act, which was superimposed on families and tribes for over a century, left in its wake many indelible scars. The indoctrination over time to non-Indian laws served, in many instances, to displace the essence of family and Indian society. It is the view of many aboriginal people that the original efforts of government as reflected within legislation, were to break down family units and weaken nations through the institution of innumerable classes of Indians:

> **Since the beginning of the *Indian Act's* implementation, they have developed 17, some 17 separate categories of non-status Indians. So, if anyone thinks that the *Indian Act* is being used for our benefit, then I think they are probably speaking from ignorance because it certainly isn't being used for our benefit.**
> **(Ron George, President, United Native Nations, B.C.)**

Finally,

> **The problems associated with discriminatory clauses contained in the old *Indian Act* still exist. Once people learned to accept the government's term of status and non-status Indians, the problems of discrimination began. This was, and continues to be, a social dilemma not only for Bill C-31 natives, but for the entire native community as well. Because the old legislation divided our people, everyone lost something in the process. What we all lost was equality, the ability to treat each other as equals and, therefore, the ability to work together cooperatively to ease our transition into modern multicultural society.**
> **(Tom Ley, Vancouver, B.C.)**

2.2 Benefits Associated With Status and Band Membership

2.2.1 Access to Services and Benefits

According to DIAND policy, access to certain services is determined according to residency. The policy states that DIAND's fiduciary responsibility is only to those status band members residing on reserves. This policy is viewed as a blatant violation of the fiduciary trust relationship between aboriginal peoples and the Government of Canada, articulated in section 91(24) of the *BNA Act*. The Act delegates responsibility for "Indians and lands reserved for Indians," to the federal government and makes no distinction between on-reserve and off-reserve Indians. Under current federal government policies, status Indian people living off reserves are entitled to access post-secondary educational assistance and medical benefits, but they are denied access to other benefits available to status Indians living on reserves. Housing programs, economic development programs and, in some provinces, provincial sales tax exemptions are benefits that are denied to off-reserve status Indians. Many aboriginal people would like to return to their home reserves after regaining status but discover that housing is unavailable due to the backlog in meeting needs. In other cases, the small land bases of many reserves cannot accommodate the requirements of returning families.

Individuals who were reinstated under Bill C-31 had expectations that they would gain equality with others who had not lost their status. Unfortunately, this is not the case. In Alberta, some bands do not recognize Bill C-31 and, therefore, do not attempt to access funds designated to offset the costs of Bill C-31 registrants. As a result, their off-reserve people are referred back to DIAND, which in turn refers them to the band.

> **The problem is we have nothing on paper, no information. We don't even know what our rights are or what we can claim for. Why aren't the letters coming? Letters should be coming now stating what and how we might benefit. We're not getting a thing in writing. All we go by is what we hear. Why is it like that?**
> **(John MacDonald, Fort Smith, N.W.T.)**

Reinstated individuals expected DIAND to be a conduit of information on benefits associated with status. The reality is that they are tossed into a bureaucratic maze and are expected to fend for themselves. In evidence placed before the inquiry, individuals repeatedly stated that information on programs and services was received by word of mouth. Attempts to secure accurate information, through either DIAND or band councils, had been in vain.

> **We should be [as] eligible for all programs as other natives living in Canada. We live on the land that our forefathers left to us and they did not always live collectively. We strongly believe that we should also benefit from all aboriginal rights throughout Canada, and we have the right to choose where we want to live. It is unfair for the government to reinstate us and only provide services and benefits to on-reserve natives. We recognize that certain needs differ for on - and off - reserve individuals. We are requesting equality in the services that could be provided to off-reserve natives. In the Charter of Rights, the equality clause guarantees equal rights to everyone. Therefore, we ask the minister and his government to apply this charter to all native people on and off reserves.**
> **(Rheal Boudrias, Quebec)**

The Assembly of Aboriginal People of Saskatchewan maintain that it is unconscionable for the Government of Canada to require individuals to return to bands that are unable to respond to their needs.

A chief of the Federation of Saskatchewan Indian Nations pointed out the following:

> **As chief of the 3600 member Peter Ballantyne Band, I can tell you we have and are experiencing many problems in such areas as: housing and infrastructure shortages; education facilities and program funds; band support funding; and special project funding, such as . . . economic development. For the Peter Ballantyne Band, we have added several hundred new members . . . and there will probably be a total of 800 or more new members in the next two years. All these additional new members create**

> **many strains on our underdeveloped programs, funding and underdeveloped reserves, and we also have problems meeting the extra demand placed on our programs because of very tight funding arrangements from DIAND.**
> **(Chief Ronald Michel, Peter Ballantyne Band, Saskatchewan)**

Largely due to government announcements of multi-million dollar programs and support services designed for aboriginal people, the public and, so too, returning Bill C-31 members get a false impression of the level and extent of services and benefits available to Indians.

> **...the LaRonge Band has a population of 4300 plus and [is] the largest band in Saskatchewan and certainly one of the largest bands in the nation. In spite of this, it has no senior citizens homes, no daycare/child care facilities, no social service centres, no recreation facilities and no hospitals. . . . there is only one high school and this is located in Stanley Mission. In terms of services, the band has no professional social workers, has no police services based on the reserves, no para-legals or courtworkers based on reserves, no post-secondary educational facilities and no professional medical or dental personnel based on the reserves. . . . In general, I can state without qualification that the development of social support systems and social services have lagged far behind what would normally be expected in a developed western nation.**
> **(Chief Harry Cook, Lac La Ronge Band, Saskatchewan)**

Many newly registered Indians either cannot or will not move back to their reserves in the next few years. Because many are gainfully employed off reserves and employment is scarce on most reserves, some aboriginal people expressed interest in returning home after retirement.

According to Harold Nicholson at the Dryden hearing, Bill C-31 has caused chaos due to misinformation. In his opinion, those registered under Bill C-31 are no better off now than they were before because they have not achieved equality with on-reserve Indians.

Presenters, particularly elders, find it difficult to accept that access to services and benefits is determined according to residence.

Individuals who had been reinstated and reside in an area other than their home region voiced the same concerns.

> **I am a reinstated person from Saskatchewan. I have been away from the reserve for about 30 years. I do not get any assistance from my band because I do not reside on the reserve. Where do people like myself go for help and benefits? At this time, I do not plan to return to my reserve but I would still like to receive the benefits that I am entitled to.**
> **(Lizette McKenzie, Thompson, Manitoba)**

Not everyone is interested in moving on to reserve lands in order to qualify to receive services and benefits. The point was made again and again that a person's place of residence ought not to matter.

> **There has to be some negotiation and some compromise regardless of the level of government involved. Some people may want to have their home here in the city. Why not? Some may want to go home. But they should have a choice.**
> **(Conrad Spence, Winnipeg, Manitoba)**

Another serious result of misinformation and restrictive DIAND policies with respect to access to services and benefits has been a backlash against some First Nations governments. Because band councils must administer certain programs according to DIAND policies, band members assume that all restrictive criteria are imposed by the band councils. This assumption leads the affected aboriginal population to resent, mistrust and lack confidence in First Nations governments. At a time when many First Nations are striving for greater self sufficiency and control, the essential support of the aboriginal population is seriously jeopardized by government interference and rigid policies.

The Tl'Azt'En First Nation of B.C. elaborated on the effect that limited resources and restrictive policies and guidelines have on their village:

> **Because of the policies and guidelines that are imposed on us by the department, we have to turn a lot of people down. Our people turn around and are losing faith in their leaders. . . . Our people are turning against their own chief and council. Now, to make problems even worse, the non-natives in our nearby communities are blaming all of these problems on native leaders. The Department of Indian Affairs camouflaged themselves, and it seems that native leaders within our communities are scapegoats between the members of our communities and the Department of Indian Affairs. Our people are kicking us on our rear and the Department of Indian Affairs would not let us proceed, would not let us change or even negotiate to change some of the policies and guidelines to meet our needs. In doing so and by this procedure, the department keeps our people divided.**
> **(Andrew Joseph, Tl'Azt'En First Nation, B.C.)**

Whether aboriginal people live on or off reserves, statistics indicate that they are the most socially and economically disadvantaged group in the country. According to an April, 1989 Canadian Council on Native Business paper, *Standing Alone*, the unemployment rate for on-reserve Indians is estimated at 70% and at 50% for the urban aboriginal population. The 1986 Canada Census indicated that aboriginal income levels remain one-half to two-thirds that of non-aboriginal people and welfare rates are more than twice the national average. Government policies that limit access to programs and services will not improve the socio-economic situation of the aboriginal population. Unquestionably, the issues are broader than Bill C-31 but the ill-planned implementation of the 1985 *Indian Act* amendments have certainly not improved the situation.

Presenters before the National Aboriginal Inquiry suggested that a complete review of the DIAND policy requiring that status Indians must reside on reserves to qualify for certain services, is necessary. In addition, it was recommended that accurate information on the benefits associated with status, and the restrictions imposed by DIAND policies on accessing these benefits, be provided to newly reinstated aboriginal people by the government. Because these restrictive policies are not the policies of First Nations governments, they should not be required to be the "bearers of bad tidings."

2.2.2 Housing

Bill C-31 did not herald the housing crisis on reserves. Inadequate housing stock and lengthy waiting lists have long been a reality in most communities and now, with the increase in population, the problems are further exacerbated. In many communities, an inadequate land base and the lack of community infrastructure will not allow for the accommodation of additional housing even if Bill C-31 housing subsidies are accessed by the band.

> **The average housing subsidy from DIAND to the CSTC [Carrier Sekani Tribal Council] area is $31294 per unit. Based on today's construction costs and an average 1000 square foot house, it costs approximately $60000 to build a house according to the national building code standards. The present allocation per subsidy is far too low. Many of the bands are forced into a deficit situation to cover the extra costs above the subsidy. The Bill C-31 housing subsidies are based on the same subsidy levels as regular housing. With the extra Bill C-31 housing applications, bands will inevitably be forced into larger deficit unless the reinstated members have adequate resources to contribute toward their new house. Bill C-31 social housing unit allocations are available now but this will put the bands into large and long-term loan guarantees. The housing subsidies must be increased to a more realistic level.**
> **(Leo Heibert, CSTC, B.C.)**

While inadequate and inferior housing has its own set of problems, the Bill C-31 program gives rise to other issues within communities. Both returning band members and those who were reserve residents prior to the enactment of Bill C-31 feel as though the other group receives special treatment.

> **Housing, in itself, has caused special political problems. Lifelong band members are entitled to housing under either the standard DIAND subsidy program or the band CMHC program. Reinstated C-31 members, on the other hand, are entitled to participate in the special C-31 housing program and this program is limited exclusively to Bill C-31. The special C-31 housing program**

> **has created a degree of animosity between lifelong band members and reinstated band members. Lifelong band members have to put in their application for housing and wait as long as eight years for their name to reach a level in the priority listing. . . . C-31 members on the other hand, can jump to the head of the lineup as a result of the special C-31 housing program.**
> **(Chief Harry Coo, Lac La Ronge Band, Saskatchewan)**

The perception is often held that Bands are benefiting from housing budgets earmarked for Bill C-31 reinstatees, even though these returning members are not receiving the benefit of a house.

According to Richard Ferris of Ontario, he and another C-31 person applied to their band for housing. They were told that C-31 funding had been approved in their names. However, the four completed C-31 houses were given to other band members. Richard submitted a copy of a DIAND letter as evidence of the approved C-31 funding with his name listed in the letter. He feels that what the band did with housing approved for C-31 individuals was not right and unfair to the individuals. He feels that due to Bill C-31 there is a need to review the on-reserve housing allocation policy.

In B.C., DIAND officials have been advising reinstatees that they are entitled to Bill C-31 housing, but at the same time are telling bands that they do not have to spend that money solely for reinstatees. This causes division between the band and reinstated members. However they spend the funds, bands are open to criticism.

> **Housing monies available for C-31 created bad feelings within the community. DIAND was telling the C-31s that they are entitled to these dollars yet they are telling the band councils that the new houses did not have to go to the Bill C-31 people. We feel that housing budgets should have been increased with no mention of C-31. Bands know their responsibilities but we should be given credit for knowing who needs houses and who doesn't. If the C-31s did not receive a new house that DIAND was telling them they were entitled to, whether they needed it or not, there were bad feelings. Yet if the houses went**

to a C-31 who was just reinstated, someone who has been on the housing list for years felt cheated.
(Dave Pop, Soda Creek Band, B.C.)

Chief Katherine Sky of Ontario explained how resentment within the community results from the serious housing shortage:

There are certainly inadequate housing dollars made available to the First Nations communities to accommodate Bill C-31 people and no extra land was made available to accommodate these people. How is it possible to avoid discord within the community if housing is given to Bill C-31 individuals over another member who has been waiting on the priority list for a house?
(Chief Katherine Sky, Grand Council Treaty #3, Ontario)

Bands were not able to respond to the level of demand for housing prior to the introduction of Bill C-31 and remain deadlocked in their attempts to respond to an increased population.

. . . reinstated persons are becoming angry at First Nations officials because they are told that a First Nation cannot provide housing assistance off reserves. Reinstated persons interpret the rejection as discrimination against them because they have been reinstated, when in reality the rejection is the result of DIAND housing regulations over which First Nations officials have little control.
(Chief John Meechas, Portage Band, Manitoba)

The termination of the off-reserve housing program immediately prior to the passage of Bill C-31 effectively blocked the one avenue through which the housing crisis may have been eased. Many aboriginal people believe that, the termination of the off-reserve housing program by DIAND was carefully planned to avoid responding to the projected increased demands on the program resulting from Bill C-31. It is important to note the sequence of events: Bill C-31 was proposed in March 1985; DIAND's off-reserve housing program was cancelled in May 1985; and Bill C-31 was passed in June 1985.

Gail Stacey-Moore, representing the QNWA, read and supported the 1988 Standing Committee on Aboriginal Affairs recommendation:

We recommend that a new off-reserve housing program be established to assist reinstatees who do not return to a band to acquire housing through normal mortgage requirements. This program should be attractive in order to relieve the pressure on band housing.
(Gail Stacey-Moore, QNWA, Quebec)

The ONWA recommended the following:

One of the most critical issues facing aboriginal communities, on and off reserves is the housing issue. The right to decent, affordable housing is not a privilege; <u>it is a right</u>. In our view. . . . unless the federal government is prepared to deal effectively and readily with this issue, aboriginal women and their families will continue to live in crowded, unsanitary housing. We feel that the land issue can be affected somewhat by the introduction of an off-reserve housing policy, which takes into consideration the economic and social living requirements of our families.
(Susan Hare, ONWA, Ontario)

Representatives from Tobique, New Brunswick focused on the need for infrastructure development to facilitate additional housing, including community planning, expansion of land base, creation of sub-divisions, roads, and water and sewer services.

The Confederacy of Mainland Micmacs recommended that the costs of constructing and maintaining these new developments should also be considered by DIAND in their allocation of Bill C-31 housing funds.

The housing situation in the Northwest Territories is even more convoluted. Broadly speaking, the administration of programs is divided between the territorial government and DIAND. The latter is not responsible for the delivery of programs and services. The Hay River Band, although in a position to enter into final agreements with the federal government through such mechanisms as alternative funding arrangements and contribution agreements, have their budgets

transferred to them by way of the territorial government. Budgets purportedly earmarked for treaty Indians are included within general funds of the Government of the Northwest Territories. The Dene Nation is presently attempting to track budgets transferred from Treasury Board to the territorial government and intended for treaty Indians. This has proven to be a horrendous task since the territorial government maintains that all people are to be treated in the same manner given that they are all "northerners."

Although the allocation process is under review, communities in the Northwest Territories are endeavouring to meet the housing needs of their membership that are bumped from pillar to post.

> **. . . we are not different from the people in the south in that we have more band members on our lists and because these members will stretch the meagre resources we have; we do need additional dollars. We have band members now who are going to their chiefs, going to their band councils, and are asking for the programs they rightfully deserve. They are asking for housing, they are asking for other supplies administered through treaty. Now our chiefs are either having to refuse them or are put in a very awkward situation since they are not provided with additional funding. Upon enquiry, we are being told that the reason we are not getting additional funding for housing is that we do not have control over our programs. Housing is administered through the territorial government, through CMHC or through the Territorial Housing Corporation.**
> **(Bill Erasmus, President, Dene Nation, NWT)**

In a letter to Bill Erasmus, the Territorial Housing Corporation stated that they have not received new dollars for reinstated people, since Bill C-31 did not change the number of people who would have otherwise been eligible for housing assistance. Thus, the Government of the Northwest Territories continues to respond to northerners needs without emphasis on the specific needs of individuals reinstated under Bill C-31.

Finally, many aboriginal people view the federal government's failure to address the critical housing needs of newly registered status Indians as a lack of commitment to the implementation of Bill C-31.

2.2.3 Education

Status Indians, whether they live off or on reserves are entitled to post-secondary education assistance (PSEA). However, post-secondary assistance guidelines were recently revised by DIAND and the revisions effectively limit the number of people who qualify for sponsorship. It is the perception of the aboriginal community that changes instituted by DIAND in PSEA guidelines were undertaken in anticipation of increased demand for educational assistance as a result of the enactment of Bill C-31. The new guidelines require that bands limit educational assistance in accordance with prescribed priorities for funding. In fact, previously authorized certificate programs no longer qualify for funding at all.

> **. . . the change in regulations means that First Nations students are now unable to receive post-secondary funds to attend the University of Manitoba's band administration course because a certificate, rather than credits, are issued, even though a student who works toward a Master's can apply the course as credit toward the degree.**
> **(Chief John Meechas, Portage Band Manitoba)**

DIAND guidelines set out eight priorities for PSEA, with continuing students being the first priority and students requiring upgrading being the eighth. If a continuing student withdraws from studies for any reason, that individual is dropped to the lowest priority and can only continue studies if demands in all other categories have been satisfied.

With greater government focus on university and technical training, bands find themselves unable to meet the basic upgrading needs of their membership. Chief Michel of the Peter Ballantyne Band notes that many returning members require training they are neither able to provide nor fund directly.

. . . there is virtually no funding for adult education and retraining. Many of our new Bill C-31 members are adults who are in need of adult education to get their high school diploma or who want to get some skilled or technical education. But there are no special Bill C-31 funds for this program. I call upon DIAND to make funds available.
(Chief Ronald Michel, Peter Ballantyne Band, Saskatchewan)

Darryl Nicholas, executive member of the National Indian Education Forum commented on funding levels and changes to the PSEA guidelines:

- The PSEA national budget has tripled since 1983-84, from $44 million to $106 million in 1988-89. Nicholas believes this is due to Bill C-31 funding because there have been no appreciable increases in "unit costs" to address inflation.

- A recent consultant's study indicated that there is a need for $200 million per year to meet actual student needs.

- Nicholas believes that DIAND changed PSEA guidelines because federal funds were limited and increases in population due to Bill C-31 would put even greater strain on the budget.

- Nicholas referred to a recent court decision that said that DIAND cannot deny educational assistance to an eligible student due to lack of funds. The court said that as long as there is a national program available, the federal government must provide funds to all or no one.

As a result of DIAND restrictions in education, reinstated band members believe that band governments are anxious to service the needs of on-reserve members ahead of their own. In cases where the band has assumed administrative responsibility for the delivery of PSEA, the newly reinstated status Indian, who is denied band membership, may also be denied access to PSEA funding. If the individual turns to DIAND for direct assistance, DIAND often refuses, noting that administration of PSEA has been devolved to the band. Presenters to the National Aboriginal Inquiry recommended that, in these cases, DIAND should assume responsibility for assisting the newly reinstated status Indian.

Accessing limited PSEA funds on behalf of Bill C-31

registrants has caused administrative nightmares for bands who administer the program. The approval process to secure Bill C-31 educational funds is nothing if not an ordeal. Bands make application to DIAND on behalf of a student and forward the application to the DIAND district office. In B.C., for example, the district office in turn forwards the application along with their recommendation to the regional office in Vancouver. Neither the band, the student, nor the district office receives acknowledgement from the regional office that the application has been received and processed. The Carrier Sekani Tribal Council (CSTC) of B.C. notes that the period from initial application to regional approval can take as long as eight months. If the application is incomplete, the band must start the process all over again.

Funds for approved applications are transferred from DIAND's regional office to the district office and ultimately to the band by way of a contribution agreement. At this point, the lapse in time from application to receipt of funding is closer to 12 months! A turnaround time of this length creates havoc both for the student and the band itself. If the band receives a favourable review to an application in the early stages of the process, students either elect to commence studies on their own, or the band advances a loan on the premise that the application will be approved. If, in the end, the regional office does not approve the application, either the student or the band is left to bear the loss.

The lengthy and circuitous route through which applications are processed effectively stymies planning, not only for the bands but for the student as well.

If you apply and it takes four, six, [or] eight months to actually receive a yes or a no or an incomplete, it makes it very difficult for that individual to start school. It also makes it very difficult from the band's perspective because they filled out these forms as best they could, and they disappeared into a sinkhole. You never really know where they went. You didn't have an opportunity to be able to really deliver a service to that individual student.
(Dixon Taylor, CSTC, B.C.)

Even though problems have been cited with lack of

information, difficulties in accessing PSEA funding and restrictive guidelines, many newly reinstated aboriginal people felt that the financial assistance they were able to access through PSEA was a positive impact of Bill C-31.

Morris Blondeau, executive director for the Saskatoon Indian and Métis Friendship Centre addressed problems arising within the secondary student population. In situations where families have moved to their home reserve and the children have not successfully integrated into the community or local schools, they return to the city. Their attempts to transfer back to city schools are effectively blocked as a result of jurisdictional debates. DIAND considers the students to be a band responsibility. The band has no authority to provide continued assistance since the student is living off the reserve, and the provincial government attests that responsibility lies with DIAND. The vicious circle within which the student is tossed has predictable results.

> **. . . any of these children who are sincere about getting their education . . . should be given a chance regardless of the situation. If they are sincere . . . either the provincial government or the Department of Indian Affairs are responsible to put that child through school. I think if you listen to those governments, they will tell you, get your education first, but yet the bureaucratic system is so big and so large that these kids . . . get lost within that system and get very confused, discouraged and, right away, where do they end up? In our correction centres. (Morris Blondeau, Saskatoon Indian & Métis Friendship Centre, Saskatchewan)**

The Advisory Council for Treaty Women in Alberta maintains that the right to education is guaranteed under treaty and that DIAND criteria negatively affects rights stipulated within the treaties.

The situation of students attending many band-operated schools is not an enviable one. Crowded, dreary and unsafe conditions abound in many on-reserve schools. Even before the enactment of Bill C-31, crowded conditions existed in

on-reserve schools and presenters fear that DIAND will be no quicker to respond to the need for new and expanded facilities as a result of increasing populations.

> **. . . the same crises of funding shortages for schools and programs exists. For example, we are awaiting approval of our proposed new school at Southend Reserve to replace the 28-year-old condemned and unsafe wood frame there now. And because of Bill C-31, we have added 30 extra students in our inadequate Southend School. We also experience funding shortfalls from DIAND for educational equipment and supplies desperately needed in our schools for our extra Bill C-31 students. For our new school at Pelican Narrows, opened in 1989, we are already at the maximum student level -- yet DIAND refuses to discuss expansion plans.**
> **. . . I know education is one of the most important foundations for the future of our children and our future. It makes me very upset and very cynical when my band has to put up with the funding shortfalls caused by DIAND . . . Something must be done to improve the situation.**
> **(Chief Ronald Michel, Peter Ballantyne Band, Saskatchewan)**

The Advisory Council for Treaty Women in Alberta charges that, in addition to the need for expanded facilities, there is a need to increase the number of teaching staff. DIAND, however, has simply increased the student/teacher ratio rather than responding effectively to the teaching needs of an increasing population.

Finally, many newly reinstated aboriginal people argue that they have maintained the use of their aboriginal language and continue to practice traditional customs. Some on-reserve residents expressed apprehension over the impact the introduction of new values might have on their communities:

> **No one knows what the impact will be of reinstatement and new residents even for the immediate future, let alone what the impact might be a few years or more in the future. The uncertainty extends to concern about what will be the role in the community of new residents**

who are not familiar with traditions, culture, language or codes of conduct of the First Nations. First Nations do not know what the impact might be on their traditions, culture, language or community life as a result of new residents resulting from C-31.
(Chief John Meechas, Portage Band, Manitoba)

Presenters to the inquiry recommended that increased aboriginal language programming and cultural studies to assist in the integration process for those students returning to the reserve ought to be a priority in the education program.

2.2.4 Social, Economic and Employment Development

Parallel to issues in education and housing, concerns were voiced respecting other program areas such as social assistance, and economic and employment development.

Presenters addressing these areas generally expressed concern over the lack of employment opportunities on reserves and the resulting impact on social assistance payments:

Employment in Carcross consists of 32 full-time, 17 part-time and 55 seasonal positions. Lack of permanent work accounts for an increase in the use of social assistance during the winter months. The implementation of Bill C-31 and the projections of people migrating back to the Carcross Tagish Indian Band increases the use of social assistance.
(Carcross-Tagish Impact Study, Yukon)

Chief Doris McLean of the Carcross-Tagish Band notes that economic development funding is decreasing while social development costs are escalating. Rather than taking steps toward self-reliance, the band is being disabled through increased allocations under social development.

Reinstated individuals living off reserves expressed concern over difficulties encountered in attempting to access economic development funds under the control of bands. Because they reside off the reserve, the bands are not required to assist these individuals, even when economic development proposals are geared to creating employment on the reserve in anticipation of the individual's return.

The Advisory Council for Treaty Women in Alberta objects to the practice of non-Indian spouses relocating to reserve land, establishing businesses under the returning band members' names and operating as tax exempt businesses. They maintain that bands do not have an adequate economic base to support additional members let alone those who might have ulterior motives for relocating to reserves.

It is obvious that the Government of Canada must expand the present reserve land base. Expected federal funding on behalf of C-31 people will be $1.3 billion [SIC] over the next five years. It is not known whether the amount included $847 million intended for economic development over the same period, nor is it known what the access criteria will be. That is, will the funds be for treaty Indians, Métis and Inuit? (Helen Gladue, President, Advisory Council for Treaty Women, Alberta)

Finally, demands on child and family services as well as alcohol and drug abuse programs are expected to increase, according to Ontario representatives. Because human and financial resources available to support these programs are currently "stretched to the limit," service providers are concerned about their ability to provide effective assistance in the future.

2.2.5 Health and Medical Services

Generally it is not necessary for reinstated individuals to live on reserves to access medical services and benefits (except in Manitoba); therefore, most newly reinstated people have been able to acquire the necessary care and assistance. However, due to increasing numbers and the additional pressures on the system, flaws and restrictions within medical services have become more pronounced.

The time lapse between treatment by a medical professional or provision of medication by pharmacists and payment for the services by government is an issue. The perception of many aboriginal people is that because medical services takes an inordinate amount of time to pay medical and medication bills, those providing the services are reluctant to serve their needs and become less concerned about the quality of services they

provide. Consequently, individuals are left to bear the brunt of criticism for the government's inability to respond in a more timely fashion to claims for services rendered.

> **. . . a lot of the families I work with are confronted with optometrists and dentists who are tired of working with Indian Affairs because Indian Affairs takes a long time in paying the bills on behalf of native people. I find doctors are pretty good but when they go to the pharmacist, the pharmacist makes the person feel like, "Well, you don't pay for these services so . . . you can wait a while" or "Why can't you pay for these? Why do the taxpayers have to continually pay for these needs"?**
> **(Wanda First Rider, Calgary, Alberta)**

Presenters to the inquiry pointed out that, as newly reinstated status Indians, individuals must apply for federal health coverage. Many presenters, however, related unexplained delays in qualifying for coverage. Others described instances of sudden discontinuance of coverage occurring without explanation.

Obtaining medical services and authorization for travel to urban centres is difficult for people living in remote areas. Charlene Fevang (B.C.) spoke of the difficulty in having her mother referred from the North to Vancouver, of having that travel paid for, and of the difficulty of getting consistent medical treatment.

One presenter questioned the application of national policy from region to region. In Alberta, for example, non-status wives of brothers receive medical coverage, while in B.C. non-status husbands of sisters do not.

Difficulty in accessing medical services and benefits is also an issue with adoptive parents. They are denied access to documents that may prove eligibility to reinstatement. Until these documents are provided, their children are denied entitlement they might have to medical benefits.

While some bands expressed the concern that additional strain on medical services budgets, imposed by a growing population, will eventually lead to a decline in services, most reinstatees were satisfied with the health care benefits they currently receive. As is the case with PSEA, even though there are

problems associated with accessing health care benefits, many newly reinstated status Indians indicated that they believe health benefits such as dental care and eye glasses are a positive result of Bill C-31.

2.2.6 Other Impacts

Chief John Meechas of the Portage Band in Manitoba expressed his concern over the social impacts generated by Bill C-31. He indicated that the climate of uncertainty and apprehension about the effects of Bill C-31 have caused secondary impacts in First Nations communities:

> **A) The uncertainty and worry often cause the long-time residents of Portage First Nation to react with hostility toward persons considering taking up residence and toward First Nations officials whom they consider to have failed in their responsibilities because of their inability to control the situation.**
>
> **B) The failure of DIAND to specify clear processes that respect the commitments given to Parliament during the passage of C-31 has caused many First Nations citizens to have the impression that C-31 beneficiaries are receiving preferential treatment, causing further hostility toward them and toward community officials.**
>
> **C) Reinstated persons are often blamed and held personally responsible for the existing situation regarding C-31, even though in many cases they are victims of the situation through no fault of their own. This in turn causes hard feelings that affect the social climate of a community.**
>
> **D) Attitudes about persons taking up reserve residence vary within a given First Nation - ranging from total acceptance to total rejection. Because the situation has been externally imposed, the community does not have the time to develop a consensus or compromise solution. The result is disunity and in-fighting among the citizens of the First Nations.**
> **(Chief John Meechas, Portage Band, Manitoba)**

Some members of reserve communities perceive returning

members to be pushy, domineering and demanding in seeking to exercise rights and benefits they had previously been denied. Further, returning members are seen as openly competitive, argumentative and more vocal individuals who place greater emphasis on individual rights as opposed to community or collective rights. Reinstatees are often viewed as threats to the community and because of this view are blamed for any number of problems.

Finally, band councils are often seen as powerless entities with respect to Bill C-31 issues. These perceptions lead to a lack of confidence in the governing body on the reserve. On the other hand, reinstated members often view band councils as obstructionist, using what little power they have to limit access to services and other benefits.

2.3 Band Resources

2.3.1 Band Land

. . . when our reserves were created the reserve area was fixed, and there was no policy to compensate for the additional population that is a result of Bill C-31, or any other population increase. Since 1985, the federal government has refused to negotiate for additional reserve lands for the Bill C-31 members. Our solution is quite simple: for every additional person brought to the band as a result of Bill C-31, an additional 128 acres of reserve land must be set aside for my band. This is in accordance with Treaty Six, which we adhered to in 1889.
(Chief Ronald Michel, Peter Ballantyne Band, Saskatchewan)

Obligations of the government pertaining to Indian nations land in Saskatchewan is specified under treaty. Unfulfilled treaty land entitlement is an ongoing and contentious issue. Treaties between the Crown and the Indian nations of Saskatchewan established per capita allocation as the cornerstone of entitlement. It has always been the position of the Indian nations that a band's entitlement changes in line with its population until the band is owed no more land. At the time the Saskatchewan Formula Agreement was endorsed, reaffirming the use of band populations as of 1976 in settling outstanding land entitlement questions, Bill C-31 was not anticipated as a potential factor in the resolution of land

entitlement. For many First Nations, however, it has since become an important issue. Chief Michel's proposal that their land base be incrementally adjusted pursuant to the terms of treaty for each person restored to status, is similar to proposals advocated in other regions.

First Nations citizens have a right to access reserve land. However, in addition to problems created by an inadequate land base, other problems exist. Lands "held in common" by the band are often already allocated and are held by individual families under Certificates of Possession and Certificates of Occupation. As a result, reinstated members must either purchase land from another band member, if possible, or share land held by their families.

On some reserves the only available land is not suitable for residential use:

Much of the reserve lands in the Swampy Cree Tribal Council area is unsuitable for residential uses because of swampy or wet conditions. Some lands are also flood-prone and not suitable or desirable, especially if bands approach Canada Mortgage and Housing Corporation for housing assistance or loans.
(Swampy Cree Tribal Council, Manitoba)

In other cases, the only available land has been set aside for its development or revenue-generating potential. In communities where there is a dire need for economic development and employment, bands are understandably reluctant to reassign development lands for residential development. In addition, the cost of providing the necessary infrastructure development to make available lands habitable are prohibitive and often impossible to meet.

Band administrations are concerned not only with securing additional lands for current members who wish to relocate to band land, but also for the future generations who will require access to their finite and already inadequate resources. As noted by Bruce Starlight, the Sarcee Band (Alberta), population has shown an increase in excess of 40% over an 18-year period. They are neither able to accommodate their current membership nor their previously excluded membership, and the prospect of acquiring additional land is negligible.

. . . if the government created Indian peoples why can't they create new resources and land bases for these new people? In the west here this is our reserve, that's all we're going to ever have for ourselves and our grandchildren. Two-thirds of our population is made up of young adults who are the future, mothers and fathers of our future children. In 1971 there were only 500 Sarcees, now we have almost 900 members including Bill C-31 people. At this time our population far exceeds the land base promised by treaty. Will we ever get the extra lands for our own people, our expanding population? The answer is "No."
(Bruce Starlight, Sarcee Band, Alberta)

Aboriginal people believed that section 17 was incorporated into Bill C-31 to allow the minister the authority to create new bands. This authority would provide a solution for people restored to status under Bill C-31. However, federal policy developed subsequent to Bill C-31 (1987) virtually renders this solution inoperable, in that the policy clearly states that there will be no new reserves created unless there is little or no cost involved.

. . . under section 17 of Bill C-31 . . . the Minister of Indian Affairs has the statutory power to create new bands . . . The federal government at least gave the impression to Indian people at that time, that the reason it wanted the provisions of section 17 built into C-31 was to enable the minister to respond more freely to the kind of situations that we are now facing . . . The impression that was created by the federal government at that time was nothing more than a clever hoax. Shortly after Bill C-31 was passed, a policy was announced by the department, that they were placing a moratorium on recognition of new bands.
(Harold Cardinal, Edmonton, Alberta)

In some areas of the country aboriginal people, who were denied status under the *Indian Act*, established communities and settlements of their own. Many of these communities, while they may be adjacent to reserves, have established their own customs and traditions. The Ontario Métis and Aboriginal Association (OMAA) makes it clear that they believe the federal government ought to recognize these communities as being entitled to aboriginal lands:

The generations of sexual and racial discrimination under the *Indian Act*, which forced thousands of Indian and Métis families to live off reserves, has resulted in the development of distinct off-reserve aboriginal communities, with little or no connection to the reserves which they or their parents or grandparents were long ago forced to leave. These peoples cannot and will not move "back" to the reserves from which they have been alienated. Provision must be made for the establishment of land bases for OMAA communities. The right to live as a community on traditional lands is the most fundamental aboriginal and treaty right. Neither the *Indian Act*, nor any other policy or law of either the federal or provincial government, currently provides any means of establishing land bases for the poorest and most oppressed of all Canada's aboriginal peoples. A land claims process must be established to resolve the claims of OMAA communities.
(OMAA submission -- Bill C-31 Impact Study Highlights, 1990, OMAA, Ontario)

In Quebec, presenters to the inquiry recommended that Crown land be made available for returning Bill C-31 registrants. In this respect a specific request of the federal government was made by Kanesatake (OKA), where membership has doubled due to Bill C-31. The council is being pressured from all sides because of overcrowding and the need for housing to accommodate returning members.

Other presenters recommended that land claims be prioritized and expedited to provide an expanded land base.

The ONWA submitted the following:

> **A glaring indication of DIAND's lack of commitment to implement Bill C-31 is the land base. Their policies on increases to reserves, and creation of new bands result in no commitment, for people wishing to return to the reserves, that there will be additional lands.**
>
> **Some frustrated communities have dealt with this by developing restrictive residency by-laws.**
> **(ONWA, Ontario)**

Concerns were expressed about the possibility of non-Indians acquiring Certificates of Possession on reserves. If a non-Indian spouse becomes a member under a band membership code then this individual could acquire a Certificate of Possession. There are fears that this individual could continue to hold land even after the dissolution of a marriage.

> **You look at the problems in the States where the Indian women have married white men. You go to Browning just across the border. I wish this task force would go to the States and see what kind of problems they're having where the white men have taken over the land that belonged to the woman and they're using that as a base. You know the lands were promised to the Indian people by treaty, not to the white men.**
> **(Bruce Starlight, Sarcee Band, Alberta)**

Finally, unless the land base is increased and resources provided for development or, alternatively, residency requirements are reversed, reinstated people will be denied access to rights and benefits associated with status, namely housing, employment/economic development programs, etc. While bands have attempted to expand the existing land base through a number of means (including pressuring government to recognize treaty land entitlement, securing Crown land and submitting specific land claims), their efforts have been stymied.

With land, even if other conditions such as tight resourcing remain, there is at least some hope that in the future, the needs of returning band members will be addressed. Without an adequate land base there is little hope. It is that simple.

> **The government is shortchanging everyone equally and not living up to its legal and moral obligations. The minister has misled the House of Commons by painting a rosy picture regarding Bill C-31 and not reporting truthfully the effects of Bill C-31 upon reinstated individuals and the reserves to which they want to return.**
> **(Chief Louis Stevenson, Peigus Band, Manitoba)**

2.3.2 Band Resources

> **When David Crombie was going across the country selling Bill C-31, he did a fantastic job of selling the Bill and in the process misled Indian people. He gave an assurance that Bill C-31 would not make reserves worse off than they were at the time. He said that the needs of C-31 registrants would be accommodated within the resources they would make available. However, what we ended up receiving was the people, but not the resources to accommodate them.**
>
> **The government grossly underestimated not only the number of people who would be reinstated, but also the resources that would be required to provide programs and services. It underestimated, as well, the disappointment which would exist among people who expected to immediately receive benefits associated with Indian status.**
> **(Chief Louis Stevenson, Peigus Band, Manitoba)**

Lack of resources is the paramount issue associated with Bill C-31. Bands and tribal councils represented at the inquiry felt betrayed, because commitments made by the Minister of Indian Affairs and Northern Development to maintain the status quo have not been honoured. The results of this betrayal are felt at all levels. The communities are worse off than they were prior to Bill C-31. Band and tribal council administrations have lost the trust of applicants, reinstatees and other band members. Reinstatees and band members alike feel shortchanged and regard each other with suspicion and in some cases, outright hostility. The organizations feel powerless. The credibility of DIAND in upholding its legal, moral and financial obligations to Indian people has been further eroded.

The assurance provided by the Minister of Indian Affairs and Northern Development that bands would not be worse off as a result of people returning to the reserves, has not materialized in the form of additional land or resources. As a result, lands and resources that were inadequate before the passage of Bill C-31 have become stretched to the limit and so too, has the patience of those wishing to return to reserves and those already resident.

Consequent to the passage of Bill C-31, funding to conduct impact studies was made available to bands that were experiencing a significant increase in band membership. Bands that were successful, both in accessing available dollars and completing studies, find that their efforts to substantiate requests for increased resources have been in vain. The Gitksan Wet'suwet'en Government Commission of B.C. initiated an indepth impact study on behalf of their nine-member bands, covering the period from fiscal 1989-1990 through to 1993-1994. Programs addressed within the study include housing and lot preparation, basic services and band support, social development, education, economic development, health, community services and community facilities. The commission has assessed its needs over the five-year period to be $53,231,400 for the nine villages. To date, DIAND has not responded to the current or projected needs outlined in the impact study.

The complete lack of information for reinstatees respecting rights and benefits associated with status affects the workload of band staff. A great deal of time is spent informing people of their eligibility for certain programs and services. In addition, because of limitations placed on certain programs and services, staff must bear the brunt of criticisms levied against guidelines and criteria they did not create.

Problems associated with the DIAND budgeting process were raised by many bands in the western region. By the time band administrations receive quarterly disbursements from DIAND, the population figures used to calculate disbursements are out of date. Already inadequate budgets have been further diluted by population increases. Eventually, transfers are made to accommodate returning members; however, in the interim the bands ability to plan, coordinate, finance and deliver services is completely stymied. The outflow of frustration is not levied at the department, but rather at band administrators. An individual or family requiring social assistance cannot be expected to wait until the budget process

has been resolved. Their needs are immediate. If the band has difficulty responding, it is they who are labelled as poor financial managers, not DIAND.

In Alberta, many bands oppose Bill C-31 arguing that it contravenes treaty. As a result, those bands have not accessed implementation funds.

> **We will not accept funding for the implementation of the legislation, as our treaty right is not for sale. No amount of force or intimidation practised by the bureaucrats will have the legislation imposed on our people. (Sharon Venne, legal counsel, Chiefs of Northeast Alberta, Alberta)**

A controversy has arisen in Alberta involving treaty money and per capita distribution. Women reinstated to the Cold Lake First Nation among others state that they are being denied treaty money. The women have stated that while the money per se is not the issue, the implication of treaty denial is.

> **All the women reinstated under Bill C-31 from the Cold Lake First Nations reserve have been refused their treaty monies . . . We are being denied our right to practice our cultural heritage on the reserve level and are being treated like second class citizens by our own people, and now we are nomads in our own land because we chose to marry who we wanted to. And that is a basic right practised worldwide by humans from every other ethnic group. (Celina Minoose-Ritter, Edmonton, Alberta)**

For many bands, the impacts were largely unanticipated. Planning is made virtually impossible as a result of inadequate resources. Further, the lack of certain knowledge regarding numbers of individuals restored to status and band membership undermines effective organization.

Recommendations for change cover every aspect of funding: the timeframe for funding of this Bill must be extended; First Nations must have input into the budget process; and additional funds, in excess of what is presently budgeted, must be made available for capital and program planning. Finally, the Native Women's Association of Canada issued the

following statement, which calls upon the Government of Canada to fulfil its moral and legal obligations to First Nations people.

> **The issue of inadequate funding to meet the needs of First Nations people in this country, as obligated through our history, remains one of the single most overwhelming barriers to our achieving self-sufficiency and the regaining of our rightful place in society. We do not believe for one moment that any funding provided by the federal government is a "hand-out" or any otherwise untrue portrayal of so-called government assistance. The Canadian public is led to believe that native peoples are a burden to the taxpayer, when in fact we are only being reimbursed and compensated for unlawful removals of our people's lands, resources and denial of rights which were supposed to have been protected and honoured through the treaties which exist. The Government of Canada has a moral and legal obligation to the First Nations peoples, and it must be fulfilled. (Linda Jordan, Native Women's Association of Canada)**

2.3.3 Other Issues

(a) Organization Funding: In addition to the need for increased resources for bands that provide information and follow-up for individuals and families affected by Bill C-31, there is a need to provide resources to off-reserve organizations that are providing similar services. All types of aboriginal organizations, urban-based friendship centres, native women's organizations, and local, regional, territorial and national organizations are constantly responding to requests for information, advice and assistance from those affected by Bill C-31. The workload of the existing staff within these organizations does not allow for effective response to these demands. However, because DIAND is not meeting the basic information needs of these aboriginal people, every effort is being made to fill the void. Resources are required to cover the costs associated with providing these and other services.

The OMAA indicated that they require funding to assist with "establishing entitlement" and "obtaining documentation" for those who:

> 1) have not yet applied; 2) and have applied and are in the DIAND categories of "Applicant Inactive Notified" and "Applicant Wrong Address". Also, a per capita grant is to be paid to OMAA for the administration of programs and services to off-reserve status Indians.

(b) Litigation Funding: Presenters to the inquiry noted that limited funds are available to the bands to offset costs associated with litigation resulting from Bill C-31. However, individuals who have been denied certain benefits and rights and are seeking restitution through the courts find it much more difficult to obtain financial support. Groups, such as the ONWA, recommended that funds be made available to aboriginal women who are defending their rights to equality. Another presenter recommended that an ombudsman's office be established to hear cases brought about by the interpretation and implementation of Bill C-31.

3. CONCLUSIONS

This report outlines the extent to which the Government of Canada has failed to address the three underlying principles of Bill C-31.

In the final analysis, it is the moral and legal responsibility of the federal government to correct the imbalances created by the legislation they enacted. Inquiry participants made it clear that they do not intend to quietly and meekly live with the consequences of government action taken in the name of equality.

Aboriginal people, including individuals, families, bands, organizations and First Nations governments, presented over 300 written and verbal submissions to the National Aboriginal Inquiry on the Impact of Bill C-31. These people participated in the inquiry process because they believe changes to Bill C-31 and federal government policies that affect its implementation are required. Presenters to the inquiry made it clear that aboriginal participation in the review and change process is vital, if federal government legislation and policies are intended to address the concerns of the aboriginal population. Finally, aboriginal people stressed the need for a communication process and the resources to facilitate their participation in the review, change and implementation of Bill C-31 and associated federal government policies.

If the Government of Canada is truly committed to correcting the wrongs perpetuated by the *Indian Act*, the aboriginal people must have a voice in determining what actions are taken and how these actions are carried out.

APPENDICES

APPENDIX A

Mandate, Structure, Methodology

1. Mandate and Objective of the Inquiry

The mandate of the inquiry was to collect written and oral evidence from aboriginal people or their representatives on the positive and negative impacts of Bill C-31, including recommendations for the future. The inquiry's mandate was to invite submissions covering political, cultural, social and economic impacts of Bill C-31 on individuals, families, communities, First Nations and organizations.

The objective of the inquiry was to provide full opportunity for all aboriginal individuals, families, communities, First Nations and organizations to present evidence and offer recommendations on the impact of Bill C-31.

2. Structure of the Inquiry

A Joint Steering Committee comprised of political and technical representatives of the Assembly of First Nations (AFN), Native Women's Association of Canada (NWAC) and Native Council of Canada (NCC) was appointed to guide the inquiry, with AFN serving as administrator. The joint steering committee began their work on September 15, 1989. Two inquiry panels were appointed, one for the East and one for the West, comprised of representatives from each of the three aboriginal organizations plus an elder. Coordinators were hired to assist each panel and to prepare reports from each region.

3. Methodology

Nineteen inquiry (hearing) locations were selected across Canada and hearings were conducted simultaneously in the East and West from November to December 1989. Care was taken to schedule and publicize community hearings well in advance, utilizing aboriginal media and direct contact to allow for optimum participation at the community level. All proceedings were open to the public, evidence was tape recorded and transcribed and, in the province of Quebec, simultaneous translation in French and English was provided.

Eastern and western coordinators prepared summary reports written and verbal, of evidence from each region, including: British Columbia, Yukon, Northwest Territories, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and the Atlantic provinces. Each report provided a profile of the presenters and focused on the following major issues: status and band membership, band land and resources; benefits associated with status and band membership; and other impacts (social, cultural, political, etc.). All reports were reviewed by the joint steering committee and revised where necessary.

The following chart indicates the number of "hearing days" in each region as well as the numbers of presenters and submissions:

Region	No. of Hearing Days	No. of Presenters	No. of Submissions
B.C.	6	62	52
Yukon and NWT	4	32	29
Alberta	5	41	28
Saskatchewan	5	29	22
Ontario	10	63	18
Quebec	6	22	7
Atlantic	4	18	11
TOTALS	**40**	**267**	**167**

This document is the result of a thorough review of all evidence provided to the National Aboriginal Inquiry and represents a summary of the most critical issues facing aboriginal people today as a direct result of Bill C-31.

4. Profile of Presenters

Sixty percent of all presentations heard by the National Aboriginal Inquiry were from individuals and/or families. Twenty-one percent of all presentations were from bands and tribal councils and 19% of all presentations were from aboriginal organizations and institutions.

APPENDIX B

Terms of Reference

NATIONAL ABORIGINAL INQUIRY ON THE IMPACT OF BILL C-31

STRUCTURE AND RULES OF PROCEDURE

I. TERMS OF REFERENCE (December 1989)

A National Aboriginal Inquiry on the impact of Bill C-31 has been established jointly by the Assembly of First Nations (AFN), Native Women's Association of Canada (NWAC) and Native Council of Canada (NCC). The mandate of this inquiry is to collect written and oral evidence from aboriginal people, or their representatives, on the positive and negative impacts of Bill C-31, including recommendations for the future. The following delineates the Terms of Reference and scope of the inquiry:

- To establish two panels, eastern and western, that will operate simultaneously and each comprised of four members. Designate and alternate panel members will be appointed by their respective organizations: AFN, NWAC and NCC. The fourth panel member, an elder, will be nominated and appointed by the three national organizations. Appointees to the panels will ideally be political representatives who possess an understanding and knowledge of Bill C-31.

- To hold a series of community hearings throughout Canada to collect evidence on the positive and negative impacts of Bill C-31 according to the following:

EASTERN INQUIRY HEARINGS (Total 20 days)

Location	Hearing Days
Halifax, Nova Scotia	2
Fredericton, New Brunswick	2
Quebec City, Quebec	2
Montreal, Quebec	2
Val d'Or, Quebec	2
Toronto, Ontario	3
London, Ontario	2
Cochrane, Ontario	2
Dryden, Ontario	3

WESTERN INQUIRY HEARINGS (Total 25 days)

Location	Hearing Days
Winnipeg, Manitoba	3
Thompson, Manitoba	2
Saskatoon, Saskatchewan	2
Prince Albert, Saskatchewan	3
Calgary, Alberta	3
Slave Lake, Alberta	2
Vancouver, British Columbia	3
Prince George, British Columbia	3
Whitehorse, Yukon	2
Fort Smith, Northwest Territories	2

- In particular, but not necessarily excluding other issues, the inquiry will invite submissions concerning political, cultural, social and economic effects of Bill C-31 on individuals, families, communities, First Nations and organizations. Issues pertinent to each of the areas to which the inquiry seeks to hear evidence and recommendations are:

  1. Effects on registrants, as measured by changes in circumstances.

  2. Effects on bands and communities as measured by changes in band membership and band control over membership, changes in the number of residents, the availability of lands and resources and changes in management requirements.

  3. Effects on government programs as measured by changes in requirements for: education, housing, capital support, policing and justice, recreation, land (including such policies as additions to reserves and creation of new bands), treaty land entitlement negotiations, and cultural programs.

  4. Litigation resulting from Bill C-31.

  5. Effects on off-reserve aboriginal people and communities.

  6. Registration and membership, Indian Registrar's Office.

- The inquiry's mandate was:

  To provide full opportunity for all individuals, families, communities, First Nations and organizations to present evidence and offer recommendations on the impact of Bill C-31. To ensure the attainment of this objective the inquiry will accept evidence both by way of the community hearings and through written submissions.

- To ensure the opportunity to present evidence is extended to individuals not able to participate directly in the community hearings. Such evidence will be received through written submissions up until December 31, 1989.

- To present the results of hearing, written submissions and recommendations in an inquiry report, which will be completed on or before February 28, 1990. The National Aboriginal Inquiry report will be included as the module one report within the Minister of Indian Affairs and Northern Development 1990 Report to Parliament on the impacts of Bill C-31.

II. STRUCTURE OF THE INQUIRY

INQUIRY SCHEDULE

The National Aboriginal Inquiry operates under the direction of a Joint Committee chaired by Chief Bill Montour and comprised of representatives of the Chiefs' Committee on Citizenship, NCC and NWAC. The inquiry commenced operations September 15, 1989 and will conclude on or before February 28, 1990 in accordance with the following schedule:

INQUIRY SCHEDULE

MONTH	SEPT	OCT	NOV	DEC	JAN	FEB
ACTIVITY						
PLANNING	7 weeks					
COMMUNITY HEARINGS			5 weeks		2 weeks	
WRITTEN SUBMISSIONS			8 weeks			
DRAFT REPORT					4 weeks	
FINAL REPORT						2 weeks

III. COMMUNITY HEARINGS SCHEDULE

The community hearings component of the National Aboriginal Inquiry will operate simultaneously in the eastern and western regions over the periods November 6, 1989 to December 15, 1989 and January 2, 1990 to January 12, 1990, in accordance with the following schedule:

ROUND ONE: WESTERN-NOVEMBER 6, 1989 TO DECEMBER 15, 1989

REGION	HEARINGS	DATES
Manitoba	Winnipeg	November 6 - 8, 1989
	Thompson	November 12 - 13, 1989
NWT	Fort Smith	November 15 - 16, 1989
Yukon	Whitehorse	November 19 - 20, 1989
Alberta	Slave Lake	November 28 - 29, 1989
	Calgary	December 1 - 3, 1989
British Columbia	Prince George	December 6 - 8, 1989
	Vancouver	December 10 - 12, 1989

ROUND ONE: EASTERN- NOVEMBER 6, 1989 TO DECEMBER 15, 1989

REGION	HEARINGS	DATES
Ontario	Dryden	November 6 - 8, 1989
	Cochrane	November 10 - 11, 1989
New Brunswick	Fredericton	November 20 - 21, 1989
Nova Scotia	Halifax	November 23 - 24, 1989
Quebec	Quebec City	December 4 - 5, 1989
	Montreal	December 7 - 8, 1989
	Val d'Or	December 10 - 11, 1989

ROUND TWO: WESTERN-JANUARY 2, 1990 TO JANUARY 12, 1990

REGION	HEARINGS	DATES
Saskatchewan	Saskatoon	January 4 - 5, 1990
	Prince Albert	January 7 - 9, 1990

ROUND TWO: EASTERN- JANUARY 2, 1990 TO JANUARY 12, 1990

REGION	HEARINGS	DATES
Ontario	Toronto	January 8 - 10, 1990
	London	January 11 - 12, 1990

IV. INQUIRY COMMUNICATIONS

A concerted effort is being made to ensure native communities are aware of the National Aboriginal Inquiry, the schedule and how individuals or groups might participate. In addition to native media (radio and print), public TV and community radio stations will be utilized to publicize the inquiry. Information pertinent to the inquiry will be circulated by First Nations, national, provincial and territorial organizations and DIAND. Major communications of the inquiry will occur over three phases:

1. Announce establishment of the inquiry and invite participation

2. Announce specific information (time and location) in advance of hearings in each region

3. Publicize the closing date for written submissions at the conclusion of hearings in each region.

V. INQUIRY PANELISTS

Pursuant to the Terms of Reference, inquiry panels will be comprised of four members. The three organizations will appoint one member each: AFN, NWAC and NCC. The selection of designate panel members, including their

assignment to particular regions, is strictly the decision of the appointing organization. An elder will be appointed by the three organizations and will serve not only as panel member but also in the capacity of counsel to the panelists. In addition, the privilege of offering closing comment at the end of each day's hearings will only be afforded to the elder panelist. Finally, for the purpose of ensuring the panel consists of not less than four members, alternates will likewise be named and will substitute for designate members when required.

While panelists will be appointed by their respective organizations, each will, during the inquiry process, uphold and advance the specific mandate of the inquiry. Accordingly, the panelists will exercise objective judgement and impartiality as opposed to representing the specific interests of an organization. The terms of reference for the panelists are:

- to provide an impartial forum through which aboriginal people or their representatives may present evidence of the political, cultural, social and economic impacts of Bill C-31;

- to receive evidence, both written and oral, put forward by aboriginal people or their representatives during the course of scheduled community hearings;

- to ensure the evidence and recommendations put forward at community hearings is recorded as intended by the presentor. Panelists may pose questions for clarification and/or information purposes;

- to advise the Coordinator on the assessment of evidence presented during the course of the inquiry; and

- to review draft reports, provide advice as necessary and endorse the final report for accuracy respecting the assessment of evidence and recommendations.

During the exercise of their responsibilities to the National Aboriginal Inquiry, panelists will be remunerated for travel and associated costs. In addition a fee for service at a pre-established rate will be provided to: 1. elders on the panel; 2. panelists who are required to take leave without pay from their place of work; and 3. panelists who are outside of the workforce and whose benefits will be affected as a result of their participation in the inquiry.

VI. INQUIRY CHAIRPERSON

The inquiry chairperson will be selected by all panelists from among the three panelists who are not elders. The chairperson will guide discussions and ensure each participant is given full and fair opportunity to present their evidence. The chairperson will call the hearings to order, provide information on the structure and purpose of the inquiry, introduce panelists and inquiry staff, review the daily schedule and advise participants on procedures for giving their evidence. The inquiry chairperson, as panel member, will also be entitled to question the presentors. Although the hearings will be conducted in an informal manner, the chairperson will exercise the right to rule out of order evidence or representations that are unduly repetitious, only marginally relevant to the inquiry or contrary to the general purpose of the proceedings. Under no circumstances will the chairperson permit questions, other than those of the panelists, to be put directly to presentors during the course of their evidence.

VII. INQUIRY STAFF

Two coordinators have been employed by the AFN on behalf of the three organizations. Each of the coordinators has the responsibility to initiate and expedite all plans necessary for attainment of the inquiry mandate in their respective region. Additionally, it is their responsibility to present the results of hearings, written submissions and recommendations in an inquiry report. Ms. Roseanne Morris will serve the inquiry as the eastern coordinator and Ms. Shirley Joseph as the western coordinator. Throughout their employment, the coordinators will report to Mr. Neil Sterritt, Director, First Nations Government, who in turn will be accountable to the three organizations.

In addition to the above assignments, the AFN has committed itself to hiring an administrative assistant to the coordinators; the services are required by Ms. Sheila Nevin, travel coordinator, Ms. Margaret Nevin, receptionist, and Ms. Elizabeth Thunder, director, Parliamentary First Nations liaison.

Bill C-31 policy analysts, Ms. Lise Chabot, AFN, Ms. Pamela Paul, NWAC and Ms. Debra Wright, NCC will provide technical assistance as required throughout the duration of the inquiry.

VIII. OFFICE OF THE INQUIRY

The National Aboriginal Inquiry is located at the AFN's Ottawa office. All formal correspondence pertinent to the inquiry will be submitted to the attention of Ms. Roseanne Morris, eastern coordinator, or Ms. Shirley Joseph, western coordinator, respectively, at the following address:

National Aboriginal Inquiry - Bill C-31
c/o Assembly of First Nations
47 Clarence Street
3rd floor, Atrium Building
Ottawa, Ontario
K1N 9K1

Telephone: (613) 236-0673

Fax: (613) 238-5780

IX. INQUIRY RULES OF PROCEDURE

DEFINITION OF PARTICIPANT

- Any person or group of persons of aboriginal ancestry, or their representatives may participate in the National Aboriginal Inquiry on the impact of Bill C-31.

- All representatives or spokespersons, other than elected officials, will be required to present a letter designating them as a speaker on behalf of an individual or group of individuals.

FORM OF PARTICIPATION

Pursuant to the above definition of participant, the National Aboriginal Inquiry will receive evidence by way of:

- COMMUNITY HEARINGS: Any person or group of persons may request to appear as a presentor at scheduled community hearings to present their evidence on the impact of Bill C-31. Expenses, travel, etc. will be the responsibility of the presentors.

- WRITTEN SUBMISSIONS: Any person or group of persons not able to directly participate in community hearings may present their evidence in writing up to December 31, 1989. All written submissions must be forwarded to the inquiry office and will be formally entered as evidence to the inquiry.

X. COMMUNITY HEARINGS

In the interest of consistency in operation of the National Aboriginal Inquiry on the Impact of Bill C-31, the following is intended to guide the community hearings. Where deemed appropriate, the inquiry chairperson, together with the panelists may alter or modify procedures of hearings to better accommodate community needs.

- All hearings conducted by the National Aboriginal Inquiry will be open to the public.

- Notice of the time and place of community hearings will be published under the community notices section of at least one local newspaper one week in advance of the hearings. Additionally, provincial and territorial organizations, bands and tribal councils will be provided schedule information in advance of community hearings.

- All evidence presented during the course of community hearings will be tape recorded. The inquiry tapes will be supplemented with transcribed summaries which may be appended to the inquiry report.

- In the province of Quebec, the inquiry will provide simultaneous translation in French and English. Individuals requiring the services of a native language interpreter must advise the inquiry office a minimum of two weeks in advance of the hearing at which their evidence will be presented. Where such arrangements have not been completed, time extensions will be allowed for individuals who wish to present their evidence in both native and English languages. In the latter case, the inquiry coordinator must be notified prior to the start of the day's proceedings in order to complete scheduling details.

- Given the nature of the inquiry, it is anticipated there will be considerable community interest in the proceedings. In an effort to provide reasonable opportunity to individuals and groups of individuals to appear before the panel to present their evidence and recommendations, all presentations will be limited to 25 minutes. This will allow approximately 15 minutes for presentations and 10 minutes for the panelists to pose questions to the presentor.

- Presentors to be heard at community hearings have the option of submitting a written report with specific impacts highlighted in a oral presentation, or strictly an oral presentation.

- The inquiry coordinators or their designated staff will retain primary responsibility for the scheduling of presentors. No more than 50% of the total time available at each location will be scheduled in advance of the hearings.

- Any person or group of persons wishing to preregister as a presentor may do so by calling the inquiry office. Such scheduling will occur on a first-come-first-served basis and will not exceed 50% of the available time at each location. Once this maximum has been reached, the remaining available time will be scheduled on-site prior to the commencement of hearings. The on-site scheduling will also occur on a first-come-first-served basis.

- At the start of each day's proceedings, the hearing agenda and schedule will be posted outside the hearing room.

- The administrative assistant to the inquiry will maintain an up-to-date running list by region of all presentations heard by the inquiry panelists and written submissions received.

WRITTEN SUBMISSIONS

- Written submissions will be received by the inquiry office up to December 31, 1989. All written submissions must be relevant to the substance of the inquiry and must include the full name and address of the presentor.

- All submissions forwarded will be entered as evidence of the inquiry. The inquiry office will notify the presentors of written submissions of the receipt and registration of their evidence.

FINAL REPORT

- The inquiry panelists will base their deliberations with respect to the inquiry report upon evidence and representations which form part of the record of the inquiry. This record will include oral presentations made during community hearings and written submissions received at the community hearings or by the inquiry office.

- Reports on the findings will be prepared by each respective coordinator and will include, first, inquiry results on a region by region basis, and second, a summarized national perspective of the impacts of Bill C-31.

- The first documents, which will include the regional reports and national summary, will be endorsed by the panelists for verification of accuracy in the presentation both of evidence and recommendations.

- Original endorsed reports will be prepared for the participating national organizations: AFN, NWAC, NCC and DIAND. Printing of the inquiry reports for general distribution will be completed by DIAND.

INQUIRY DOCUMENTS

Documents of the National Aboriginal Inquiry on the Impacts of Bill C-31 will be maintained as a complete collection with all original documents housed by the AFN. A copy of the complete collection will be catalogued and maintained within the assembly's library. In addition, full sets will be made available to the NWAC and NCC. This collection will include:

- taped transcripts and prepared summaries of community hearings;

- written submissions received during the course of community hearings or forwarded to the inquiry office by individuals, families, communities, First Nations and organizations;

- Joint Committee minutes and internal and external correspondence pertinent to the inquiry;

- final regional reports and national report as prepared by the coordinators and endorsed by inquiry panelists.