

**Relations with Canadian Governments:
Manitoba**

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Executive Summary

This study attempts to characterize the relationship between the Manitoba government and Aboriginal peoples within the province. It seeks to present a balanced account of relations by investigating the reasons for past and present government actions and policies, the response of Aboriginal peoples to these programs and policies, and the prospects for a future relationship as institutions of Aboriginal self-government are recognized and/or established. By examining government and Aboriginal perceptions of the current and prospective relationship, areas of misunderstanding and differences may be outlined and avoided in future. The intention of the study is not to evaluate problems or pass judgement on the merits of the views and actions of the policy participants but to inform our understanding of the policy process with respect to Aboriginal peoples and matters, and then to offer constructive comments on that process and relationship.

Three questions organize the research. What is the extent of the Manitoba government's participation in Aboriginal issues? What are the historical trends in the policies and practices of the Manitoba government with respect to the development of Aboriginal self-government? What are the limitations and opportunities created by the Manitoba government in relation to Aboriginal governance? Special attention is paid to the interests of Aboriginal women, youth and urban dwellers. These questions are answered by examining the history of relations; the socio-economic and demographic characteristics of the present Manitoba Aboriginal population; the policy community, network and constraints; the state of government activity, including the policy framework, contemporary issues, initiatives and plans, and the extent of government expenditures and programs; and the prevalent perceptions of the strengths and weaknesses of the current relationship.

Information was compiled using a combination of methods. Data were gathered from Aboriginal reports and materials; academic literature on Manitoba; Manitoba government documents; interviews with representatives of Aboriginal organizations and communities; and interviews with representatives of the Manitoba government and political parties. To ensure sensitivity to the Aboriginal perspective, Aboriginal sources and contacts were given primacy, and representatives of the Aboriginal community were consulted on the nature of interview

questions and methods. One researcher was Aboriginal, and Aboriginal readers reviewed the final study.

The study reveals that the relationship between Aboriginal peoples and the government of Manitoba is complex, multifaceted and evolving. Past actions have resulted in current misunderstandings and different views of key ingredients of self-government such as sovereignty, treaties, and Manitoba's obligations and responsibilities to First Nations, Métis and Inuit citizens. Fragmentation within the current policy network results in confusion and inaction and may pose an obstacle to the realization of self-government. However, it allows for some gains at the community level. Actors within the policy community characterize the relationship as ranging from very good to non-existent. All actors agree that improvement is required. However, there was no agreement on the final objectives of such a relationship. What was evident was the need to establish new foundations on the old and to begin a redefinition of the relationship between the provincial government and Aboriginal peoples. New paths to self-government must be explored.

The study concludes with twelve recommendations for beginning a process of renewal and revitalization of the relationship:

1. A coherent, inclusive and comprehensive strategy toward realization of the inherent right of Aboriginal self-government is necessary.
2. Co-operation and consultation between the Aboriginal community and the Manitoba government must occur at formal and informal levels.
3. Fiscal arrangements for Aboriginal self-government must be defined and adequate funding levels maintained for the achievement of Aboriginal self-government as variously defined by the communities.
4. The relationship with the federal government must be clarified in terms of both jurisdictional and fiscal responsibilities.
5. The Manitoba government must assume a more active role in the promotion of Aboriginal concerns and economic opportunities as identified by the Aboriginal leadership.
6. There must be a clear commitment to action, not just words, by the provincial government and the Aboriginal community.
7. A continuing process of public education on Aboriginal matters must be established.

8. The Manitoba government should consider sponsoring programs that could serve as pilot projects or training seminars for the realization of self-government.
9. The Manitoba government, in co-operation with the Assembly of Manitoba Chiefs and the Manitoba Metis Federation, should facilitate the reorganization and mobilization of the urban Aboriginal community to prepare it to address the concerns of that population more effectively and to assume more control and authority over the design and delivery of services to urban Aboriginal citizens.
10. Aboriginal organizations must be inclusive and ensure that strong lines of accountability are observed.
11. A dialogue between the Manitoba government, First Nations, and the federal government must be initiated on the current process of dismantling the federal department of Indian affairs, recognizing First Nation governments, and transferring jurisdiction.
12. Policy participants should avoid partisan and personal differences that are destructive of a productive relationship.

Relations with Canadian Governments: Manitoba

by Kathy L. Brock

Introduction

In the 1980s Canada faced one of the most serious human rights questions in its history. Politicians and officials representing Canada's federal, provincial and territorial governments discussed Aboriginal rights together with representatives of the four major national Aboriginal organizations in a series of constitutionally mandated first ministers conferences and related meetings of ministers and officials between 1982 and 1987. The focus of these talks was the right of Aboriginal peoples to govern their own lives. When the process concluded without a constitutional amendment explicitly entrenching the right of self-government, observers declared the talks a failure. But the discussions were not a failure.

The 1982-1987 conferences can now be seen as the beginning of a new and different process. The issue of Aboriginal self-government did not recede as many commentators declared it would. Instead, negotiations on devolution of powers from the federal government to First Nation governments continued. Self-government became an ingredient in talks on land claims settlements. Proposals for an Aboriginal province carved out of the Northwest Territories progressed. The demand for Aboriginal self-government emerged in a variety of forums. Aboriginal organizations and communities continued to pursue this issue with the other governments in Canada. The Canadian public gradually became more educated on the viability of Aboriginal self-government as a policy alternative and more receptive to the idea.

Two contrasting events in the summer of 1990 accelerated this movement toward the realization — or at least the serious consideration and potential acceptance — of Aboriginal self-government. In one, Elijah Harper, the Ojibwa-Cree MLA for Rupertsland, stood holding an eagle feather to block the proposed constitutional amendments in the Meech Lake Accord from being introduced in the Manitoba legislature.ⁱ With this act, the package of amendments intended to answer Quebec's grievances in Confederation died. Although the reasons for Aboriginal objections to these amendments were multiple, at the forefront was the neglect of

Aboriginal rights, and especially the right of self-government and the status of Aboriginal peoples as one of the three founding nations. In the other event that summer, members of the Mohawk First Nation squared off with Quebec police and the Canadian army at Oka in an effort to protect their land rights and thwart municipal plans to build a golf course on sacred lands. The urgency of action on the relationship between Aboriginal peoples and the Canadian government and on the issue of self-government was undeniable.ⁱⁱ

The governments of Canada responded in due course. The first response was the appointment of the Royal Commission on Aboriginal Peoples with a mandate to "investigate the evolution of the relationship among aboriginal peoples..., the Canadian government, and Canadian society as a whole." This investigation was directed more specifically to the history of the relationship and to the "recognition and affirmation of Aboriginal self-government; its origins, content and a strategy for progressive implementation."ⁱⁱⁱ The second response was a more inclusive set of constitutional negotiations. During these talks on the Charlottetown Accord, as it came to be known, the federal, provincial, and territorial governments and representatives from the major national Aboriginal organizations agreed on a proposed amendment entrenching the inherent right of self-government in the Canadian constitution. Although the amendment was lost as part of the larger constitutional package defeated in the October 1992 national referendum, it signalled a new attitude and a desire for policy change on the part of governments with respect to Aboriginal peoples.

Throughout this turbulent period, Manitoba's role was key. Its Aboriginal leaders were among the dominant actors on the national scene in pressing for the development of self-government. The influence of Elijah Harper in halting Meech Lake, of Ovide Mercredi in negotiating the Charlottetown clause on self-government, and of the Manitoba chiefs in the demise of the Charlottetown clause cannot be ignored. Manitoba governments and parties were instrumental in promoting and fostering the cause of Aboriginal self-government. The Pawley government brought Aboriginal concerns to the Meech Lake-Langevin negotiations. The all-party Manitoba Task Force consensus on the need to recognize the status of Aboriginal peoples in the constitution helped to propel that issue forward on the national agenda. The all-party recommendation of the Manitoba constitutional committee (including Oscar Lathlin, former chief of the Opaskwayak Cree Nation, and Jean Friesen, an academic committed to Aboriginal rights, both NDP MLAs) on entrenching the right of self-government determined the

position of the Manitoba government in the Charlottetown negotiations on this issue and helped force other governments to consider it more directly. And yet, the Manitoba government was also responsible for some of the limits on and cautionary wording of the self-government clause, despite the positions of the Aboriginal negotiators.^{iv} Manitoba has been at the forefront of the advancement of Aboriginal self-government at the national level, but its position has not always been supportive.

This tension is evident in its relations with Aboriginal peoples within the province. On the one hand, some of the most innovative and progressive policies respecting Aboriginal issues have been achieved within Manitoba. On the other hand, the relationship between the Manitoba government and Aboriginal peoples at times has been antagonistic and destructive of the aims of Aboriginal communities. In a similar vein, Manitoba has the highest number and percentage of Aboriginal members in its legislature (6 of 57 members) — Greg Dewar (Métis, NDP), Neil Gaudry (Métis, Liberal), George Hickes (Inuk, NDP), Oscar Lathlin (Opaskwayak First Nation, NDP), Eric Robinson (Cross Lake First Nation, NDP), and Speaker Denis Rocan (Métis, PC) — and the Lieutenant Governor, Yvon Dumont, is Métis and a past president of the Manitoba Metis Federation. Still, the living conditions of Aboriginal peoples in the province are as deplorable as in the other provinces — if not more so. The relationship between the Manitoba Progressive Conservative government and the Manitoba Metis Federation, which represents Métis within the province, has been productive by and large, while the relationship between the government and the Assembly of Manitoba Chiefs, representing the 61 First Nations in the province, has fluctuated drastically between non-existent, turbulent, and constructive if tense.

It is in this context that this study attempts to characterize the relationship between the Manitoba government and Aboriginal peoples in the province. The study seeks to present a balanced account of relations by investigating the reasons for past and present government actions and policies, the response of Aboriginal peoples to these programs and policies, and the prospects for a future relationship as institutions of Aboriginal self-government are recognized and/or established. It is hoped that by examining government and Aboriginal perceptions of the current and prospective relationship, potential areas of misunderstanding or differences can be highlighted and avoided. The intention of the study is not to evaluate problems or to pass judgement on the merits of the views and actions of the policy participants, but to seek to inform our understanding of the policy process with respect to Aboriginal peoples and matters, and then

to offer constructive comments on that process and relationship.

Three questions organize the research. What is the extent of the Manitoba government's involvement in Aboriginal issues? What are the historical trends in the policies and practices of the Manitoba government with respect to the development of Aboriginal self-government? What are the limitations and opportunities created by the Manitoba government in relation to Aboriginal governance? To comply with the mandate of the Royal Commission, special attention is paid to the interests of Aboriginal women, youth and urban dwellers.

The term Aboriginal self-government is used throughout this study. As noted in the report by the Right Honourable Brian Dickson recommending the terms of reference of the Royal Commission, although "self-government is a complex concept with many variations, the essential task is to break the pattern of paternalism that has characterized the relationship between aboriginal peoples and the Canadian government" — in this case, the Manitoba government. Self-government refers to the right and capability of Aboriginal peoples to make decisions about their lives and determine the destiny of their communities. It encompasses areas of sovereign jurisdiction and the exercise of self-determination. In its simplest form, self-government means the right of individuals and communities to govern themselves, to have the ability and power to make and implement decisions on matters affecting them without undue interference by other individuals or communities. In its broadest form, self-government means sovereignty in all things. In its more limited form, it refers to control over particular programs and policies. Most forms of self-government fall somewhere in between or include elements of the two extremes.

There are essential ingredients for self-government. Aboriginal communities must have clearly defined areas of sovereign jurisdiction that are exclusive of other governments. They must possess decision-making powers and responsibilities. This may include legislative, executive and judicial authority. They must possess the fiscal and economic resources for the exercise and execution of decisions. They must have means of reconciling differences with other governments on the basis of equivalency where jurisdictions, programs or policies overlap.

Self-government is a complex concept that is evolutionary in nature. It is used in a variety of forms by different policy actors, and this has resulted in some of the confusion and misunderstandings about policy initiatives discussed in this study. To be useful, the concept must remain fluid and adaptable to particular circumstances. Although the core meaning is Aboriginal

control over Aboriginal affairs, the application of the concept to different situations reveals different facets of it. Just as self-government does not mean the same for Canada and the United States or England and France, it does not have identical meanings for all First Nations communities, all Inuit communities, or all Métis communities. But the basic idea informs each particular version.

To achieve this understanding of the relationship between the Manitoba government and Aboriginal peoples as it pertains to self-government, the remainder of the study is divided into six sections. The next section briefly reviews the history of Aboriginal-state relations in Manitoba, highlighting significant events and charting the growing involvement of the provincial government in Aboriginal affairs.

The following two sections locate the study in the contemporary context. The first of these offers a brief overview of the socio-economic and demographic characteristics of the current Aboriginal population in Manitoba. These data provide insights into the pressures for self-government and the reasons for frustration with past government policies. They also explain some of the challenges and difficulties facing Aboriginal communities as they become self-governing. In contrast, the fourth section provides a snapshot of the current policy community. It examines the Aboriginal and state actors, their decision-making processes, and their jurisdiction and mandate, providing a glimpse into the various strategies for global policy-making ideas.

Section five is the linchpin of the thesis. It begins with an examination of the current policy framework for matters relating to the Aboriginal community. It goes on to address the contemporary issues and agenda with special attention to justice, education, health, gaming, youth programs and treaties and concludes by reviewing current programs and expenditures on Aboriginal peoples. Although the figures provided are by no means detailed, owing to data collection difficulties, they portray the extent of Manitoba government involvement in Aboriginal affairs and the means and resources that set the parameters for government action.

The following section builds on this information by assessing the relationship. It explores perceptions of the relationship between the Aboriginal community and the Manitoba government under five headings: general comments on the relationship; self-government; funding; points of convergence; and personalities, partisanship, and politics. Throughout note is made of recommendations for a more productive future relationship between Aboriginal peoples and the

Manitoba government.

A final section completes the look into the future by outlining the main conclusions and recommendations for a more positive and productive future relationship between Aboriginal peoples and the Manitoba government.

The information used in this study was compiled in several ways. Data were gathered from Aboriginal reports and materials; the academic literature on Manitoba; Manitoba government documents; interviews with representatives from Aboriginal organizations and communities; and interviews with representatives from the Manitoba government and political parties. To ensure sensitivity to the Aboriginal perspective, Aboriginal sources and contacts were given primacy, and representatives of the Aboriginal community were consulted on the interview questions and issues. Also, one researcher on the project was Aboriginal, and Aboriginal readers reviewed the final draft.

The interviews conducted were extensive, ranging in length between one and six hours, with about two hours being the norm. Some 46 formal interviews were conducted, and some 14 Aboriginal organizations and communities were contacted and/or visited. All interviews were conducted on the understanding that the identities of those interviewed would remain confidential unless they indicated expressly that they wished to be identified. To protect the identity of some commentators, who were quite frank within the cloak of confidentiality, organizations and communities have not been identified precisely. Where confidential remarks are quoted, they were always corroborated. However, the sources for the study also included 15 formal meetings with representatives of eight Aboriginal organizations, four larger Aboriginal community meetings where issues were discussed, and numerous informal conversations with representatives of Aboriginal organizations and communities. Among those contacted for the study, three declined interviews or could not be interviewed because of scheduling difficulties. Special efforts were made to ensure that the views of women and youth were included, particularly where they were independent from the major Aboriginal organizations. Where organizations representing women or youth were part of larger organizations, they were treated accordingly. The interviews conducted with Aboriginal organizations and communities reflect the diverse organizations and communities profiled later in the study and include the larger organizations, women's organizations, and large and small Aboriginal communities.

Eleven politicians and nine officials with direct involvement in Aboriginal affairs were

interviewed. This included seven formal meetings with political representatives from government, six formal meetings with political representatives from the official opposition party, one formal meeting with political representatives from the second opposition party and one party official, 11 formal meetings with officials from government departments and agencies, and numerous informal conversations. One interview was declined, and one meeting was cancelled. Upper-level contacts at the provincial Native affairs department were maintained throughout the study, although there were scheduling problems with lower-level officials. In addition to the interviews with Aboriginal and government organizations, two separate visits to the Stony Mountain Institution supplied perceptions of penitentiary officials and Aboriginal inmates. Numerous other policy actors, advisers and experts were consulted during the course of data gathering on an informal basis for information purposes. Where possible facts were verified using at least two sources. Interviews were held in Winnipeg and seven other locations. Follow-up interviews were also conducted to verify the accuracy of the research.

A Brief Historical Interlude

The treaties of one hundred years ago were entered into with high hopes that they would ensure forever harmonious relationships between the European settler and aboriginal owners of this land. They did not have this effect. During the past 100 years the Indian has been a constitutional oddity in that having signed a treaty with the Crown that provided the very basis for the existence of this province we have by that same act been denied our provincial rights as provincial citizens and have been looked upon by successive governments of this province as wards of the federal state. Provincial government after provincial government has denied their responsibilities to the Indians of Manitoba, have coldly and calculatedly turned their backs on the reality of the Indian fact and have allowed a significant sector of our collective society to live in poverty and deprivation while white society pursued progress and prosperity unconcerned for the fate of the Indian people. (Indian Tribes of Manitoba, *Wahbung — Our Tomorrows*, 1971)

All those millions are the proceeds of the land, which is our inheritance. Our forefathers have fought and shed their blood to defend and preserve that inheritance. Now today we are robbed of it, and our children are driven out like the buffalo, which has now disappeared from the prairies. That inheritance was deeded to us by our forefathers, and sealed with their blood. It is our [inalienable] right, which no civilized nation can deny. Misery, discontent, sorrow, and wars are the result of injustice... We appeal to you in the name of justice, which is the greatest peace factor of the civilized nations of the world. (Napoleon Chartrand, 1908, quoted by W. Yvon Dumont in *The Struggle for Recognition*, 1991)

These quotations capture the disillusionment felt by First Nations and Métis when they reflect on

their relationship with the Manitoba and Canadian governments over the years. The relationship has not been a productive one from the perspective of Aboriginal peoples. Even governments have begun to admit the failure of their policy attempts to help Aboriginal peoples. The present conditions of Aboriginal peoples in the province of Manitoba are the by-product of the preceding historical events. Seeds of many contemporary problems have been sown over the years. For this reason, the solutions to these problems are not simple and easily realized but will require sustained commitment and effort on the part of the Aboriginal leadership and the provincial and federal governments.

This section briefly scans the historical relationship between Aboriginal peoples and the Manitoba government. In so doing, it elucidates two basic trends in the relationship. The first is the gradual erosion of the autonomy and self-sufficiency of Aboriginal communities. The second is the increasing involvement of the Manitoba government in policies relating to Aboriginal peoples. It is important to underscore the very different histories of the Métis community and the First Nations. To avoid the confusion that results from treating these two communities together, this section presents their histories in parallel and, where appropriate, highlights their differences.

This section offers a brief snapshot of the First Nations of the province and introduces the Métis. It traces major events in the period preceding Manitoba's entry into Confederation before going on to examine the post-Confederation period up to the 1970s. Finally, it looks at the changes in relations occurring in the post-war period and up to the present. Dividing the history of relations between governments and Aboriginal peoples into these periods is somewhat artificial, but it corresponds to significant historical events or shifts in policy trends. The history has been compressed, and some important developments have necessarily been omitted. However, this overview of the past is crucial to understanding the present relationship.

Pre-Confederation: A Period of Promises

The current Aboriginal population in Manitoba derives from numerous First Nations, the Métis, and the Inuit. The Inuit population is relatively small and is concentrated in Winnipeg and Churchill, being relative latecomers to the province. The original inhabitants of the province were the Chipewyan (Dene), the Cree, and the Ojibwa, all of whom signed treaties with the Crown between 1871 and 1910. The Chipewyan live in the northern part of the province. The

Cree are divided into two groups, the Swampy Cree in the north-west, and the Ojibwa-Cree of the north-east. The Ojibwa reside in the central and eastern regions of Manitoba, having arrived from Ontario by the eighteenth century after being pushed westward by the European settlers. The Dakota (Sioux), who live in the southern and western regions of Manitoba, first arrived from the United States in the 1860s and were allocated settlements and reserve lands by the late 1870s.^v The five Dakota First Nations of southern Manitoba were not parties to the treaty-making process in Manitoba.

At the time of first contact with Europeans, the First Nations of this region were self-governing entities. The complexity of traditional First Nations governing structures is lost in studies as brief as this. When assessing the political organizations of the First Nations, it should be remembered that

Before the arrival of Europeans, Native America was actually hundreds of Native Americas, a kaleidoscope of ethnic groups, each unique because of its combination of economic organization and technology, language, religion, and political values... Native American society was neither monolithic nor highly integrated.^{vi}

The variety of governing forms was immense. The complexity of these political systems should be borne in mind as self-government is contemplated.

By the time of recorded history, the lives and habits of the First Nations of Manitoba and the prairies had been revolutionized by the horse. A complex trading system had been developed and mobility had been enhanced. Historical accounts reveal well-developed political systems. Nations were divided into loose alliances and further into bands, which were the main economic and political units. Bands met regularly and were governed by informal councils and a chief chosen from among the band chiefs. The political authority and office of the chiefs were flexible as needed. Chiefs exerted authority through gift giving and coercive measures to varying degrees. Fraternal societies integrated bands. The Cree, Plains Ojibwa, Chipewyan and Sioux offered variations on this pattern, with the Sioux being the least integrated societies.^{vii}

A more specific description of the nations occupying what was to become Manitoba is available. As the Indian Tribes of Manitoba explained in *Wahbung — Our Tomorrows*,

Prior to the coming of the white man and for a considerable period after his arrival, we lived as independent tribes. The tribe was a viable and organic structure through which power over whole territories was exercised. This power included the right to make laws and engage in war. Our tribes possessed other powers which evolved from the absolute ownership of land and these conditioned

all aspects of our life: religious, social, medical, cultural, economic and political.

...

This way of life consisted of fishing and hunting, accompanied by the preservation of meat, fish and fruit. The harvesting of wild rice was another major occupation and source of food for many Manitoba Indians, and maize and potatoes were grown. The harvesting of wild rice was the occasion for the Chiefs to decide disputed claims and dispense justice to all the band members. In many instances, the office of Chief was hereditary. We had beautiful, meaningful and complex religions.^{viii}

Educational systems were also complex and emphasized responsibility and survival.^{ix} Contact with European newcomers changed this life.

Initially relations between the Europeans and the First Nations were cordial. Trading alliances were established following the grant of a charter over most of the area known as Manitoba to the Hudson's Bay Company in 1670. Europeans tended to court the First Nations for their survival skills, economic ties, and military alliances. The trading links established between the Cree and Blackfoot were essential to the survival and success of the Hudson's Bay Company (HBC). The Cree acted as traders and middlemen between the trappers and Europeans and later, with the other Plains peoples, became suppliers to the Hudson's Bay outposts. This period was one of relative affluence, as described by Helen Buckley:

Vast herds of buffalo ensured that there was plenty to eat; the country was beautiful and life changed with the seasons. In the spring, the people moved out onto the prairie, where they spent the summer killing buffalo; in the fall, they moved back to the shelter of the park belt. At all seasons, they lived in large groups, for sociability was one of life's great pleasures. The capabilities of their chiefs are amply attested to by historians, who also say that the Crees maintained a good view of themselves from their first contact with the whites.^x

They also measured and found Europeans wanting in basic skills and knowledge by Aboriginal standards.

During this period, relationships developed between Hudson's Bay men and First Nations women, despite the discouragement of company directors in London. In addition to Europeans taking wives, Brown observes that

Indians eager to consolidate trade and friendship offered wives to the Europeans in "the custom of the country." ...Needs to maintain security at the forts, and to minimize expenses and sources of friction with the Indians, reinforced company concerns to maintain servants' celibacy and chastity; and servants in turn attempted to keep their transgressions off the record. By the 1740s, however, when officer James Isham reported that traders' native offspring around the posts had become "pretty Numerous", the HBC London Committee had to acknowledge the limits of its control.^{xi}

The HBC, though reluctant and unwilling to encourage these relationships or accept responsibility for the resulting children, began to integrate them into trading patterns and practices. By the late 1700s, the Métis had emerged as a distinct sociopolitical entity, particularly in the Manitoba and Red River region, their culture and lifestyle blending European and Indigenous American practices.^{xii}

The 1800s saw conflict and scarcity. Agricultural productivity was hampered by droughts (the 1830s, '40s and '60s), unseasonal frosts (at least once each decade), floods (1826, 1852, 1861), locusts (1818-20) and other pests (especially 1825).^{xiii} Early in this century, the rivalry for furs between the Hudson's Bay Company and the North West Company intensified, with the Métis and First Nations often caught in the conflict. To consolidate its base and expand its operations in the west, the HBC sold a large tract of its land to the Earl of Selkirk in 1811, and settlement of the land by colonists began.

Conflict arose when the governor of Selkirk's colony issued a proclamation regulating the export of pemmican. The trade restriction threatened North West Company posts in outlying areas, thus intensifying that feud, and it represented a direct threat to Métis by interfering with their trade and thus with governance. A subsequent proclamation forbidding the running of buffalo further exacerbated Métis resentment of the colonists. A peaceful settlement was worked out in 1815 between Cuthbert Grant, who emerged to forge the new nation into a cohesive people, and a temporary governor, but with the arrival of the new governor, Robert Semple, tensions flared over who would control the Red and Assiniboine rivers. The result was the battle of Seven Oaks, where the Métis, under the direction of Grant, defeated the settlers in fifteen minutes. Twenty settlers and Governor Semple died, and the rest of the colonists were led out of the region under Grant's protection. Although Grant was acting in connection with the North West Company, the battle represented a victory for the Métis nation and gave rise to Pierre Falcon's song symbolizing the new sense of nationhood and empowerment as a people. Shortly after, Selkirk recaptured the land and Fort Douglas with his troops. Grant was tried twice but acquitted in the death of Semple. Conflicts continued between the trading companies until their merger in 1821 and between the Saulteaux and Cree, the Saulteaux and Métis, and the Sioux and Métis (culminating in the battle of Grand Couteaux in 1851). In 1823, Selkirk provided a tract of land to the Métis to encourage settlement and in recognition of their assistance in deterring the Sioux.^{xiv} The Métis Nation thrived.

Events of the 1830s elsewhere in British North America had have implications for Manitoba. In 1830, Indian administration was transferred from the military to the civilian branch of government with a new emphasis on 'civilization' and segregation. The objectives of Indian policy became resettling them on reserves, teaching them to be good Christians, sturdy farmers, and loyal Britons.^{xv} The British began to assume authority over First Nations in practice rather than just in theory. As early as 1823 a British judicial opinion suggested that British laws would apply to individuals of the First Nations where no treaties existed.^{xvi} Colonial authorities and missionaries actively encouraged First Nations' dependence on European goods, technology, tools, and expertise in an effort to undermine traditional culture and lifestyles and to assimilate them into colonial life. Policy makers and colonists no longer feared the First Nations or thought them capable of self-government but instead viewed them as children, incapable of reasoned thought and requiring protection and education. Eventually this attitude was put into legislative form with the consolidation of earlier laws into the *Indian Act* of 1876. Although a distinction was made between First Nations living east of the Great Lakes and those living to the west — indeed the latter were almost forgotten by central authorities — this attitude was to have an effect on the treatment of and negotiations with First Nations in Manitoba by the end of the 1800s and into the twentieth century.

In the middle of the 1800s, the Hudson's Bay Company monopoly on trading was broken. In an effort to increase profits, the HBC imposed restrictions on trading in the 1830s and threatened the Métis with loss of their lands if they violated the proclamation. The Métis attempted to continue trading with the Americans and petitioned the Council of Assiniboia for a share in government and recognition of their special status. This was denied. To stop the Métis trading, the HBC prosecuted a Métis trader, Guillaume Sayer, for selling furs to the Americans in violation of the HBC charter. The court found him guilty, but after the Métis, led by Louis Riel and others, surrounded the court, it became apparent that the HBC lacked the power to enforce its decision, and the jury recommended mercy. The Métis brigade seized upon the decision's implications, fired their weapons into the air, and declared "Le commerce est libre!"^{xvii} A period of relative affluence for the settlement followed. The Métis had secured a degree of autonomy and self-government despite the refusal of authorities to recognize their rights.

By contrast, Manitoba First Nations were not faring as well. The Selkirk Treaty of 1817, between the Saulteaux and Cree and Lord Selkirk, prepared for the settlement of the Selkirk

colonists. In exchange for land, First Nations received annual payments of tobacco. The process of removal had begun. American incursions on the buffalo stock and the smallpox epidemics of the 1830s weakened these nations. But what was immediately more worrisome was the shift in trading patterns and their decline as traders. For example,

In central Manitoba...the Ojibwa found themselves increasingly dependent on the Hudson Bay Company for foodstuffs by the 1860s, as the land's ability to provide adequate foodstuffs of game and fish declined. The Ojibwa became virtual employees of the company.^{xviii}

Also by the 1860s, the wars between the Cree, Blackfoot, Assiniboine, and Métis had begun to take their toll.

This early period is significant for a number of reasons. First, it clearly establishes the First Nations as self-governing entities that entered into economic, military, and social alliances with the Europeans on the basis of national equality. Second, it demonstrates the emergence of the Métis as a distinct socio-political community and the rise of Métis nationhood. Third, although the relationship was relatively peaceful in the early stages, it became more conflict-ridden as settlement progressed. Fourth, the cause of much of the current misunderstanding about the right of self-government can be traced to this period. The First Nations assumed their right of self-government and sovereignty over lands they had occupied for hundreds of years. They recognized their leaders as their rightful authorities. At the same time, the British assumed that they had sovereignty over the lands as a result of wars with the French and Americans, and saw the First Nations as British subjects. As the powers of the First Nations declined, the British North Americans put their *de jure* sovereignty into effect *de facto*. The two views on sovereignty were irreconcilable and have continued to complicate relations since.

Post-Confederation: One Hundred Years of Encroachment, 1870-1970s

The 100 years between the 1870s and the 1970s were to see significant changes in the relationship between settlers and First Nations and the Métis. The foundations forged for the relationship between the Canadian state and the Métis differed significantly from that established between the First Nations and the Canadian state. This basis has given rise to different entitlements, rights and patterns in the current relationship.

In the late 1860s, Confederation in eastern Canada produced new influences on the development of relations between the First Nations and settlers. Rumours of new governance in the Manitoba region caused more settlers to flow into the west. Although Canadian governments

had not turned their attention to the western First Nations,

Indian concern for their future source of livelihood, and fears that their lands would be taken from them, led these Indians to threaten violence and to prevent government survey teams from entering the region. Indians also stated that they would not allow settlement of the west beyond the Red River settlement until Indian ownership of the land had been fully recognized and duly surrendered. In this manner, the Indians of Manitoba and the Northwest Territories forced the governments of Canada to devise a policy for dealing with the matters that were of grave concern to them.^{xix}

The result was a process of treaty making between 1871 and 1910, with numbered treaties 1, 2, 3, 4, 5, 6 and 10 being signed and the majority of Manitoba First Nations signing Treaty No. 1, No. 2, or No. 5.

The importance of the treaties in understanding the relationship between First Nations and the federal and Manitoba governments cannot be overemphasized. The treaties were entered into by the First Nations to secure recognition and continuing protection of their traditional rights, to safeguard the well-being of their future generations, and to establish the basis of the future relationship with the government of Canada through the Crown.^{xx} For the Canadian government, the treaties elaborated the principles established in the *Royal Proclamation of 1763* to provide for the orderly alienation of lands by the First Nations, and to establish a peaceful process of settlement in the west. They were intended to secure the goodwill of the First Nations and assure friendly relations as settlement occurred.^{xxi} The treaties varied but generally contained provisions concerning title to the land^{xxii} in exchange for lands reserved for First Nations where they could pursue their traditional lifestyles unmolested and where their traditional rights such as hunting, trapping, fishing, and gathering would be protected; perpetual payments of annuities, including salaries for chiefs and councils, clothing and medals; provision of agricultural implements, seed and livestock; establishment of schools; and the exclusion of liquor from their lands, among other clauses.^{xxiii}

The views of First Nations and Canadian governments have differed significantly. After studying the treaties and two views, the Aboriginal Justice Inquiry of Manitoba, headed by Associate Chief Justices Sinclair and Hamilton, concluded that

There is much debate about the character and purpose of these treaties. Were they real-estate transactions, once-and-for-all purchases that had no further implications beyond the words on the page and the transfer of "ownership"? Or were they alliances, ongoing relationships that would have to be renewed and reviewed as circumstances changed?

...Earlier treaties had assumed Aboriginal self-government. After 1874, however, when federal Indian legislation was declared to be in force in Manitoba, Canadian authorities argued that when Aboriginal people in the West signed the treaties, they had bargained away not only their lands, but also their powers over local affairs. Thus, the treaties were not what they seemed, nor indeed what the Indians had accepted in the 1871 and 1873 negotiations. By an act of the federal Parliament, unilaterally conceived and drafted without Indian knowledge, Ottawa drastically altered the circumstances of Aboriginal life.^{xxiv}

Federal and provincial governments have tended to adopt a narrow reading of the treaties when impelled to observe them at all. The verbal assurances that attended the signing of the treaties have been ignored. First Nations have argued for a broad reading of the treaties as being in keeping with the spirit of the documents.^{xxv} This remains an important source of tension between First Nations and Canadian governments and an important source of bitterness and a sense of betrayal among First Nations. The passage from *Wahbung—Our Tomorrows* quoted at the beginning of this section captures the continuing anger and frustration felt within First Nations over the treatment of the treaties by other governments.

The treaties established the relationship between First Nations and the federal government through the Crown. This was consistent with section 91(24) of the *Constitution Act, 1867*, which assigned to the federal government the power to make laws in relation to "Indians, and Lands reserved for the Indians". However, provincial governments were not an unimportant dimension of this relationship. First, as the Manitoba Indian Brotherhood explained in 1971, provincial governments were as guilty of violating the treaties as the federal government was. Indeed,

Those who sullied their hands in such dealings [alienating Indians from their reserve lands] ranged from high ranking government officials to their underlings. The tactics used were subtle, often legal, but invariably unethical. In Manitoba, it was Chief Justice, Hector Howell, who helped swindle the Indians out of the best land which they possessed. His technique was of the simplest type: to wait for the effect of hard times upon the resolution of the Indians not to surrender their land...And so the Indians lost a reserve valued at \$2,500,000 in 1906 in return for less than 10%.^{xxvi}

Manitoba legislators and the judiciary were not exempt from this history.

Although treaties and the *Indian Act* defined the relationship of the First Nations to the federal government, First Nations were not insulated from the actions of provincial governments. The twentieth century saw an increasing infringement on First Nation jurisdiction by the provinces. As observed above, the erosion or disregard of treaty rights caused tensions in

relations. Similarly, the *Natural Resources Transfer Act* of 1930 transferred the federal Crown's interest in public lands and resources to Manitoba, while recognizing its continuing obligations to First Nations.^{xxvii}

The provinces were brought into First Nations affairs more directly with the 1951 amendments to the *Indian Act*, which provided for the application of provincial laws and standards to First Nations subject only to the *Indian Act*, treaty provisions, and other acts of the Parliament of Canada. Since provincial laws were made applicable to reserves through incorporation by reference into federal laws, the arrangement was consistent with the constitutional division of authority. Only provincial laws of general application extended to First Nations; they could not make laws specifically for First Nations and their lands. This amendment officially initiated provincial involvement in Indian affairs, altering the bilateral relationship between First Nations and federal government. It was followed by steps to incorporate First Nations into general health and welfare programs, which encouraged provincial provision of some services and the application of provincial standards to reserves in these areas.^{xxviii} The implications of the extension of provincial laws are explored briefly later in this section.

The basis of relationship with the Métis was intertwined with but distinct from First Nations history.^{xxix} The Métis did not receive their entitlement to lands through treaties but through the *Manitoba Act* of 1870. This set a different tenor for relations.

One of the most renowned events in Canadian history was the resistance of the Métis to the expansion of Canadian jurisdiction in 1869-70,^{xxx} which stands as a symbol of the Métis right to self-government. The Métis resisted the transfer of lands from the Hudson's Bay Company to the Canadian government in anticipation of the formation of Manitoba in two ways. First, under the leadership of Louis Riel, they prevented the survey of lands and entry of Governor William McDougall into the territory. This reinforced the fact, established during the Sayer trial, that the residents of the area had control over it.^{xxxi} Second, they issued a Declaration of Métis Independence and formed a provisional government, sending a delegation to Ottawa to negotiate the terms of entry into Confederation. Although the status of negotiations is disputed, the fact remains that the Canadian government conferred legitimacy upon the provisional government by entering into negotiations with these representatives.

The outcome of the negotiations was significant in establishing the legal basis of the relationship between the Canadian government, the Manitoba government, and the First Nations

and Métis. In the report of the Aboriginal Justice Inquiry, the results are summarized as follows:

In the legislation arranging for its assumption of control over the Northwest, Canada made several promises concerning Aboriginal people. First, it agreed to accept responsibility for any compensation offered to Indians for land lost to incoming settlers. Second, it accepted the obligation of protecting Indian interests in the new order. Third, it promised 1.4 million acres to be divided among "the children of the half-breed heads of families" as a step "towards the extinguishment of the Indian Title." Fourth, it accepted a number of clauses that were sought by the Metis or their representatives as the means of their self-preservation, including provincial status itself, the use of French in courts and Legislature, an Upper House (that is, a bicameral Legislature) on the Quebec model, and a guarantee concerning denominational schools.^{xxxii}

To the Métis, section 31 of the *Manitoba Act*^{xxxiii} "represents special recognition, in the constitution of Canada, of the distinct, corporate character of the Metis people."^{xxxiv} The section was consistent with past policies since it continued the practice of extinguishment of title before settlement and represented another guarantee to a minority in exchange for consent to Confederation.^{xxxv} But it was unique in conferring constitutional recognition and status on the Métis. Section 31 and the attending promises made by the federal government represented a treaty in the eyes of the Métis.

Relations between the Métis and the governments of Canada and Manitoba were to deteriorate quickly. This was presaged by comments from Ottawa politicians reacting to the *Manitoba Act*. Ontario MPs "complained that Canada had been humiliated"; the federal government spokesperson, Francis Hickes, hinted that the act offered the appearance of justice and little more; and the prime minister wrote that the Metis were "spoilt" and should be "kept down".^{xxxvi} Despite promises to the contrary, Riel was expelled from Canada for five years. The troops sent to assist in the establishment of a civil government in Manitoba were hostile to Riel and, more generally, abusive to people of Aboriginal ancestry.^{xxxvii} The result was an out-migration of Métis between 1870 and 1880 to the United States and points west of Manitoba.

The disposition of lands under section 31 of the *Manitoba Act* set the tenor for a good part of relations between the Manitoba and federal governments and the Métis in the following years.^{xxxviii} Implementation occurred on the basis of a narrow construction of the act, with the result that lands were distributed to some family members while others were denied land, lands were given and retracted, and some Métis rights holders, despairing of ever receiving their entitlements, sold them to speculators. The broader interpretation of the section offered by

Archibald, the governor of Manitoba, which was consistent with the Manitoba delegates' interpretation, was flatly rejected by the federal government.^{xxxix} By 1890, "virtually all claims to the 1.4 million acres of land had been issued but less than 15 per cent of the patentees emerged as owners of their land once it was granted by the Crown."^{xl}

Although the Canadian government played the major role in the construction and implementation of section 31, "provincial legislation and politics played a major role in both the timing and manner in which the Metis lost their land."^{xli} Even the provincial courts encouraged the Métis dispossession. One court officer, William Leggo, testifying at the 1881 provincial commission investigating Métis land alienations to speculators, was provoked to comment that "I never suspected for a moment that a system which turned out to be so vicious could possibly exist in any civilized country."^{xlii} A series of amendments to the *Manitoba Act* had, by 1880, become instrumental in "the ongoing process of repudiating the promises of 1870. As early as 1873, some Manitobans were beginning to say that the 'confederation of the province would never have taken place' if the government had been honest about its intentions from the first."^{xliii} By 1885, the Métis were a minority in Manitoba, owing to their out-migration and the influx of new 'white' settlers, who were being offered land.

The Rebellion of 1885 took place outside Manitoba but should be mentioned briefly since it is intimately connected with the lands question in Manitoba and with relations between Métis and First Nations and the federal and provincial governments. The period 1883-85 was one of unrest. First Nations protested the *Indian Act* and agitated for larger reserves by means that included the takeover of Fort Pitt. Authorities responded with informal restrictions on the movement of First Nations members in the early 1880s and the introduction of the pass system in 1885.^{xliv} The Métis protested the loss of their land, the influx of settlers, and dismissal of their rights. Events climaxed with the uprising in 1885 and the subsequent trials of both Métis and individuals from participating First Nations.^{xlv} The arrests and trials in the summer of 1885 included those of Riel and,

According to court statistics, in addition to two whites (one acquitted, one found insane) and 46 Metis (28 released without trial, 11 released upon a recognizance of \$400 to attend trial but later dismissed, and seven found guilty), there were 81 Indians arrested and placed in the holding cells after the 1885 uprising. The courts eventually sentenced 44 Indians to jail terms.^{xlvi}

The hanging of Riel and eight First Nations members followed.

That these events influenced the relationship between First Nations and the Métis and the

federal and provincial governments is captured in the following statements. Joe Dion, a grandnephew of Big Bear, who was sentenced to a prison term for being a leader in the action of 1885, notes that

The rebellion of 1885 ended up with absolutely nothing gained by anybody...only a deep rooted feeling of distrust on both sides was the unfortunate result of the clash. Throughout the years this feeling of distrust has diminished but very little and may never be completely lived down. True, we were at fault. We broke our treaty with the whites, but only after we learned that honesty with them was as thin as the paper on which our X had been drawn for us.^{xlvi}

The Manitoba Metis Federation, reflecting on the early origins of the relationship, comments that

Once agreement was secured, Canada turned its back on political honesty and integrity, and treated two Metis leaders as criminals! By doing so, Canada failed to abide by the conditions precedent agreed to between itself and Abbe Ritchot. By treating Riel and Lepine as criminals, Canada shattered the prospect of political legitimacy for the *Manitoba Act*. Since then, that Act remains as the bare, legal, but illegitimate offspring that was aborted by Canada's hidden agenda to grant legal rights in the *Manitoba Act* but to disdain the Manitoba Treaty and to send rabid troops to terrorize the Metis population and to forever condemn the province to the role of an imposter. And the province has done well in this role, by actions ranging from special legislation to defraud Metis children out of their *Manitoba Act* lands, to unconstitutional amendments of the language rights secured by the Metis for nearly one hundred years in the face of judicial pronouncements on the invalidity of the provincial measures.^{xlvi}

These perceptions of the violent and illegitimate origins of the present relationship influences the tenor of that relationship. It fuels demands by First Nations people that their treaty rights be revisited and respected and by the Métis that the 'Manitoba Treaty', represented by section 31, be reconsidered and respected.

The subsequent period was largely one of hardship for the Métis. Settlement of the west continued to disrupt the traditional lifestyle of the Métis. They lacked even the paternalistic and limited protections afforded First Nations under the *Indian Act*. "Until the 1940s those who had retreated to the wilderness areas did not suffer too greatly. They found it still possible to fish, trap, hunt and generally harvest the natural produce of the countryside. In the worst straits were those who lived in shanty towns on the outskirts of White villages and towns."^{xli} In Métis communities, the sense of their history remained strong, while Métis who moved to white communities to improve their education and employment status tended to adapt to Euro-Canadian society. After 1940, Métis employment in the outer areas became seasonal. In the

1950s, the Lagasse Report indicated that among the Métis educational levels were low.ⁱ

In the 1940s and '50s, the Manitoba government attempted to respond to the poor conditions of the Métis population by introducing a Registered Traplines program and by assisting Métis and First Nations to form co-operatives for such things as stores, fish, wild rice, fur and pulpwood. Although often unsuccessful, they provided skills training in business, law and administration. By the 1950s and '60s, Manitoba's Conservative and Liberal-Progressive governments were leading the other provinces in the creation of community development programs intended to help communities identify problems and then work toward their resolution with the assistance of relevant government departments. While the efficacy of such programs is questionable, they did result in the mobilization of many communities and helped prepare them for the activism of the 1970s and beyond.ⁱⁱ

Changes in the relationship in the 1940s and '50s were consistent with post-war attitudes. Antipathy toward centralization and authoritarian regimes, the emergence of nationalist movements in colonized nations, and the emphasis on human rights worldwide combined to cause a re-evaluation of domestic policies. The *Indian Act* was reviewed between 1946 and 1948 and amended in 1951 to lessen some of the restrictions. First Nations participation in this process ushered in a phase of consultation and First Nations control over their affairs to a greater degree than previously experienced under the act.ⁱⁱⁱ Manitoba restored the vote to Aboriginal peoples in 1952, and the federal government followed suit in 1960. These actions encouraged the acceptance of liberal democratic values and were criticized as being assimilationist. They also brought the cultures into more direct contact.

The 1970s: Rebirth and Renewal

Beginning in the 1960s and '70s, the relationship between First Nations, Métis and the federal and provincial governments began to change significantly. The provincial government has become more involved in First Nations affairs and more directly responsive to the Métis as a people. This has caused a redefinition and rethinking of arrangements. Three areas serve to illustrate the nature of the relationships: child welfare, the Northern Flood Agreement, and the constitution. Other developments, such as restructuring within the Aboriginal community and the creation of a Native Affairs Subcommittee of the provincial cabinet and a Native Affairs Secretariat, place the relationship in a more general context.

The emergence of Aboriginal organizations significantly affected the relationship between First Nations, Métis and the federal and provincial governments. The Manitoba Metis Federation was formed in 1967. In the same year, David Courchene of the Fort Alexander reserve assumed the leadership of the Manitoba Indian Brotherhood (MIB). Courchene, a powerful and influential political leader, helped mobilize First Nations against the 1969 White Paper and other assimilationist policies. The Four Nations Confederacy replaced the MIB after the constitutional battles of the 1970s. In turn, it was succeeded by the First Nations Confederacy. In 1985 the Manitoba Keewatinowi Okimakanak, formed in 1983 and comprising the 27 northern First Nations, signed a protocol with the First Nations Confederacy to unite on actions of common concern at the provincial level. In 1988 the Assembly of Manitoba Chiefs was formed to represent Manitoba First Nations in political activities. Chief Louis Stevenson was the first president; he was replaced by Chief Philip Fontaine in August 1989. The other organizations formed during this period are reviewed in the following section. First Nations and Métis were organizing to become more powerful political forces in Manitoba.

One of the most significant intrusions by the provincial government into First Nations lives came in the area of child welfare. In 1966 the federal and Manitoba governments signed an agreement providing for provincial control of First Nations child welfare on reserves. Despite the good intentions of welfare workers, the policy was unsuccessful. Geoffrey York offers the following summary of the results of provincial involvement:

From the mid-1960s to the early 1980s, an estimated three thousand native children from Manitoba were removed from their homes and adopted by families outside the province. In most cases, the adoptive parents were white and urban...The Indian and Metis children were submerged in another culture, and their native identity soon disappeared. They became a lost generation.

By the early 1980s, about 40 to 60 percent of all children removed from their natural families in western Canada were Indian or Metis...aboriginal children were being taken from their families almost five times more frequently than non-native children. By 1980, about 15,000 native children were under the control of child welfare agencies across Canada, and three quarters of all adopted Indian children were placed in non-native homes.

The strongest demand for children came from the United States where private agencies were making profits by finding children for middle-class couples...Some agencies collected as much as \$4,000 in fees for delivering a native child to a family in the United States. From the early 1970s until 1982, more than one thousand native children from Manitoba were shipped to the United States.

By the early 1980s, fewer aboriginal children were being sent south of the

border, but they still tended to be placed outside the province. In 1981, for example, 55 percent of Manitoba's adopted Indian children were sent to other provinces, while only 7% of adopted Caucasian children were placed outside Manitoba.^{liii}

The 1980s saw Aboriginal communities attempting to assume more control in this area to correct past policy failures. In 1980, a review of child welfare services led to a proposal by the Four Nations Confederacy to deliver comprehensive services. The Dakota Ojibwa Tribal Council signed an agreement with the province to deliver services in 1981. The Kimmelman report disclosed the number of children being placed out of province in 1982 and led to a moratorium on the practice. Later that year, First Nations and the federal and provincial governments signed a tripartite agreement for the provision of on-reserve child welfare. The chiefs agreed to this arrangement, despite the intrusion of provincial laws in their jurisdiction, in exchange for stable funding and the expectation that when the agreements expired in 1985 First Nations would assume control of the area, including the definition and implementation of First Nations cultural norms and standards.^{liv} At the time of writing, there were seven First Nations child and family service agencies operating in Manitoba on one-year agreements.

In 1993 the First Nations Child and Family Task Force reported on the strengths and weaknesses of the system in response to a public outcry over some cases reported in the media. In particular, some First Nations mothers alleged undue influence by chiefs in the child welfare agencies and in some individual cases. The report recommended centring control in First Nations. The report, which awaits government response and action, is discussed in more detail later in this study in the review of contemporary issues.

The second area in which First Nations and Métis communities felt the hand of the provincial government was hydroelectric development.^{lv} In the early 1960s, the provincial government recognized the revenue potential of hydroelectric development of the Winnipeg, Saskatchewan, Nelson and Churchill rivers. The Grand Rapids Dam on the Saskatchewan River affected the First Nations at Grand Rapids, Moose Lake, Chemawawin, and The Pas to varying degrees. The removal of the community of Chemawawin to Easterville was particularly devastating for that community. The Métis of Easterville, like the Métis of South Indian Lake, were not considered separately from First Nations.

The Churchill-Nelson River Hydro Project, begun in the mid- to late 1960s, was a massive hydroelectric development that was expected to harness ten million horsepower.

Completed in 1974, it seriously disrupted lives and traditional ways in the communities of South Indian Lake, Nelson House, Cross Lake, Split Lake, York Factory, and Norway House. For the first time, Aboriginal issues became a prominent election issue, with the 1969 NDP platform, entitled "Humanity First", focusing on the impact of hydroelectric developments on Aboriginal communities. The NDP believed that the Churchill-Nelson Project could prove beneficial to the northern communities by providing jobs and training.^{lvi} As the extent of the devastation of the community life was recognized, the five First Nations affected formed the Northern Flood Committee to negotiate a compensation package. An agreement was concluded in 1977 with the Progressive Conservative government, despite its reluctance and with a threat to recalcitrant communities (like Nelson House) that their lands would be flooded if no agreement was reached. Adjacent Métis communities were not included. The agreement was ratified in a referendum in the five communities the following year. The Northern Flood Agreement contained guarantees of rights protections, financial compensation, a First Nations role in future resource development and wildlife management, and a promise to deal with adverse consequences to the lands, pursuits and lifestyles of the communities.

The results of the Northern Flood Agreement have been disappointing. As with the earlier treaties, it has been given a narrow construction by governments. Métis and First Nations communities have argued that they have not been compensated for the destruction of their lands and lifestyles. David Young concludes that land transfers have not been completed, and "little has been accomplished with employment, education, economic development, and resource management."^{lvii} Arbitration and litigation on the agreement have been bitter. Recent compensation packages signed with the individual First Nations have offered some immediate relief to these communities in lieu of a more global package that would have honoured the agreement as a treaty.^{lviii}

An interesting facet of the relationship between Aboriginal peoples and the Manitoba government emerged during the constitutional debates in the 1980s. By the conclusion of the 1983-87 constitutional conferences on Aboriginal matters, the Manitoba government had remained consistent in its desire to see a clear commitment on the part of the federal government regarding its fiscal responsibilities to First Nations and a clear definition of jurisdiction regarding Aboriginal peoples. It was committed to entrenching the right of self-government in the constitution in the face of opposition from the other provinces, particularly the other western

provinces.^{lix} Despite the costs this policy would represent for a 'have-less' province like Manitoba, the position was adopted, probably because it was consistent with the ideological basis of the NDP government and because of the electoral support the government had received.^{lx}

The issue was not destined to die with the 1983-87 process. During the Meech Lake negotiations, provincial politicians were confronted with the issue directly when they travelled to Garden Hill during the hearings on the Meech Lake Accord. At those hearings the four First Nations of St. Theresa Point, Garden Hill, Wasagamack, and Red Sucker Lake issued a Declaration of the First Nations, which contained recognition of the right of self-determination and the right of self-government. Amidst some confusion, representatives of the three parties signed the document. Although the declaration is not legally enforceable, it does represent a moral commitment to the principles expressed in it. The event impressed upon the politicians the importance of the issue to these communities.^{lxi} The three parties committed themselves more officially to recognition of the principle of self-government in the Task Force report and the Report of the Constitutional Committee in 1992. Manitoba helped place the issue of Aboriginal self-government on the constitutional table in the 1992 negotiations but also argued for protections and a federal financial commitment during these negotiations.^{lxii} And, in 1994 the federal government and Manitoba First Nations made history when they signed an agreement to dismantle the federal department of Indian affairs (DIAND) within the province and to establish self-government. However, the provincial government has not been a party to these negotiations. This significant development in self-government is discussed in more detail later.

The context of the Manitoba constitutional position and its implications should not be overlooked. During this period two of the most prominent First Nations leaders were from Manitoba. At the June 1991 Assembly of First Nations annual general meeting, held in Winnipeg, Ovide Mercredi was elected grand chief in a narrow victory over Phil Fontaine, who was grand chief of the Assembly of Manitoba Chiefs (AMC). Fontaine was re-elected grand chief of the AMC in August 1991 by acclamation. Both leaders have been returned to office since and have a high public profile. Their support extends beyond the Aboriginal communities. In 1987, Chief Louis Stevenson of the Peguis First Nation made headlines when he invited South African Ambassador Glenn Babb to Manitoba to survey the conditions of First Nations and drew parallels with the situation of Blacks in South Africa. Similarly, prominent actors at the national level for the Métis have included Manitobans like Lieutenant Governor Yvon Dumont and Royal

Commissioner Paul Chartrand. Factors like these indicate the degree of mobilization of Manitoba First Nations and Métis and their ability to put their concerns on the government agenda, but also the tensions that can also occur as a result.

The most direct acknowledgement of provincial involvement in Aboriginal affairs came with the creation of the Native Affairs Subcommittee of cabinet and the Native Affairs Secretariat, a support body to the cabinet committee,^{lxiii} in 1982. When he was appointed minister of Northern Affairs in the Pawley cabinet, Elijah Harper proposed a Native Secretariat and an Aboriginal Development Fund to secure operating capital for projects. The cabinet gave him \$2 million dollars for the operation.^{lxiv} With minor modifications, these bodies are in operation today and continue to co-ordinate advise on policies and programs affecting Aboriginal peoples. They are discussed further in the next section.

Throughout this history, there have been points of co-operation between the First Nations and the provincial and federal governments in other areas. Arrangements for special ARDA grants, which provided loans to Aboriginal people, and outreach programs in the employment field have been popular. Agreements on health and housing giving more control to the First Nations and Métis have been negotiated and concluded. In 1992, the Filmon government and the Assembly of Manitoba Chiefs signed an agreement on a process to resolve taxation and fiscal issues. In 1989 the Manitoba Metis Federation and federal and provincial governments signed a process agreement on Metis on Self-Government Tripartite Negotiations. The provincial government has offered assistance to the Indigenous Women's Collective, the Friendship Centres, and others to ensure services and representation.^{lxv} In 1993 the Pathways to Success agreement, concerning an employment and training policy of Employment and Immigration Canada, was reached between the federal and provincial governments, First Nations, Métis, and status-blind service organizations in Winnipeg. Thus, despite frictions and problems in the relationship, there have been some constructive developments in the transfer of control of services and programs to the communities.

Conclusion

The history of relations between governments and Aboriginal communities reveals the growing involvement of the provincial government with First Nations and Métis. Growing involvement with First Nations is largely a product of federal transfer of costs and responsibilities to the

province and First Nations. Involvement with Métis has occurred as the Metis have developed their organizations and governing structures. Evolution of the relationship has revealed a need for rethinking and redefining service and program delivery. Most important, it has revealed a compelling rationale for the movement toward greater autonomy and control by these communities. The relationship has been characterized by misunderstandings and often opposing interpretations of events. The problems of the past underlie current negotiations, which are the subject of the following sections.

The Contemporary Context

A socio-economic and demographic overview of Aboriginal peoples is integral to an analysis of the state of relations between the provincial government and those communities. Population characteristics provide insights into the underlying tensions and pressures on the relationship and the positions adopted by the various actors in the policy community. They also inform about differences in the positions adopted by the various organizations representing Aboriginal communities.

The next section offers a demographic profile of Aboriginal peoples in Manitoba, while the following one provides socio-economic sketches of the populations, emphasizing age, health, housing, employment, income and education. A conclusion explains the relevance of these data for policy makers. Most of the data are drawn from tables generated by the Royal Commission on Aboriginal Peoples based on Statistics Canada data from the 1991 Aboriginal Peoples Survey (APS), supplemented where necessary with information from the Aboriginal Justice Inquiry and other Manitoba sources. It should be noted that APS and census data are challenged by Métis, First Nations and provincial officials.^{lxvi}

The Present Population: Characteristics

The size of the Aboriginal population in Manitoba is very difficult to assess with a high degree of accuracy. There are significant variations between census data and DIAND lists, between census counts and Métis records, and between federal and provincial counts by place of residence. However, an estimate of the population and general characteristics can be offered as a basis for making some policy suggestions.^{lxvii}

The Aboriginal population of Canada is small but expanding relative to the general

population. According to the 1981 census, Aboriginal people accounted for about 2 per cent of the total population of Canada, or 491,460 individuals.^{lxviii} In 1991 Statistics Canada conducted a special survey on Aboriginal peoples (the Aboriginal Peoples Survey, or APS) based on persons who self-identified with their Aboriginal ancestry. The population reporting any Aboriginal ancestry or origins was derived from the ethnic origin question on in the 1991 census. Thus, of the 1,002,675 persons who reported any Aboriginal ancestry in the 1991 census, 625,710 self-identified with their Aboriginal ancestry in the APS. The Aboriginal identity population represented about 2.3 per cent of the total population of Canada (Chart 1, Table 2 and Chart P-1). Although this growth in numbers is relatively slight and may be attributable in part to better data collection methods and a greater tendency for people to identify as Aboriginal, it also indicates a stable population base and a reversal of the trend toward a diminishing population in the first half of the century.

In comparison with most other provinces, the Aboriginal population in Manitoba is relatively large. According to the 1991 APS, Manitoba's total Aboriginal population is 99,220, or 15.9 per cent of the total Aboriginal population of Canada (Table 2). The Aboriginal population represents 9.2 per cent of the total provincial population (Chart 1). By comparison, the Aboriginal population accounted for 6.5 per cent of the Manitoba population in 1981.^{lxix} As a percentage of provincial population, the Aboriginal population in Manitoba is the largest among the provinces, but the proportion is still significantly smaller than in the Northwest Territories (60.2 per cent) and the Yukon (16.3 per cent) (Chart 1). Winnipeg has the largest Métis (14,990) and North American Indian (20,255) population of any Canadian city.^{lxx} In a have-less province like Manitoba, which has a stable but not a dynamic economic base, these numbers are significant. Reductions in transfer payments, whether to the provincial government or to First Nations governments will have a disproportionate effect on the provision of services.

The Manitoba Aboriginal population is diverse. Of the 99,220 persons who identify as Aboriginal, the largest number are 'on-reserve status Indians' (34,200, or 34.5 per cent of the provincial Aboriginal population). The 'off-reserve status Indian' population is 31,960 (32.2 per cent).^{lxxi} The Métis count 33,230 individuals in all (33.5 per cent), and the Inuit are a relatively small group in Manitoba, at 465 people (0.5 per cent) (Table 1). The highest concentration of Inuit in Manitoba is in Winnipeg, followed by Churchill.^{lxxii} The Métis population is located primarily in Winnipeg and a number of other communities across Manitoba, many of which are

adjacent to reserves. The status Indian population is associated with 61 First Nations/bands in Manitoba. The largest of these is Peguis (4,870) and the smallest is Buffalo Point (30). In terms of the on-reserve population, Norway House has the largest number of status Indians (3,235) and Gambler the smallest (36). Twenty-six First Nations/bands have total status Indian populations (on- and off-reserve) exceeding 1,000 people. At least 15 First Nations communities are not accessible by all-weather roads and/or rail.

As in other parts of Canada, the flow of Aboriginal people to urban centres is increasing. Although the data on numbers of individuals living in urban centres are not reliable, some trends can be noted. According to a recent report,

Existing estimates, for example, place the Indian population in Winnipeg at between 15,000 and 20,000 people; and the Metis population between 40,000 and 60,000, but these estimates cannot be verified. One report indicates that the Native population has grown by 70% in the past eight years. Another report suggests that by the year 2000 AD...25% of the labour force in Winnipeg will be comprised of Native people. If the data cannot be verified at this time, it does nevertheless indicate a major mobility trend towards the city. Winnipeg 2000 states that by the year 2000, 1 in 4 people entering the workforce will be Aboriginal.^{lxxiii}

These data indicate a changing population. As the urban population grows, its needs become increasingly apparent. Youth moving to the city often find it difficult to obtain employment and must rely on welfare to provide for the necessities of life. The lack of employment, lack of support structures as in the home community, and the unfriendly environment can lead to higher levels of drug, alcohol and substance abuse, violence, prostitution, family breakdown, crime, and involvement with the justice system.^{lxxiv}

The requirements and conditions of Aboriginal people vary according to whether they are living in urban or rural areas, and in northern or southern communities, as well as with the size of community. Given that access to some communities is limited and that community resources vary considerably with location, the needs of communities can be very different. This diversity must be borne in mind in policy decisions and in developing a responsive and effective policy system.

Socio-Economic Characteristics

A socio-economic picture of the Aboriginal population in Manitoba reveals certain needs and conditions in common with Aboriginal people in other provinces and the territories. More

important, socio-economic data explain the determination of the Aboriginal leadership to see changes in policy and program definition and delivery, as well as the current emphasis on self-government. Comparing these statistics with those for the general Canadian population reveals the extent of the failure of federal and provincial policies to address the needs of the Aboriginal population. While the Aboriginal leadership and provincial government actors do not view Aboriginal self-government as the definitive answer to problems within the communities, there is an increasing tendency to identify it as a step in the right direction after the failure of previous federal and provincial policies.

Aboriginal cultures and traditional activities are vital but threatened by interaction with the dominant culture and lifestyle in Canada. This trend is most evident in patterns of language use. While 53.4 per cent of on-reserve status Indians in Manitoba speak one of their traditional languages, only 8 per cent of off-reserve individuals do, and only 3.7 per cent of Métis speak Michif. While the ability to speak an Aboriginal language is more common among Aboriginal people in Manitoba (23.3 per cent) than in most other provinces (the exceptions are Nova Scotia, 28.4 per cent, and Quebec, 53.9 per cent), it does indicate that First Nations and Métis languages require promotion. Support for the teaching of languages in schools, colleges and universities and publications in First Nations and Métis languages are required to ensure their survival and growth.

Aboriginal people in Manitoba also report some loss of traditional lifestyles and activities. On-reserve members of First Nations who are over 15 years of age are the group most likely to engage in traditional activities. These are defined by Statistics Canada as hunting, fishing, trapping, storytelling, traditional dancing, fiddle playing, jigging, arts and crafts, pow-wows, and so on, and 55.9 per cent of the adult on-reserve population reported participating in at least one of these activities. By comparison, 42.5 per cent of off-reserve adults and 35.7 per cent of Métis adults practise traditional activities. The rate for on-reserve adults is higher than the average for Aboriginal adults in Canada (50.6 per cent). Across the country, the rate ranges from 40.3 per cent in Prince Edward Island to 78.2 per cent in the Northwest Territories. This picture changes somewhat for the population aged 5-14. Youth living on-reserve are most likely (45.9 per cent) to engage in traditional activities. By contrast, 39.4 per cent of off-reserve youth and 23.1 per cent of Métis youth engage in traditional activities. Aboriginal youth in Manitoba are, overall, less likely to engage in these activities (36.3 per cent) than are Aboriginal youth

generally in Canada (44.1 per cent) or in the other provinces and territories, where the rates range from 40.1 per cent in Ontario to 56.9 per cent in Quebec and 76.8 per cent in the Northwest Territories.

These statistics tend to indicate that Aboriginal cultures are under threat in Manitoba. This may be due to recent hydroelectric developments, which have affected a number of First Nations and Métis communities, poor development, and failure to use resources in accordance with traditional practices. As Grand Chief Phil Fontaine explains:

...our rights to hunt and fish are increasingly becoming of little value. Hydro-electric dam flooding and its concomitant results, logging operations, mining, the creation of roads and non-Aboriginal settlements are all things that in fact drastically reduce the benefits we can derive from hunting and fishing. The environment is turned into mono-crops, the habitats for muskrat and beaver are destroyed, and pollution has become a severe problem with fishing. At the same time, we get charged under laws such as the Migratory Birds Convention Act.^{lxxv} Traditional activities become marginalized through developments that do not incorporate First Nations designs and thinking. This has implications for Aboriginal cultures more generally.

One of the most striking differences between the Aboriginal population and the general Canadian population is the age profile. The Aboriginal population tends to be younger, with a higher birth rate but a shorter life span. For example, 38.1 per cent of the Aboriginal population in Manitoba is under 15 years of age, while 21.1 per cent of the general population in Canada is in this group; 20.4 per cent of the Manitoba Aboriginal population is between 15 and 24 years of age, while 14.2 per cent of the general Canadian population is in that age bracket. As the populations age, the proportions are reversed, so that 34.6 per cent of the Aboriginal population in Manitoba is between 25 and 54, compared with 45.0 per cent of the general Canadian population. While 19.7 per cent of Canadians are over the age of 55, only 6.9 per cent of Aboriginal people in Manitoba are. This pattern holds in the other provinces as well. Despite the general increase in life expectancy for all Canadians, there is still a significant discrepancy between the Aboriginal and the general population.

The age profile is explained in part by health data on Aboriginal people. The 1991 Aboriginal Peoples Survey asked respondents to report whether they had any chronic health problems, for example, and found a rate of 29 per cent among on-reserve status Indian adults, 35 per cent among off-reserve status Indians, 33.3 per cent among Métis, and 56.8 per cent among Inuit. While most of the data are consistent with findings across Canada, the proportion of Inuit

with chronic health problems is significantly larger than elsewhere and higher than the rate for Aboriginal people generally. In all, 32.3 per cent of Aboriginal respondents in Manitoba reported chronic health problems. These problems include diagnosed cases of diabetes, high blood pressure, arthritis, heart problems, bronchitis, emphysema, asthma, tuberculosis, and epilepsy. In addition to diseases of the circulatory system, previous census data have revealed a higher incidence of group deaths, suicides and substance abuse.^{lxxvi} These facts point not only to reasons for shorter life expectancy, but also to high levels of malaise and stress in Aboriginal communities.

The marginalization of Aboriginal people in the economy is evident in a brief review of income, employment and labour data. In Canada, 14.4 per cent of the adult (age 15+) population makes less than \$2,000 per year, 15.4 per cent make in excess of \$40,000, and the largest percentage (28.2 per cent) makes between \$20,000 and \$39,999 (Chart 5). The corresponding figures for the Aboriginal population are 25.2 per cent, 5.3 per cent and 17.8 per cent respectively. The largest proportion of Aboriginal people (30 per cent) makes between \$2,000 and \$9,000.

Aboriginal people in Manitoba tend to be among the poorest in Canada. In Manitoba, 27.2 per cent of the Aboriginal population makes less than \$2,000 per year, with the largest group being on-reserve First Nations citizens (Table 10A). With the exception of the N.W.T. and Saskatchewan, this is the largest percentage in this income bracket in the provinces and territories. This impression of poverty is reinforced by the fact that in Manitoba only 3.4 per cent of the Aboriginal population makes in excess of \$40,000, compared to 11.9 per cent of the general Manitoba population (Table 10E). The largest percentage of Aboriginal people in Manitoba (32.8 per cent) has an annual income between \$2,000 and \$9,999, while the largest group in the general population of the province makes between \$20,000 and \$39,999 (Tables 10B and 10D). The on-reserve population in Manitoba tends to have the lowest incomes and/or be among those making \$2,000-\$9,999 (Tables 10A and 10B).

Given low incomes, social assistance is an important income source for the Aboriginal population. Of the adult Aboriginal population in Manitoba, 8.8 per cent received social assistance for 1-6 months, 22.9 per cent for 7-12 months, and 33.8 per cent received social assistance generally (Tables 12A, 12B, 12C). The on-reserve population was particularly dependent on social assistance (47.4 per cent), compared with 30.8 per cent of the off-reserve

population and 24.3 per cent of Métis. Figures for First Nations tend to be slightly above the Canadian average for the Aboriginal population, at 28.6 per cent; 20.6 per cent of the Aboriginal population in Ontario and 28.1 per cent of the Aboriginal population in B.C. received social assistance. This underscores the importance of federal transfer payments and the social safety net for First Nations, Métis and Inuit populations.

A cursory glance at employment^{lxxvii} and labour data provides insight into the income and social assistance levels of the Aboriginal populations (Chart 4A, Tables 9A-9E). Across Canada, 61.1 per cent of the general adult (15+) population is employed, 67.9 per cent participate in the economy, and the unemployment rate is 10.2 per cent. In Manitoba, 62.1 per cent of the general population is employed, the participation rate is 67.6 per cent, and the unemployment rate is 8.1 per cent. The corresponding figures for the adult Aboriginal population in Manitoba are 37.6 per cent, 51.5 per cent and 26.9 per cent respectively. Participation rates in Manitoba tend to be among the lowest in Canada, thus chilling the relatively higher figures for employment. Further, 54 per cent of the on-reserve population was not in the labour force. Thus, employment figures tend to be higher and unemployment figures lower than expected. Still, the unemployment rate of Aboriginal people in Manitoba is more than three times greater than that of the general provincial population. On some northern reserves, this rate can reach into the 90 per cent range. The average number of people of Aboriginal identity seeking work in Manitoba was generally lower than elsewhere in Canada, reflecting relatively limited economic opportunities in the province (31.8 per cent, compared to 32.8 per cent, Table 18). In addition, 18 per cent of the adult Aboriginal population is engaged in other paid activities (that is, not job-related) and 10.2 per cent are engaged in unpaid activities (Tables 15A and 15B).

The employment and labour data are consistent with the barriers to employment identified by the adult population. In Manitoba, 70.8 per cent of the adult Aboriginal population reported few or no jobs, 46.1 per cent reported a mismatch between jobs and skills, 29.9 per cent reported lack of information, 19.8 per cent reporting being Aboriginal, and 8.4 per cent reported lack of daycare as impediments to employment. Reports of discrimination in Manitoba tend to be among the highest of the Canadian jurisdictions (Charts 4B-4N). Reports of lack of jobs and discrimination tend to be higher among the First Nations populations, while reports of mismatched skills and lack of information tend to be higher among Métis and off-reserve populations.

The adult Aboriginal population in Manitoba is under-represented in terms of business ownership (Tables 14A and 14B). In Manitoba, 2.5 per cent of on-reserve, 3.1 per cent of off-reserve, and 6.7 per cent of Métis owned businesses at the time of the survey. The rate of ownership among the general provincial adult population was 7.5 per cent. Interestingly, at some point in their lives, 6.8 per cent of all adult Aboriginal people in Manitoba owned or operated businesses, with the highest proportion being among the Métis (11.4 per cent). The discrepancy between current and previous ownership would tend to indicate higher rates of business failure. Among the general adult population in Canada, the rate of current ownership is 6.6 per cent (Chart 9).

A core cause of difficulties confronting Aboriginal people in the job market is their relatively lower levels of educational attainment (Chart 3, Tables 8A-8E). Aboriginal people, particularly First Nations people living on reserves and Inuit, tend to be over-represented among Canadians with less than 9 years of education and under-represented among Canadians with university education. The lowest rates of educational attainment tend to be among members of First Nations living on-reserve.

On an optimistic note, the number of First Nations individuals, Métis and Inuit enrolled in secondary and post-secondary institutions seems to be growing. This reflects the tendency among Aboriginal people, especially First Nations citizens, to return to school later in life or to have interrupted education patterns. The number of people First Nations people, Métis and Inuit receiving post-secondary allowances tends to be very small (Tables 13A-13C). However, the importance of these payments to the individuals receiving them and in terms of providing access to post-secondary institutions, especially for the First Nations population, should not be underestimated. Given the income levels of the population and the rising costs of education, these payments become more important for this segment of the Canadian population while not imposing an undue burden on the rest of society.

Conclusion

In summary, social and economic prospects for Aboriginal people are worse than for the general population. This is particularly the case for Aboriginal people in Manitoba. Life expectancy is shorter. Health is poorer and often marked by diseases more common in the general population 50 years ago than today, reflecting poor delivery of preventive and curative health care to this

segment of the population. Income levels are lower for Aboriginal people in Manitoba than for the general provincial population and in Manitoba than for the Canadian population. Rates of social assistance are higher. While employment rates seem to give reason for optimism, a glance at participation rates and reported levels of discrimination dashes that hope. Education levels continue to be lower among Aboriginal people than in the general population but marginal improvements are evident and important.

These data are complex and treated superficially here. However, they point to some important policy considerations. First, the Aboriginal population is very diverse; the data reveal differences between on-reserve and off-reserve populations and between First Nations, Métis and Inuit. Similarly, the demographics of the three Aboriginal groups reveals different characteristics related to their location, size and nature. These differences require flexibility in policy making to allow programs and services to be tailored to the community concerned. Second, income levels and the extent of reliance on social assistance, combined with the limited opportunities available in the Manitoba economy relative to other provinces with more diversified economic bases, underscore the importance of transfer payments from the federal government and stable rates in income support programs. When the federal government offloads expenses, the Aboriginal population is particularly vulnerable, especially in a have-less population like Manitoba. Third, the data clarify the need for a shift in the conceptualization and provision of programs and services to Aboriginal peoples. Clearly, past methods have failed.

Who is Responsible?

The process for making policy pertaining to Aboriginal people in Manitoba is difficult to characterize. Lines of jurisdiction are not clear, and the treatment of issues varies. The mandates of the various policy actors are fluid and ill-defined, often overlapping or uncoordinated. This is in part a result of and in part a factor contributing to a policy network that could be characterized as 'pressure pluralism'.^{lxxviii} This section attempts to delineate the lines of jurisdiction, the policy actors, and the policy process.

External Constraints: Federalism

One of the primary divisions of responsibility affecting the development of policy for Manitoba's Aboriginal population is found in the Canadian constitution.^{lxxix} On one level, it appears

relatively straightforward. Under section 91(24) of the *Constitution Act, 1867* legislative authority for Indians and Indian lands is assigned to the federal government. The federal government exercises this power mainly through the *Indian Act*. The primacy of the federal government in relations with First Nations is also established through treaties signed by the First Nations and the Crown and recognized in section 35 of the *Constitution Act, 1982*. In 1939, the Supreme Court of Canada ruled that Inuit should be considered 'Indians' under section 91(24) for purposes of clarifying jurisdiction.^{lxxx} By contrast, the federal government has viewed the Métis as a provincial responsibility.

The jurisdictional split is not that clear, however. As mentioned in the historical overview, provincial laws of general application were made applicable to First Nations through incorporation by reference into federal laws under section 88 of the *Indian Act*. If provincial laws are made specifically for First Nations or their lands, or if they conflict with the *Indian Act*, treaty provisions or federal laws, they are not valid.^{lxxxi} This legal provision has led to the provinces assuming greater responsibilities for First Nations in such areas as health, welfare, and child welfare. While the federal government has encouraged the province to accept financial responsibility as well, the province has continued to maintain that financial responsibility rests with the federal government. Jurisdiction is further confused in areas such as justice, where criminal law is a federal responsibility but the administration of the justice system rests with the provinces. Through courts, prosecutions, and policing, the province is brought into direct contact with First Nations in a very powerful and important respect. In Manitoba, this division is also complicated by the use of the RCMP rather than a provincial police force to police rural and northern areas.

The picture becomes still more complex when the off-reserve First Nations population is considered. The federal government has been transferring responsibility for covering the cost of providing services to off-reserve members of First Nations to the provincial government. In 1991 it announced that it would reduce the reimbursement to the provinces and municipalities from 100 per cent to 50 per cent. While interim arrangements have been made to allow for the transition, this is an important loss of revenue for the province. Moreover, most of the dollars saved by the federal government are reallocated to on-reserve child and family service agencies, the majority of which are outside Manitoba. Thus, Manitoba is faced with a loss in real dollar terms. In response to this situation, First Nations have emphasized that treaty rights attach to

individuals, not to their place of residence, and thus the federal government has a legal obligation to citizens of Manitoba's First Nations whether they live on- or off-reserve. The lines of financial responsibility have become more obscure as the federal government has attempted to offload costs to the province.

The jurisdictional split with respect to the Métis is similarly complicated. While traditionally the federal government treated the Métis together with First Nations, by the 1960s the federal government was treating the Métis as a provincial responsibility. During the constitutional negotiations of the 1970s, '80s and '90s, the federal government maintained that Métis were a provincial responsibility. While legal opinions prepared by the Métis National Council, the Native Council of Canada, and the federal justice department have suggested that the Métis fall within the ambit of section 91(24), the federal government has formally accepted the opinion of DIAND legal counsel that the Métis do not come within 91(24), despite section 35 of the *Constitution Act, 1982*.^{lxxxii} Still the federal government has given the justice minister responsibility for Métis and created a federal Interlocutor for Métis and Non-Status Indians. However, while the federal government (along with the province) provides core funding to the Manitoba Metis Federation, the province provides funding for programs and services to Métis communities.

The lines of jurisdiction are increasingly blurred in practice. Negotiations on lands and treaties necessarily involve the provinces. The *Manitoba Act* and provincial jurisdiction over Crown lands ensures this. Tripartite negotiations in areas such as employment, training, economic development and like areas are increasingly common for both the Métis and First Nations. As the urban Aboriginal population has increased, 'status-blind' organizations have begun to claim to represent both Métis and First Nation citizens in negotiations on service delivery with federal and provincial governments.^{lxxxiii} In a city like Winnipeg, with the largest Aboriginal population in Canada, this is an important development. The need for co-ordination among all levels of government in the development of Aboriginal self-government becomes increasingly apparent.

The Policy Community and Network

The term that best describes the Aboriginal policy community in Manitoba is pressure pluralism. The state is relatively autonomous but power is diffuse and spread among a number of

departments, although there are points of co-ordination and convergence. Several organizations within the community compete for government resources and access. Although the Assembly of Manitoba Chiefs and the Manitoba Metis Federation (MMF) dominate the policy network, their voices are often challenged by other actors. Both organizations occupy a policy advocacy role. This section briefly reviews the actors within government and representing Aboriginal peoples.

The Assembly of Manitoba Chiefs (AMC) is probably the best known of the organizations representing a sector within the Aboriginal policy community.^{lxxxiv} The AMC was created in 1988 by an agreement among the chiefs of the 61 Manitoba First Nations as the culmination of several decades of political development and organization.^{lxxxv} It united the northern and southern First Nations in one collective decision-making body for specific purposes without impairing the right of individual First Nations to make decisions regarding their communities. At that time, the chiefs recognized the desirability of a collective body to address common issues and concerns, including devising and implementing common strategies and initiatives.^{lxxxvi} The organization was intended to give the First Nations a common political voice and to be a co-ordinating agency. It was not intended to be a service or operational body.

Although the AMC was the result of negotiations among the chiefs and a feeling that such a body was necessary, the provincial government encouraged its formation. Northern affairs minister Elijah Harper helped secure funding for chiefs' conferences and had announced that he would deal with a single body. Later, he provided a \$320,000 grant, equivalent to one given the Manitoba Metis Federation, to enable the chiefs, through the AMC, to review provincial statutes.^{lxxxvii} The AMC was intended to negotiate on matters such as gambling, hunting, fishing and other rights. The government viewed the AMC as the legitimate negotiating body with delegated authority from First Nations.

The AMC is a well structured, but not hierarchical, organization with clearly defined goals and purposes and strong lines of accountability and responsibility. It operates on the ideals of collective political leadership, including the values of sharing, non-interference, trust, respect, honour, harmony and consensus. The AMC derives its authority from the chiefs of the First Nations in the province and does not displace or derogate from the authority of the chiefs and councils to govern their own affairs within their communities. When decisions on important matters are to be taken by the AMC, the issues are discussed at the community level and by the chiefs, and consensus is developed where possible.

The AMC comprises four bodies and the office of the Grand Chief:

1. The Chiefs in Assembly comprises the chiefs of all participating First Nations and is the political forum and source of authority for the AMC. It elects the Grand Chief and the Regional Chief for three-year terms. It oversees committees and working groups and provides directives to the executive committee. Decisions are normally taken by consensus.
2. The Executive Council of Chiefs is the source of authority between assemblies and comprises the Grand Chief, chairs of the Tribal Councils, chairs of the Manitoba Keewatinowi Okimakanak and First Nations Confederacy, and designated representatives from independent First Nations. The Executive Council derives its mandate from the Chiefs in Assembly and may make representations on behalf of the First Nations, set priorities on common issues and respond to individual First Nations initiatives, and it has plenary powers over chiefs committees. It may convene special assemblies and meets at least once a month.
3. The Office of the Grand Chief is a three-year elected and renewable position open to any member of a Manitoba First Nation. The Grand Chief derives authority and mandate from resolutions passed by the Chiefs in Assembly and the Executive Council and functions as part of a collective leadership. The Grand Chief has a political role, is the principal spokesperson on common issues, and may take a lead role in advocating rights and issues. The Grand Chief is responsible for political and financial reports to the Executive Council and the Assembly, may sit on chiefs committees, assists in co-ordination the planning and operations of the various units of the AMC, and directs the Secretariat.
4. The chiefs committees of the AMC consist of chiefs or councillors selected by the Assembly, tribal organizations, and independent First Nations. Chiefs committees have been established by resolution of the Assembly in the areas of Self-Determination and Treaties, Health and Social Development, Justice, Child Welfare, Education, Housing, Economic Development, and International Affairs. The committees are accountable to the Executive Council and the Assembly.
5. The Assembly Secretariat comprises the Grand Chief and any required administrative, technical and support staff. It provides support services in the formulation of responses, positions, strategies, and work plans on common issues and concerns, and collects,

compiles and disseminates data and information. It assists in committee meetings, workshops, conferences, assemblies, and meetings with federal and provincial governments. It provides expertise, prepares and handles budgets, and works with First Nations to ensure optimum use of resources.

In addition to these bodies, the AMC is investigating means of formalizing the involvement of elders, women, and youth through the creation of advisory councils that would participate in other AMC bodies. At the time of writing, the AMC was in the process of issuing its constitution and reviewing its operations to make it an even more effective organization.

The AMC has the capacity to formulate, design, and implement policy and to assume an active role in the policy process with the provincial and federal levels of government. While it is a loose federation of the First Nations, its principle of operating by consensus and co-operation ensures the efficient negotiation and implementation of policies. While this has proved difficult, if not impossible, on the issues of the child welfare and gambling, with adequate time, resources, and government co-operation, there is reason to think that the AMC could be a very effective body to co-ordinate and administer policies and programs for First Nations in Manitoba. On particular issues, some First Nations may prefer to exercise their own authority; this should not be interpreted as compromising the integrity or authority of the AMC but rather as consistent with the functioning and operation of the AMC and the independent decision-making authority of the individual First Nations. Although this may complicate the provision of policy, it is necessary to accommodate the diverse needs and concerns of First Nations in Manitoba. What is required on the part of federal and provincial governments is recognition of the authority of the AMC, a clear commitment and effort to negotiate with the AMC on policy matters, participation with the AMC in the development of policy on an equal basis, and an open sharing of information. This would not only provide governments with necessary expertise, but also assist First Nations in the development of common positions and solutions. Should the AMC continue to evolve independently instead, then the next logical step would be its replacement by a body with clearly delineated governing authority to negotiate on an equal basis with federal and provincial governments in intergovernmental forums. This may be the structure that is more compatible with the dismantling of Indian affairs and the establishment of self-government in the province.

The Manitoba Metis Federation Inc. (MMF) was formed in 1967 as a political body to

promote the political, social, cultural, and economic aspirations of the Métis people.^{lxxxviii}

According to its constitution, the MMF's objectives are to promote the history, culture, and pride of its members; to promote the education of members regarding their legal, political and social rights; to promote the participation of its members in organizations; and to promote the political, social and economic interests of the membership. It represents descendants of the Métis people who were entitled to receive land grants or scrip under the *Manitoba Act* and individuals who identify as Métis and are accepted by the Métis Nation. The MMF is a member of the Métis National Council. The federal and provincial governments recognize it in negotiations as the legitimate representative organization of Métis.

Like the AMC, the MMF is a well-structured organization with clearly defined functions and offices. In contrast to the AMC, which is a creation of First Nations, the MMF is incorporated as a non-profit company with a charitable tax number. The MMF is governed by a board of directors, which consists of a president (elected by the members across the province for a term not exceeding three years and three months) and members of each regional committee. The board has 23 members, including the president, 7 regional vice-presidents, and 14 regional board members who are responsible to their local associations. The board has authority to manage and administer the affairs of the federation and meets at least once a year. It must convene and report to a general assembly once every year. The elected president of the Metis Women of Manitoba, which represents Métis women in the province, also sits on the MMF board.

There are seven regional associations for 'regions' whose boundaries are determined by resolution of the board at the annual general assembly based on the recommendations of the regional committees. The seven regions are Interlake Region, Northern Metis Council, Northwest Metis Council, Southeast Region, Southwest Region, The Pas Region, and Winnipeg Region. The regions are administered by an elected vice-president and two other members. The regions are subdivided into 'locals', which are administered by a chairperson, a vice-chairperson, and a secretary-treasurer. The largest region is the Winnipeg Region, with 20 locals and a total membership of approximately 12,000. The regions are responsible for conveying information on membership and local issues and making recommendations to the board and executing board decisions. All positions are democratically elected and responsible to the Métis membership with extensive rules for election.

The MMF oversees a number of initiatives, including housing development officers in

each of the six rural regions; child and family service support workers; education, research and development on Michif languages and history; economic development counselling and support; Métis self-government tripartite negotiations; land claims including court action; constitutional recognition of the rights of Métis people; and a local newspaper. It has also initiated and/or sponsored independent Métis-owned and/or -operated organizations, such as the Louis Riel Institute Inc., to give Métis more control over the design and delivery of education programs in Manitoba; the Metis Pavilion at Folkklarama; Manitoba Metis Community Investments Inc., a subsidiary of the MMF, to promote Métis economic development and Métis businesses and to invest in real estate for financial security; the Louis Riel Capital Corporation, a subsidiary of the MMF with a separate board that includes four members appointed by the MMCI, to serve the membership of the MMF by providing loans and guarantees for the initiation, acquisition, or expansion of Métis businesses; and Pemmican Publications, which publishes books and educational materials written by Métis and Aboriginal authors. It helped initiate and sponsored the Me-Dian Credit Union to provide financial services to Métis and other Aboriginal organizations, businesses and individuals; various regional corporations; and Aboriginal employment services. In particular, the Louis Riel Institute will stand as a model for Métis self-government initiatives with the intent of engaging in policy formulation and advocacy, and policy administration. In future, the Institute is intended to monitor the educational achievements of the Métis population with the objective of improving educational levels, and to receive and disburse grants for educational purposes.

Like the AMC, the MMF has structures in place for effective participation in policy development and implementation. The provincial council serves as the political voice of the Métis community. Local governing structures are in place for the provision of services and programs to the membership. MMF initiatives represent models of Métis self-government in operation. The organization has the capacity for equal participation in policy development and for the delivery of services. Like the AMC, the MMF requires a stable source of resources and clear legal authority and recognition. In the past year, the MMF experienced leadership difficulties, resulting in a realignment within the organization. However, with the 1994 election of Billy Jo Delaronde, the political tensions seem to have abated. Delaronde promised to improve the image of the MMF, which had been tarnished by the leadership contest. The organization continued to function at the officials level throughout the political difficulties.

A third province-wide organization is the Indigenous Women's Collective of Manitoba, Inc. (IWC).^{lxxxix} The IWC is a political organization established in March 1985 at a conference attended by 200 women from the Aboriginal community to act on common concerns and deal with issues affecting their political, economic, social, educational, linguistic, and legal rights. Although the AMC and MMF have provisions for the representation of women within their organizations, the IWC represents women from the status, non-status, Métis and Inuit communities. While its active membership is approximately 2,000 women, a larger number of women who are not officially affiliated use its resources. Its objectives include ending sexual and racial discrimination against Indigenous women and children, providing Indigenous women and children with a political voice, developing and maintaining a communication system among local, provincial and national Indigenous women's groups, achieving recognition as equal participants in political, economic, social, educational, language and legal systems affecting Indigenous women, and supporting the achievement of equal status for Indigenous women.

The IWC has a compact organizational structure. The president is elected province-wide by the members at large and oversees the activities of the collective. The board of directors comprises the president and one status, one non-status, and one Métis member from each region. The province is divided into four regions (Thompson, The Pas, Interlake, South), with each represented by two vice presidents, an elder, and a youth. The positions are elected and held without remuneration, unlike the AMC and MMF. Officers of the IWC include the president, vice-president, secretary, and treasurer. The IWC meets at a general meeting annually. The board is directly accountable to the membership at the annual general meeting and may not repudiate any action taken at the annual general meeting. Between annual meetings, the board co-ordinates the activities of the collective and acts upon any policies or directives issued at the general meeting. A small administrative body provides support to the board in the execution of its responsibilities.

The IWC is potentially well-positioned to provide input into policy formation by the federal and provincial governments and the AMC and MMF. It envisages a larger role within the policy community for itself. As an independent organization with a well-developed network among women in the communities, the IWC would have access to information of a sensitive nature and matters of general concern to women and children. Based on this knowledge, the IWC would be able to formulate policy advice and recommendations that would be useful to the AMC,

MMF, and federal and provincial governments. At present, the IWC is important in ensuring that the policy process is inclusive and representative of more focused interests in the community. The IWC also provides a means for the discussion of issues that are often personal and emotional in an objective and more general manner. On sensitive issues such as family violence and child welfare, the IWC could represent the position of women and children in public without the recriminations that individuals sometimes fear. The result would be the debate and development of effective solutions by the organizations concerned. Membership in the IWC for First Nations and Métis women should not be discouraged but fostered in these interests.

In the urban context, the Aboriginal Council of Winnipeg (ACW) is one of the key players.^{xc} Formed in May 1990 by the merger of the Urban Indian Association and the Winnipeg Council of Status and Treaty Indians, the ACW is a 'status-blind' organization whose purpose is to unite all Aboriginal people living in the city of Winnipeg, whether treaty or non-treaty, status or non-status. Its current membership is in excess of 2,000 individuals.

Between 1990 and 1992, the ACW was led by an eight-person board of directors with Eric Robinson as president. During that period, it made representations on behalf of urban Aboriginal people to federal and provincial governments regarding the community's needs, problems and opportunities. One of its most significant efforts included a study of more than 750 families in Winnipeg to ascertain the most pressing problems facing them.^{xci}

In July 1992, the current executive of the ACW was elected. At a community meeting the following month, the ACW received a mandate "to continue its practice of community involvement, participation and empowerment."^{xcii} More specifically this mandate includes continuing its political and advocacy role on behalf of the community; restructuring to encourage participation by elders, traditional people, women and youth; pursuing an educational strategy for the benefit of the members; pursuing a strategy to advance employment and training of its members; ensuring the implementation of the Aboriginal Justice Inquiry recommendations; promoting health initiatives; securing a fully mandated Aboriginal-controlled child and family service agency; campaigning against domestic violence; addressing housing needs of urban Aboriginal people; creating an urban Aboriginal sports and recreation association and facilities; developing an economic strategy to assist Aboriginal people in businesses; and facilitating institution-building for the community.

Like the IWC, the ACW has limited resources and a small staff and relies upon volunteer

help. The president of the ACW and the nine councillors (three of whom occupy the functions of vice-president, treasurer and secretary) are elected for two-year terms. The office is staffed by the president, a part-time receptionist/clerk, one permanent volunteer, and a number of evening volunteers. The volunteers operate twelve community circles corresponding to the areas outlined in the mandate of the ACW. Through the circles, the ACW develops positions on issues of concern that the executive then acts upon.

The ACW is in the process of strengthening its links with other urban groups that provide services to Aboriginal people. To a certain extent, these linkages are provided through members of the executive who hold prominent positions in other urban associations.^{xciii} Its objective is to serve as an umbrella urban association for the service organizations. It would act as the political and advocacy centre of the organizations and would co-ordinate the activities of the other organizations to avoid overlap and to ensure co-operation and mutually compatible objectives. This role has been furthered by its inclusion as a service organization in the Pathways agreement on labour signed by the federal department of Employment and Immigration, the MMF, the AMC, and the ACW. Ultimately, the ACW would attempt to establish urban Aboriginal government institutes to operate together to ensure service delivery and exercise jurisdiction for the community.

The proposal for the ACW to become the hub of the circle of urban Aboriginal organizations merits consideration but would require the co-operation of the AMC and MMF if it were to be effective. Aligning the urban organizations in this way might provide for a coherent and efficient means of providing services to the various constituencies in Winnipeg. An integral part of this process should be the plan to build urban institutions of self-government to encourage community participation in the design and delivery of programs and services and the fostering of history, values, culture and traditions. The necessary first steps in this process would be the negotiation and implementation of an agreement between the urban organizations and the provincial government on self-government and the provision of resources to the organizations to facilitate their involvement in the process and future arrangements. A further important step would be the negotiation of functions with the MMF and AMC. If these negotiations were to conclude to the satisfaction of all participants, then the ACW could play an important role in fostering the co-operation and joint action of the urban organizations with government assistance.

The Winnipeg First Nations Tribal Council (WFNTC) is an urban organization representing First Nations people living in Winnipeg.^{xciv} The council represents approximately 4,000 treaty and status First Nations people at present. The WFNTC was officially established in December 1991 and formally recognized and integrated into the AMC in June 1992. The WFNTC is represented by an elected chairperson and twelve elected directors, with an equal number of men and women. The term of office is three years.

The WFNTC operates for the benefit of First Nations individuals who have moved to Winnipeg. A crucial component of its purpose is to ensure that the treaties, rights and cultures of these First Nations citizens are respected. The mandate of the organization includes the development of services and programs for the membership in areas such as justice, health, child and family services, healing and social development, housing, education, employment economic development and self-sufficiency, representation and lobbying; examination of the portability of treaty and inherent rights for off-reserve First Nations individuals; co-ordination with other First Nations governments; and investigation of governance and identification of avenues for self-determination. Although its mandate overlaps with the ACW, it provides a more specialized form of representation and a crucial link for urban Aboriginal people with First Nations governments located on-reserve.

An array of other organizations provide services and representation for Aboriginal people. Ma Mawi Wi Chi Itata Centre, Inc. was established in 1984 to maintain a resource centre that provides support programs and services to Aboriginal families. This centre, which employs 75 people, is vital to the Aboriginal community. The Original Women's Network Inc. offers resources and training to Aboriginal women and was supported by the former NDP government. Anishinabe R.E.S.P.E.C.T. provides job preparation and counselling to Aboriginal individuals. Ikwe Widdjiitiwin Inc. provides a shelter program for abused women and their children. First Nations and Métis friendship centres provide counselling, support and meeting places. These and other organizations and agencies provide essential services to assist Aboriginal people in their communities and in urban areas.^{xcv}

The government actors in the policy community are more concentrated. At the apex of provincial government institutions dealing with Aboriginal people is the Native Affairs Subcommittee of cabinet. Originally established by cabinet minute 27-10, the subcommittee was formalized by order in council 323/85 in March 1985. Intended to respond to Aboriginal issues

and concerns, the subcommittee was chaired initially by the minister of Northern and Native Affairs and comprised the ministers of Community Services, Government Services, Co-operative Development, Constitutional Affairs and Natural Resources and, when required, the premier.^{xcvi} The mandate of the committee includes reviewing and responding to issues affecting Aboriginal people; engaging in strategic planning and program evaluations to co-ordinate services for Aboriginal peoples; assisting in intergovernmental negotiations as they affect Aboriginal people; consulting Aboriginal organizations regarding government policies and actions; and assisting in the resolution of conflicts or outstanding issues between departments and Aboriginal groups and associations.

The department with the greatest impact on the Aboriginal community in Manitoba is the department of Northern Affairs, which houses the Native Affairs Secretariat. The department's stated mandate is "to coordinate the activities of government and encourage the development of social and economic opportunities in the north."^{xcvii} The priorities of the department are listed as

- increasing local autonomy with the objective of moving communities toward incorporated status;^{xcviii}
- developing an orderly implementation process for settling claims under the Northern Flood Agreement;
- assisting communities in preparing community and area development plans;
- improving the infrastructure in northern communities by continuing to upgrade municipal services;
- completing a northern economic strategy in consultation with northern and Native residents;
- negotiating the settlement of outstanding treaty land entitlements with Canada and the Manitoba entitlement bands;
- providing recreational facilities for youth in northern communities and offering them a greater range and scope of educational opportunities and training;
- encouraging Northern and Native women to play a larger role in economic and human development; and
- pursuing new partnerships to facilitate northern development.^{xcix}

The priorities are intended to ensure that northern residents have more access to resources. The current mood in the department is that initiatives and consultations should

occur at the grassroots level.

The Native Affairs Secretariat co-ordinates policies and programs affecting Aboriginal people in the province. Approximately 7 per cent of the budget for Northern and Native Affairs is allocated to the Native Affairs Secretariat, although the exact figure is subject to variation. The secretariat is the support body to the cabinet subcommittee. The stated objectives of the Secretariat are

- to co-ordinate Native policy and program development;
- to conduct research and analysis of Native issues, policies and programs;
- to participate in federal/provincial negotiations on Native financial and jurisdictional issues;
- to develop policy options and negotiate Aboriginal self-government;
- to provide funding to the Native community to support efforts to undertake research, planning and negotiations.^c

The Secretariat tracks and reviews legislative and program initiatives in the various departments as they affect First Nations, Métis and Inuit. The Native Affairs Secretariat was intended to act as a liaison between government and Aboriginal communities and organizations in the development of policy. The end result was to be more responsive and co-ordinated policy in the area. As part of the initiative, the secretariat was intended to be the conduit for the funding and promotion of Aboriginal organizations to assist in the representation of Aboriginal interests and concerns to government.

The secretariat has a small staff.^{ci} In 1988 six civil service staff positions were added to the Native Affairs Secretariat, bringing the complement to nine. The positions included a secretary, a director, four analysts, and three administrative support staff. The position of secretary has never been filled officially, but the deputy minister of Northern Affairs acts in this capacity. As of December 1993, the secretariat had a director, three analysts, and three support staff. Through this tight group, the secretariat is intended to monitor legislative and program initiatives, maintain contacts and consult with the larger policy community.

Other departments and agencies have an impact on Aboriginal people in the province.^{cii} In particular, the departments of Health, Family Services and Justice have more extensive

involvement with the Aboriginal community. They work in co-operation with the Native Affairs Secretariat in the development of programs as they affect Aboriginal people. The ministers of these departments sit on the Native Affairs Subcommittee of cabinet. When matters of an intergovernmental or federal-provincial nature are involved, the executive council and premier's office participate. The Manitoba Lotteries Foundation, through its Native Gaming Section, deals directly with First Nations communities. The director of the Native Affairs Secretariat is party to most negotiations and is consulted by the other departments.

The role of the opposition parties should not be overlooked in describing relations between the state and Aboriginal peoples. Both opposition parties have Native Affairs critics, and the official opposition has critics with a special interest in the development of policy initiatives in other departments with an impact on Aboriginal people. Although the effectiveness of these agents in responding to the interests of Aboriginal people is limited by being in opposition, they can play an important role in communicating or representing the interests of Aboriginal communities and organizations to the government. The presence of four Aboriginal members of the legislature and a former academic specializing in Aboriginal history in the official opposition ensures that the government is held to account on Aboriginal issues in the legislature. Although not consulted in the development of government policy and initiatives, the opposition parties provide a check on government policies. For example, the NDP has been a vocal critic of the government handling of the Aboriginal Justice Inquiry report, northern development, and northern transportation.

The state agencies active in the policy community have the capacity to develop policy. The guidelines are set within the estimates of the government and the department of Northern Affairs. The Native Affairs Secretariat works closely with Northern Affairs and the premier's office rather than acting autonomously. The relative autonomy of the Native Affairs Subcommittee and its Secretariat from the Aboriginal sector is difficult to assess. They consult with First Nations and Métis community leaders regularly but meet on a less regular basis with officials of the major organizations. While relations with the MMF have been relatively productive, relations with the AMC have been strained and non-existent at times, and relations with the ACW and IWC have often been difficult, although co-operative at other times. While consultation does occur, the overall impact on policy development is hard to trace. The lack of associated professional ties contributes to the lack of linkages between state and community

representatives. The employment of Aboriginal people in the state agencies has contributed to the development of links to a certain extent and to an increased awareness of the concerns of communities.

Conclusion

Three important observations emerge from this overview of the policy actors and their mandate and jurisdiction. First, power tends to be diffused both at the government level and within the Aboriginal sector. This makes the co-ordination of policy initiatives difficult and the locus of responsibility nebulous. While specific initiatives are located within specific departments, the development of a co-ordinated and effective strategy to meet the needs of the various sectors of the Aboriginal community is not possible. The Native Affairs Subcommittee and Secretariat are not structured and do not operate to ensure this. Within the policy sector, the Aboriginal organizations are capable of assuming a larger role in policy development and co-ordination for their constituencies to varying degrees. The AMC and, to a slightly lesser extent, the MMF are poised to assume this role should more powers and a stable source of funding be provided. The ACW requires expansion and a reorganization of the urban organizations to enable it to develop this capacity to act effectively in the policy process.

Second, the lack of financial and other resources hampers the ability of organizations in this sector to fulfil and expand their present functions to be even more effective actors in the policy process. However, the potential is there if the will is found to follow this route.

Third, the links between the state and the Aboriginal sector are weak. Although there have been examples of co-operative and productive relations, there is little integration among the various policy actors. As discussed in a subsequent section, the funding of the groups by the state hampers their ability to engage in policy criticism and representation of their communities' interests to the government when they are at variance with government policy. The lack of professional ties and the absence of direct and formalized means of input to the policy process compound this problem. The result is the perception, if not the reality, of less than optimal policy responsiveness to the needs of Aboriginal people.

Overview of Governmental Activity

The current relationship between the state and Aboriginal peoples is an extension of the past

relationship outlined earlier in the study. Many of the points of tension involve issues from the past that have not been resolved or that are resurfacing in altered forms. Much of the suspicion on both sides of the relationship derives from past misunderstandings and misperceptions in crucial areas such as the interpretation of sovereignty and treaties. The current relationship is also influenced by the social, economic, and demographic factors described earlier. Many of the current issues and much of the present government activity are directly affected by those factors.

The purpose of this section is to sketch the areas where current provincial government activities affect the lives of Aboriginal people. Special attention is given to programs for urban dwellers, women and youth. First we examine the current policy framework. Then we go on to address the contemporary issues and agenda of government. Because they are central to the relationship, justice, education, health, gaming, and treaties are explored in greater detail. Finally, we provide an overview of government programs and expenditures. Perceptions and points of controversy in the relationship are discussed in the following section; this section is intended primarily as a descriptive profile of government activity.

Policy Framework

The framework for Aboriginal policy in Manitoba is loose and not highly structured. Since the demise of the Charlottetown Accord in the fall of 1992, Premier Filmon's Conservative government has questioned the commitment of Aboriginal peoples to a global approach to Aboriginal self-government and has instead approached Aboriginal issues on an incremental basis at the community level. The approach is a pragmatic one that addresses specific issues and problems as they arise.

A key development in the current government approach to Aboriginal issues was how Aboriginal people in Manitoba voted on the Charlottetown Accord.^{ciii} A reported 81.6 per cent of the population living on-reserve voted against the Accord. This was the most massively opposed block of First Nations voters in the country.^{civ} In October 1992, the Assembly of Manitoba Chiefs had passed a two-part resolution urging First Nations to boycott the referendum or, if members chose to exercise their franchise, to vote against the Accord. The chiefs believed that the referendum was premature; First Nations required more time to study the Accord, and leaders needed more time to consult with their citizens. They would then develop a position that reflected community views. It was a decision not to participate rather than a rejection of the

agreement. It was not a criticism of the principle of self-government per se.^{cv}

However, the vote was interpreted within government as illustrating a lack of commitment at the grassroots level to the concept of Aboriginal self-government. It also raised a question for Manitoba government officials of whether Aboriginal leaders were reflecting the wishes of Aboriginal people. Although the government had rated constitutional entrenchment of the inherent right of self-government as a priority item in June 1992,^{cvi} by 1993 it was no longer seen as a priority; instead the government had chosen to give priority to negotiations with communities on more local and immediate concerns. Bread and butter issues such as jobs, economic development and infrastructure development took precedence. The settlement of outstanding issues such as some related to the Northern Flood agreement and others mentioned earlier also remained on the agenda.

Aboriginal issues have not figured prominently in the past three throne and budget speeches. In the last budget speech, Aboriginal issues and programs were not raised. In the throne speech for the 1992-93 session, Aboriginal issues were raised only in passing. Instead of being defined separately, they were defined in terms of the government's overall objectives and priorities. The dominant theme of the throne speech was that the world is undergoing significant changes and "History teaches us that the most durable and enduring societies are those best able to cope with change, adapt their way of life and take advantage of new opportunities."^{cvi} The throne speech then outlined how the government would encourage this attitude of entrepreneurship. Aboriginal issues were mentioned in the section defining federal-provincial priorities. The speech emphasized intergovernmental co-operation and noted that all provinces have opposed the "persistent pattern of federal government offloading of costs and responsibilities onto provincial and local governments. Federal offloading has affected virtually the entire range of public services, including training, off-reserve social services and agricultural support."^{cvi} The only other direct mention of Aboriginal peoples and issues occurred in the section on the environment. The government pledged support for a new trapping system and for the wild fur industry. It went on to guarantee that "My government will continue to enter into co-management programs with First Nations to assist in protecting wildlife..."^{cix} Again, in 1994, Aboriginal concerns were not referred to specifically in the throne speech except with respect to the settlement of treaty land entitlement obligations.

Three observations should be made about this treatment. First, it is consistent with the

lack of a comprehensive approach to Aboriginal issues, which tend to be subsumed under other objectives rather than being identified and treated as important objectives in themselves. They tend not to be identified as a separate priority item. Also, the government prefers to deal with individual communities and entitlements rather than adopting a comprehensive strategy.

Second, the reference to services for off-reserve people indirectly or inadvertently contributes to a negative perception. People of the First Nations are seen as contributing to the escalating cost of government and the transfer of fiscal burdens to the provinces in tough economic times. This is not conducive to a responsive approach to these services and the population requiring them. The approach is to seek to have the federal government resume its responsibilities rather than to look at the quality of services.

Third, a negative message is unintentionally delivered to the Aboriginal community by including co-management as an environmental issue rather than as, for example, a separate component of a strategy for self-government. As one Aboriginal spokesperson explained to me, too often Aboriginal people are treated with "the flora and fauna". This oversight may be seen as demeaning. The lack of a comprehensive or explicit strategy for dealing with Aboriginal issues may cause them to be defined within a policy framework with which the Aboriginal community is uncomfortable.

The annual report of the department of Northern Affairs reconfirms this approach. The Northern Affairs sections emphasize activities such as hydro link-ups, economic development of the North, Northern Flood negotiations, and the incorporation of northern communities, among other topics. The Native Affairs section identifies an urban strategy, Métis self-government negotiations (including the federal government), the resolution of Aboriginal rights issues, negotiations with Canada regarding jurisdictional and fiscal responsibilities, co-ordination of programs and services across departments, and development of an Aboriginal centre, among other things. Again, the approach is issue-specific rather than part of a more comprehensive strategy.

The priorities of the government specifically within the Native affairs portfolio were outlined in the debates on supply in the legislature. In terms that were consistent with the government's approach to business and economic development generally, the minister of Northern Affairs characterized his government's approach to northern and Aboriginal affairs as a partnership. He told the House that

Through our government's partnership approach, we are working to ensure that northern residents and Aboriginal people have a greater voice in the institutions that serve them and greater administrative control over specific programs.

It is not our job as a government to make arbitrary decisions about what we think Manitobans want or need; rather, it is our responsibility to consult with a broad range of men and women from Manitoba's northern and native communities...^{cx}

Partnership, consultation, and co-operation were identified as the hallmarks of this approach. Within this approach, the minister noted that "Laying a solid foundation for the future through sustainable development must include targeting areas for economic development and diversification, as well as improvements to local infrastructure."^{cx} The general objective was to enhance quality of life through improved living conditions, economic development, and the creation of jobs.

In March 1992, the minister of Northern Affairs, together with the premier and minister responsible for the status of women, released a proposed policy framework for addressing the concerns of Aboriginal women. The IWC co-operated in the development of the framework. "Speaking to the Future" specifies eight fundamental principles that will guide government activity and programs as they affect Aboriginal women:

1. Manitoba recognizes that the federal government has a special trust or fiduciary relationship with status Indian peoples;
2. The Government of Manitoba is committed to establishing a partnership with Aboriginal women;
3. This policy shall encompass those provincial programs, services and activities within provincial authority and jurisdiction;
4. Recognizing that economic independence remains an important goal for Aboriginal women, the Government of Manitoba will continue to work with Aboriginal women to enhance their opportunities;
5. Aboriginal women, including those who live in remote and isolated areas, have the right to access and benefit fully from provincial programs, services and activities along with all Manitoba citizens;
6. The government acknowledges that Aboriginal women face special challenges;
7. To increase the participation of Aboriginal women in provincial decision-making processes, they will be actively recruited as members of provincial boards and

commissions;

8. Government will focus its resources in two main areas: those that have shown positive results for Aboriginal women, and those that demonstrate untapped potential for Aboriginal women's presence, benefit and contributions.

The government sees the interests of Aboriginal women as distinct from the interests of the general Aboriginal community as defined by the current leadership.^{cxii} This policy framework is intended to provide a means for women's concerns to be heard and addressed separately.

The Aboriginal policy framework remains exploratory and is evolving. By and large, it can be characterized as incremental and pragmatic. Initiatives seem to be developed according to particular issues rather than according to an overall plan for the establishment of Aboriginal self-government in Manitoba. Although the Meech Lake and Charlottetown constitutional negotiations revealed the desire of Aboriginal people for a more comprehensive strategy to achieve self-government and to ameliorate conditions for Aboriginal people, the provincial government has chosen to pursue a more ad hoc and community-based approach to Aboriginal issues, an approach that is consistent with its interpretation of the results of the constitutional referendum. The government approach to Aboriginal issues is compatible with and often subsumed under its approach to broader societal issues in the province.

Contemporary Issues and Agenda

This approach to Aboriginal policy has translated into a number of specific initiatives and issues on the government agenda. Activities fall into three categories: specific areas of action undertaken by the government to address pressing concerns among Aboriginal people; issues and the government agenda as they pertain to Aboriginal youth, women and urban dwellers; and unresolved issues and broader concerns of Aboriginal peoples.

The government has undertaken a number of initiatives to address the immediate concerns of the Aboriginal communities. Some of the more recent initiatives include

- transfer of the Moose Lake Loggers Crown corporation to private ownership of the community;
- technical assistance to new business ventures;
- infrastructure development, including the North Central Hydro Line, services, preventive maintenance, training and procedural manuals;

- providing grants for projects under the Manitoba Community Places Program;
- assistance to local contractors, including letters of credit and performance and materials bonds;
- establishment of gaming agreements through the Indian Gaming Commission;
- support for the concept of sustainable development with emphasis on water quality, sewage disposal and the reduction of solid waste;
- assistance to Kekinan Aboriginal Seniors group with a needs assessment of seniors in Winnipeg and planning the Kekinan Centre for seniors' rental housing;
- Métis tripartite negotiations on housing, education and economic development with the Louis Riel Institute;
- negotiations on settlement of treaty land entitlements with 26 bands and the federal government;
- negotiations on settlements for compensation claims pertaining to damages from hydro development in the communities of Grand Rapids, The Pas, Easterville, Moose Lake, and Cormorant;
- negotiations on claims settlements under the Northern Flood Agreement with the Split Lake Cree First Nation (comprehensive agreement), Nelson House First Nation (Memorandum of Understanding or MOU), York Factory First Nation (MOU), Norway House First Nation (negotiations), and Cross Lake First Nation (negotiations); and
- incorporation and block funding of northern communities, many of which are Métis, to enhance autonomy, with 37 communities registered as self-administering and a further 16 as in trust.^{cxiii}

Economic development, job creation, and increased autonomy for communities are distinguishable as the hallmarks of these government initiatives.

Youth

The department has designed initiatives targeted specifically to Aboriginal youth. With the department of Culture, Heritage and Citizenship, the department of Northern Affairs began the northern recreation directors program to train people to provide recreational services to Northern Affairs communities and northern reserves. The program was begun in response to the concern

of northern leaders that youth had too much time on their hands.^{cxiv} As of June 1992, 26 people had entered the program, 18 had graduated, and nine were to be employed by the department and nine by First Nations.^{cxv} With departmental recreation directors in place, some 41 per cent of the population and 54 per cent of the youth in the 25 communities served are participating in recreation programs.^{cxvi} As a complementary initiative, the department has supported construction of arenas in communities such as Jackhead, Pukatawagan, Berens River, Camperville, Poplar River, Bloodvein, Easterville, Gods Lake, Oxford House and Sagkeeng.^{cxvii} A third component of the recreation initiative for youth includes Northern Fly-In Sports Camps, which bring instructors to northern and remote communities. The department emphasizes initiatives like these for youth because they provide a healthy outlet by promoting involvement, cross-cultural awareness, team spirit and leadership skills.^{cxviii}

Women

Under the policy framework set out in "Speaking to the Future", the Filmon government has acted to assist Aboriginal women. As part of this policy, the government has provided funding to women's organizations and shelters and for training and cultural involvement. Owing to divided jurisdictional between federal and provincial governments, the province perceives its ability to provide assistance to women on reserves as more limited. The government emphasizes the necessity of women playing an increased role in decision making at all levels of policy and programs^{cxix} and in assuming a leadership role within their communities.

Child welfare

A related area of concern involves child welfare. The province joined forces with the federal government and the Assembly of Manitoba Chiefs to address concerns about the welfare of children when they appointed a six-member First Nations Child and Family Task Force, headed by Professor Wally Fox-Decent and Dr. Marilyn Cox. The Task Force travelled to First Nations communities throughout the province to hear their concerns and was then to develop recommendations. After extensive hearings and discussions and amid some controversy, the Task Force issued its report, entitled *Children First, Our Responsibility* in November 1993.

The report included 18 recommendations and an action plan. The main points of the recommendations and the action plan were summarized as follows:

- Federal legislation to replace provincial law and the Province then to vacate.
- The establishment of the First Nations Child and Family Services Directorate.
- Decentralization of agencies to communities.
- Extending the mandate of First Nations to include services to off-reserve residents.
- Combining First Nations agencies' outreach offices in Winnipeg into one First Nations agency for Winnipeg.
- Revitalization of local Child Care Committees.
- Adoption and development of the First Nations case work model/process.
- The establishment of the Community Healing Centres.
- Flexibility of funding.^{cxx}

The response to the recommendations of the Task Force has been limited. However, negotiations between the principals and at the federal level continue. This remains a primary area of concern for women in First Nations communities. Allegations of political interference by chiefs in the current agencies surface periodically. In interviews, women commented on their disappointment with the response and level of action in this area to date.

Urban issues

The department released an Urban Native Strategy in 1989.^{cxxi} Progress on this strategy has been slow or non-existent. In 1991-92, a surplus of \$272,000 in the budget for Aboriginal development programs was attributed to "not reaching a final arrangement with all parties to work towards the implementation of an Urban Native Strategy." In June 1992, in response to questions from the opposition, the Minister stated that

Where we are at with the Urban Native Strategy, I guess, I am not satisfied with the current situation. We probably should have had more things in place, but to establish for example, a committee, to establish a board, to establish a structure which was initially proposed, I did not feel was serving the individual to the way in which we should be with government programming.^{cxxii}

Although he had been consulting with Aboriginal leaders and with federal and municipal governments and considerable resources had been spent on the initiative, he concluded that "I guess the most meaningful Urban Native Strategy would be one of creating opportunities for the Aboriginal communities in their homes where they have traditionally been born and raised."^{cxxiii}

In 1993, the minister reiterated this conclusion and noted that the exodus of Aboriginal people from the North to urban centres puts pressures on housing, education and jobs. "We have put in place some of the supports and some smaller amounts of funding for the safe house

program for youth, support programs for the Native women's shelter, but there seems to be an increasing number of people that need services and need some assistance... The answers do not come easy..."^{cxxiv}

Despite these efforts, the Urban Native Strategy is relatively undefined. In November 1992, the Aboriginal Council of Winnipeg presented a proposal to the government outlining a detailed plan for the realization of urban Aboriginal self-government.^{cxxv} However, a firmer protocol with the provincial government is necessary for more progress. Most recently, the provincial government, through the Urban Affairs ministry, has proposed including an Aboriginal component in the core area initiative. Negotiations would encompass federal, provincial and municipal governments and Aboriginal organizations.^{cxxvi} As the migration of Aboriginal people to urban centres such as Winnipeg increases, the urgency of establishing an urban strategy increases.

Justice issues

As in other provinces, such as Saskatchewan, the Manitoba justice system has come under scrutiny as an important area of relations between Aboriginal people and the provincial government. It is an important issue and an area that accounts for an important aspect of both the government and the Aboriginal agenda.

The current debate centres around and stems from the report of the Manitoba Aboriginal Justice Inquiry (AJI). The AJI was established by Native affairs minister Elijah Harper and attorney general Vic Schroeder in 1988 to investigate the treatment of Aboriginal people in the justice system in response to two specific incidents — the shooting of J.J. Harper by a police officer and the trial of the three men accused of killing Betty Osborne in 1971 — as well as more general concerns about the over-representation and poor treatment of Aboriginal people in the justice system.^{cxxvii}

The hearings held by the AJI were the most extensive in the province's history, with some 1,000 witnesses testifying. The commission's report, released in 1991, contained recommendations that included streamlining the justice system; making the justice system more representative; establishing a separate Aboriginal justice system to resolve land claims and treaty issues; endorsement of the right of self-government; and promulgating an Aboriginal Charter of Rights and Freedoms.^{cxxviii} Of the 293 recommendations, 107 were in areas of exclusive

provincial responsibility. The report concluded with this observation:

We have investigated the administration of justice in Manitoba and have come to the conclusion that it does not deliver justice to Manitoba's Aboriginal people. In almost every aspect of our legal system, the treatment of Aboriginal people is tragic. We marvel at the degree to which Aboriginal people have endured, and continue to endure, what the justice system is doing to them. However, they have paid the price of high rates of alcoholism, crime and family abuse.^{cxxix}

Response to the report was mixed. The provincial government, led by the Filmon Conservatives since the 1990 election, was not prepared for the extensiveness of the recommendations. When the report was released, Northern and Native affairs minister Jim Downey commented to the media: "I think there were a lot of additional issues that were added that I'm not prepared to comment on at the present time."^{cxxx} Opposition MLA Elijah Harper noted that the document reported officially on criticisms and recommendations that were already well known and was disappointed by the government's indifference.^{cxxxi} Phil Fontaine, Grand Chief of the Assembly of Manitoba Chiefs remarked that the recommendations were what they expected to hear and that "We thought the commissioners would provide a solid piece of work with recommendations that represent fundamental social change in this province and elsewhere."^{cxxxii} He said his constituency expected government action on the report. The Manitoba Metis Federation cautiously endorsed some recommendations but said they would review it in light of its implications for Métis people.^{cxxxiii} Assembly of First Nations Grand Chief Ovide Mercredi commended the work of the commission and called for implementation of the recommendations. Winnie Giesbrecht of the Indigenous Women's Collective applauded the report for endorsing equal justice for women and noted the need for action.^{cxxxiv}

The commission's recommendations have been studied by government, but implementation has been slower than the Aboriginal community had hoped. By 1994, a list of recommendations adopted by the provincial Justice department contained "only 17 items, from the construction of sweatlodges in two Manitoba correctional facilities to a program to appoint more Aboriginal justices of the peace."^{cxxxv} A tour of Stoney Mountain Penitentiary revealed the importance of sweatlodges in correctional facilities and of access by Aboriginal inmates to open-air facilities. Similarly, the presence of an elder and respect for religious articles have been positive developments. However, the larger questions of control and participation in decision making and program development have yet to be resolved.^{cxxxvi}

Reflecting on the overall response to the recommendations, Al Hamilton, one of the

commissioners, noted the lack of commitment on the part of the provincial government:

Aboriginal people do not have faith in our society's system...and yet the provincial government has shown little commitment to instituting a separate Aboriginal justice system. ...You could take almost any issue we dealt with in the report and then say there have been no apparent changes or action with respect to those.^{cxxxvii}

The government questions the need to proceed on the recommendations of the AJI, since it does not perceive there to be strong public support.^{cxxxviii} Although discussions on implementation are taking place between the province and Aboriginal leadership, justice remains a point of tension in Aboriginal/provincial relations.^{cxxxix}

Tension over justice issues flared again in early 1994 with the announcement by provincial justice minister Vodrey that the province would introduce 'boot camps' or 'wilderness camps', modelled on those in Alberta and Florida, as an alternative to incarceration for young offenders. Given that 7 out of 10 young offenders in detention are Aboriginal, this would affect the Aboriginal community directly. The AJI had recommended "open custody facilities and wilderness camps be established for Aboriginal youth throughout the province and, especially, in Aboriginal communities."^{cxl} It emphasized Aboriginal participation in the design of the camps, training and courses, and skills development as part of the programming. Consistent with these recommendations, the AMC and the ACW criticized the military-style boot camps proposed by the government and the lack of consultation. They asked to work with the government in developing a style of camp that would be more culturally appropriate. Their recommendations included incorporating elements of Aboriginal spirituality into daily camp routines, involving Aboriginal people in the operation and management of the camps, and expanding employment, educational and recreational opportunities for Aboriginal youth. The minister allowed for the possibility of sensitivity to Aboriginal cultural issues and visits by elders to the camps, but he noted that "We're not dealing with summer camp...We're dealing with convicted offenders."^{cxli} As with prisons, concessions to the Aboriginal community would appear to be possible, but issues of control and jurisdiction remain unresolved. The approach to change is incremental and proceeds issue by issue.

Education

Education is another issue that merits special mention. A recent study of education in Manitoba revealed that access to education in Manitoba is difficult for Aboriginal people. First, access to high schools is limited:

In Northern Manitoba, only 9% of the 56 communities administered under the Manitoba Northern Affairs Act, and 36% of the 42 First Nations communities governed under the federal Indian Act, have high schools. For reserve communities in the north, in 1992/93 over 550 students were placed outside the region.^{cxlii}

The small size of these communities compounds the difficulties of providing educational facilities close to home.

Second, access to post-secondary education is also limited. The percentage of identified Aboriginal students in universities and colleges was disproportionately low, ranging from 4 per cent at the University of Manitoba to 20-23 per cent at Brandon University, and from 9.7 per cent at Red River College to more than 50 per cent at Keewatin Community College in The Pas.

Third, staffing was not representative of the Aboriginal population. For example, the University Education Review Commission noted that the University of Manitoba employed only 7 Aboriginal academic staff and 37 support staff as of January 1992.^{cxliii}

Fourth, access programs that have provided funding to Aboriginal students for post-secondary education have experienced serious cutbacks. The federal government withdrew in 1989-1990. The province has rearranged its funding priorities. As a result, the number of students "funded by First Nations bands and from other sources [has] increased proportionately."^{cxliv}

Two observations obtain. First, education is a crucial component of the strategy for Aboriginal self-government. Cutbacks and a lack of commitment to programs facilitating access to education on the part of federal and provincial governments affect progress toward this objective. Aboriginal leaders and organizations identify education as a priority concern for their communities. Opposition MLA George Hickes, an Inuk, captured this view when he explained to the minister that

...the key to aboriginal self-government is education. When you see the education measures that have been taken, and trial and error, and you see such successful programs as the ACCESS programs where we have aboriginal doctors, dentists, teachers, social workers, and on and on, who have graduated with the proper support from those programs and who go back into the North, a lot of them into their own home communities to help their own people.

Those are the kinds of programs that are key for aboriginal self-government. Without those programs, it will be just the same old story where you will have non-aboriginal bureaucrats running a system that is supposed to be run by aboriginal people, and once it fails — which under that system, it would be set up to fail — you will be able to hear the I told you so's.^{cxlv}

Second, there has been a trend toward downloading educational expenses from the federal government to First Nations and from the provincial government to Métis communities or individuals. Limited resources compound access problems. Again, Aboriginal organizations identify lack of education funding as a serious problem. Another aspect of downloading was raised during a tour of local communities. First Nations were "being forced to go to local control" over education according to chiefs and councillors in these communities. This entails maintaining and repairing buildings even when the capital funds of First Nations are often committed or already stretched to the limit to meet communities' most basic needs. The federal government is not providing needed funds to maintain and enhance the quality of education and the requisite facilities. The long-term result of federal and provincial neglect in this area is lower levels of educational attainment and poorer job prospects for First Nations citizens than for other Canadians.

Health

Health issues remain a high priority on the Aboriginal agenda.^{cxlvi} A sampling of some of the more immediate concerns conveys an impression of the issues at stake. First, general delivery of health services on reserves is under federal control. For example on-reserve nursing stations are funded by Health Canada under a 1964 memorandum of understanding. However, access to hospitals and treatment centres is often difficult for Aboriginal people. First Nations citizens or Métis residents of adjacent communities must often travel substantial distances to another community to reach a health centre.^{cxlvii} Further, residents expressed a desire for the province to become a more active lobbyist on their behalf for improved conditions in health centres and personal care homes, as they have with schools. They also suggested that elder care should be available more commonly on reserves.

Second, during a tour of northern communities, the residents repeatedly noted the need for an Aboriginal-controlled solvent or substance abuse centre. They indicated that treatment in these cases is different from treatment for alcohol abuse, requiring specially trained counsellors; elders could play an integral role here. The need for a treatment centre in the northern part of the province is especially urgent for youth in these communities.

Third, members of the communities argued strongly for resident, full-time psychological and family counsellors. The answer is not to remove people from their communities for

treatment but to help them deal with daily problems in the community. Counsellors must understand the conditions and environment to make a realistic assessment and plan appropriate treatment.

Fourth, the provincial government has announced it will allow midwifery within the province. This is an important issue for Aboriginal women, who are often evacuated from their communities and flown south to have their babies. This can be a traumatic and alienating experience. First Nations women want the province's plans in this area to include recognition for traditional birthing practices and Aboriginal midwives.

Gaming

Gaming is an area where the province has already taken action. A 1985 amendment to the *Criminal Code* delegated licensing and regulatory authority over lotteries from the federal government to the provinces without consulting First Nations,^{cxlviii} despite their interest in this area and the possibility that gaming could be included as an Aboriginal right under section 35 of the *Constitution Act, 1982*. The Pas Band (now Opaskwayak Cree Nation) was the only First Nation in Canada to have passed by-laws recognized by the federal government under the *Indian Act* regulating gaming on their lands. However, in 1986 the RCMP raided the reserve and seized unsold tickets and the band's records of break-open ticket sales, which had commenced in 1984. This proved the catalyst for the province, under Howard Pawley's NDP government, to enter into negotiations with five organizations representing all the First Nations in Manitoba. On 3 February 1987, the organizations and provincial and federal governments signed a memorandum of understanding on gaming that established a framework for negotiating agreements with individual First Nations but left larger issues of sovereignty and jurisdiction unresolved.^{cxlix}

In 1990, the Filmon government developed a policy to resolve jurisdictional disputes with First Nations over gaming. The Opaskwayak Cree Nation was the first First Nation to sign an Indian Gaming Commission Agreement. The gaming agreements "provide for the appointment and establishment of an Indian Gaming Commission with authority to exercise powers similar to the [Manitoba Lottery Foundation] in licensing charitable or religious organizations under section 207(1)(b) of the *Criminal Code*. Among the Commission's powers is the exclusive power to set and collect licence fees."^{cl}

Under this policy, 14 Indian Gaming Commission Agreements were in effect as of August

1993 between First Nations and the provincial government, encompassing 20 First Nations, 8 video lottery terminal (VLT) siteholder agreements and 74 lottery licences for reserves with 24 First Nations.^{cli} Revenues from VLTs remain with First Nations, except for a 10 per cent cost-recovery fee paid to the province for the services of the Native Gaming Section of the Manitoba Lotteries Foundation. The minister recently observed that "These programs and agreements are integral to the sustainable development and long-term growth of new enterprise in the North and in our native communities. I remain committed to promoting these programs..."^{clii}

Although progress is being made in negotiating gaming agreements with communities, important underlying issues remain unresolved. The Native Affairs Secretariat and the Native Gaming Section concur in their assessment that negotiations with individual First Nations are more productive than negotiations with regional or provincial organizations, given the different needs of First Nations communities. In accordance with this advice, the government has chosen to deal directly with First Nations communities rather than through the AMC. Individual First Nations are attracted to this opportunity to raise revenues and thus enter negotiations with the province.

Although there has been some tension over the issue of process, First Nations have given the AMC a mandate "to establish a First Nations Gaming Commission and to secure a federal Criminal Code amendment to recognize First Nations jurisdiction on-reserve."^{cliii} The AMC has presented a protocol to the province for a First Nations Gaming Commission.^{cliv} The proposal is to establish an umbrella organization to regulate gaming operations run by First Nations. Among other things, the Commission could negotiate market share agreements to ensure that the poorer First Nations benefit from the arrangements. Jurisdiction and control would rest with the First Nations Gaming Commission. This could be a component of a First Nations governing structure within the province. The difficulty is that it conflicts with provincial authority to maintain a monopoly over gaming revenues, especially from casinos. The interests of the province and First Nations would have to be reconciled.

Treaties

Treaties remain a crucial issue for First Nations, which see treaties as bilateral arrangements with the federal government. They urge the federal government to recognize and honour their

obligations under the treaties. However, treaty land entitlements (TLEs) involve provincial governments. When questioned in the legislature about the government's record on treaty land entitlement, Jim Downey, minister of northern affairs at the time, observed

I take it seriously. Treaty land entitlement is to me the outstanding issue that will resolve a lot of the tensions that develop between the aboriginal and non-aboriginal community. There is a debt owed, and it is at this time we as provincial and working with the federal government — and, by the way, what happened a few years ago was that the federal government walked away from the table when there was, in fact, close to a resolve. I hope that we are back now in a position where the federal government — and I think from recent meetings and indications from them that they are back in a meaningful way, we are there in a meaningful way, and I think the communities that we are talking to are there in a meaningful way...I can tell you it is the will of the government to try to resolve these as fairly and equitably as possible.^{clv}

At the time of writing two announcements were pending. One signing had been postponed pending the return of an elder for the event. The department was optimistic about progress in concluding negotiations on outstanding treaty land entitlements. By 1995, the government remained committed to settling TLEs, but progress was limited and slow. This is an area of crucial importance to First Nations, as shown earlier in the review of historical events.

Process issues

An important issue on the agenda is the relationship and process for settling differences or ensuring co-operation between province-wide Aboriginal organizations and the provincial government. Relations between the government and Aboriginal organizations have not been sustained or always cordial. As a result, programs and services for the Aboriginal population have been affected adversely.

The relationship between the Manitoba Metis Federation and the provincial government has been co-operative in the past six years. To ensure continuing good relations with the MMF, the provincial government, with the federal government, signed a process agreement regulating their interactions in the development of policies. The purpose of the document is to provide a tripartite forum for the negotiation of self-governing agreements, which may also advance Aboriginal constitutional objectives. The objectives are to transfer control over Métis interests to Métis institutions, to involve the Métis in the design and delivery of programs, to protect Métis culture and heritage, and to promote Métis economic development. Agenda items include economic development, education, housing, child and family services, a data base, and a

framework agreement. Working groups were established corresponding to these areas.

This protocol has proven effective. The MMF is negotiating the transfer of powers and development of institutions like the Louis Riel Institute (announced at the end of 1994), the Louis Riel Capital Corporation, and other corporate entities outlined earlier. Advances have been significant with respect to housing, education, and the development of organizational structures for Métis institutions. The MMF has been negotiating for and progressing toward self-government under this arrangement.

In late 1993, the Manitoba government entered into negotiations with the Assembly of Manitoba Chiefs on a protocol to improve relations and facilitate the development of policy. The objectives included establishing a process for the mutual development of solutions, a formal relationship for the timely and effective resolution of matters of mutual importance, a means of improving socio-economic conditions, a consultation process, and a process to resolve potential conflicts. Priority areas were identified as self-government, federal-provincial relations, child welfare, family violence, Aboriginal justice, natural resource issues, and others as deemed important. Although the two sides had hoped to conclude negotiations by the end of 1993, at the time of writing the protocol had not been signed. An impasse had been reached over the issues of treaty guarantees and recognition of the inherent right of self-government for First Nations. Perceptions of the purpose of the document also varied: the government saw it as a process document, while the AMC wanted more substantive issues to be included. The negotiations and mutual desire to find a more satisfactory framework for the development of Aboriginal policy signal an improvement in relations, but whether this is temporary or permanent remains to be seen. The present breakdown in negotiations would tend to indicate that the relationship is tenuous at best.

An external facet of the relationship between the provincial government and Aboriginal peoples deserves special attention. Federal government actions affect this relationship and the provincial government's ability to act. In particular, financial arrangements have introduced sources of tension as the federal government has gradually downloaded expenses to the provinces. For example, in 1991, the federal department of Indian affairs announced that 100 per cent reimbursement to provinces and municipalities for social assistance payments to off-reserve status Indians would end on 31 March 1991 and be replaced by the 50 per cent reimbursement formula of the Canada Assistance Plan. The savings were to be reinvested in on-reserve child and

family service agencies, most of which were outside Manitoba. The department relented slightly in May, announcing that it would temporarily reimburse First Nations that provided social assistance to off-reserve people who were denied provincial or municipal assistance. In 1992, Manitoba announced that it would provide full reimbursement for off-reserve status Indians as an interim measure until another arrangement could be worked out between the federal government, the province and First Nations.

The federal government continues to deny financial responsibility for Métis. Further to this issue, the phasing out of federal/provincial cost-shared programs relating to Aboriginal peoples has caused provincial costs to rise. In particular, the Northern Development Agreement and the special Area Regional Development Agreements provided much-needed assistance in the 1970s and early '80s. In a have-less province like Manitoba, with its restricted tax base, the transfer of costs from the federal government to the province can be onerous and aggravate tensions in the relationship with Aboriginal peoples.

Self-government

Another facet of the relationship between First Nations and the federal government that significantly affects the provincial relationship with First Nations concerns the initiative to dismantle Indian affairs and establish First Nations self-government. On 7 December 1994 representatives of the federal government, including the minister of Indian affairs and representatives of Manitoba First Nations, among them Grand Chief Phil Fontaine of the Assembly of Manitoba Chiefs, signed a framework agreement whose title summarizes its objectives: *The Dismantling of the Department of Indian Affairs and Northern Development, the Restoration of Jurisdictions to First Nations Peoples in Manitoba and Recognition of First Nations Governments in Manitoba.*^{clvi}

The historic agreement outlines the rules and framework for the transfer of federal jurisdiction from Indian affairs to First Nations. Eventually First Nations will assume all executive, legislative, judicial, and administrative control over their communities. The initiative, which cost more than \$800,000 to negotiate, resulted in a further commitment by the federal government to

- a flexible transfer payment agreement providing \$3.814 million to cover the cost of researching existing DIAND programs, of analyzing and developing options for changes to

programs and services, and of considering and recommending the range of powers to be negotiated by the First Nations governments of Manitoba over the period 1994-1996;

- providing ten positions within DIAND to representatives designated by the AMC to enhance understanding of DIAND programs and policies; and
- funding and expediting project agreements on education, fire safety, and capital transfers.

Self-government arrangements under the agreement would be negotiated with individual First Nations, and individual First Nations could opt out of the agreement if they chose and remain under federal jurisdiction. The transfer of powers is expected to occur over a ten-year period.

The framework agreement contains specific principles to be in effect during the transfer of control. Treaties are neither diminished nor affected adversely by the process. The fiduciary obligation of the federal government to First Nations will continue. The inherent right of self-government forms the basis of the agreement. First Nations governments in Manitoba and their powers will be consistent with section 35 of the *Constitution Act, 1982*. Liability and responsibility for actions undertaken by self-governing First Nations will rest with those governments. The *Indian Act* would be amended or repealed as required to effect the new and stable relationships negotiated between First Nations and the federal government. The ability of First Nations to enter into agreements on legislative, executive, administrative, and judicial functions consistent with the right of self-government is not impaired. The negotiations will not adversely affect other initiatives between the federal government and First Nations.

Implementation of the arrangements is subject to ratification by "a reasonable number" of First Nations. In all, 17 principles are enumerated.

From the perspective of the First Nations/provincial government relationship, the agreement has important ramifications. First, to this point, the province has not been party to the negotiations. The negotiations have been bilateral in accordance with the treaty and constitutional relationship between the federal government and First Nations. While the exclusion of the province is consistent with the bilateral relationship, it means that provincial support for the initiative has not been secured. This could pose difficulties during implementation of the agreement and negotiation of specific self-government arrangements, since provincial co-operation will be, at a minimum, politically if not legally required for the co-ordination of powers, discussions on jurisdiction, and transfer of lands.

Second, the initiative could strain the relationship between the province and First

Nations. As powers are transferred to First Nations, more flashpoints could arise in the relationship with the province. For example, under the agreement, First Nations envisage more control over such areas as natural resources, gambling, and child welfare — all areas of provincial responsibility. Different visions of management and development could come into direct conflict. Given the existence of First Nations communities within provincial boundaries, issues of jurisdiction acquire significance.

Third, the approach adopted to achieve First Nations self-government under the dismantling initiative is inconsistent with the provincial approach to Aboriginal issues at a conceptual level. While dismantling is a comprehensive approach with allowances for variations between communities, the provincial approach has been incremental and targeted to specific needs of communities without a comprehensive strategy. The lack of a similar vision could complicate negotiations once the province is brought in and impair provincial support for the initiative.

Fourth, questions of citizenship arise. In interviews, provincial representatives have questioned whether the province would continue to have any obligations to citizens of self-governing First Nations, including their off-reserve members. They compare their future obligations to these citizens to the present situation with respect to citizens of other provinces. Ultimately, this line of reasoning leads to questioning the provincial enfranchisement of First Nations citizens.

Finally, representatives of the provincial government, including Premier Filmon, have publicly questioned the dismantling initiative and expressed doubt about the capacity of First Nations to assume full jurisdiction as proposed under the framework agreement. The result has been further discord between the provincial government, the AMC, and First Nations chiefs. Although not all chiefs necessarily support the agreement, and some have expressed concerns in public, generally they view the comments by the provincial government as patronizing and interfering. At general assemblies held during the negotiations, the chiefs were adamant that the province was not to be involved in negotiations. Even the presence of the provincial government at the official signing was questioned by both sides. In the end the AMC issued an invitation to the province, and the province responded by sending the minister of Native affairs. The premier did not attend.

While the initiative represents a significant stride toward establishing First Nations

self-government, it has complicated and strained the relationship between First Nations and the provincial government. Whether the provincial government and First Nations can overcome these new tensions remains to be seen. In the meantime, negotiations on specific issues such as taxation agreements and gaming licences between specific First Nations and the provincial government continue.

In summary, some observations should be made about the relationship as revealed in this review of policy, initiatives, and issues. On specific issues, the province is achieving some gains. This is evident in each area discussed. Common to all the issues, however, is that the underlying matter of sovereignty and self-government remains unresolved. Where transfers of jurisdiction and decision-making authority are involved, and particularly where there are fiscal implications or associated transfers of revenue, progress has been limited. Some areas of the relationship require immediate attention: education, economic development, child welfare, health, justice and policing remain unresolved but require action. First Nations and the provincial government emphasize the need to settle treaty issues. A protocol to improve relations and facilitate the development of policy for First Nations is necessary. Action is necessary on an Urban Aboriginal Strategy to cope with a significantly expanding set of demands and challenges. The financial responsibilities of federal, provincial and Aboriginal governments require delineation. Offloading these responsibilities serves only to discourage efforts to improve conditions for Aboriginal people. Constructive negotiations between the various levels of government are required on dismantling, as well as on specific issues like policing, justice, employment and training, and the like. These problems and areas requiring action are more significant in the case of First Nations, by comparison with the Métis, but are not limited to them. Many of the present 'solutions' are ad hoc or limited and do not effectively address the more endemic problems facing Aboriginal communities.

Expenditures and Programs

Expenditures on Aboriginal peoples and programs are difficult to identify in Manitoba. Departments do not track Aboriginal-specific program expenditures; this is apparently because of concerns about the administrative difficulties of doing so and about the potential to contravene the *Canadian Charter of Rights and Freedoms*. Estimates of expenditures are at best guesses, projections or extrapolations and are often based on impressions or experience and thus may not

be reliable. When an attempt was made to compile these figures three years ago, a decision was made at the provincial cabinet level not to release the figures. Because of their tentative and unreliable nature, they could be misinterpreted or misconstrued. For example, they could be used to justify a reduction in federal transfers.

Despite these difficulties, an attempt has begun to collect these data systematically. The government has entered into a joint process of attempting to record expenditures in conjunction with the other provinces and the federal government. In the past year, the province compiled a partial list for Dr. Georg Lithman, who had requested it on behalf of the Assembly of Manitoba Chiefs.

This aspect of the study proved to be one of the most sensitive areas of research. The provincial government seemed concerned that the figures could be used by the federal government to reduce its share of expenditures and by Aboriginal people to demand more spending or a direct transfer of funds. Aboriginal organizations seemed to feel that expenditures were either exaggerated or did not take into account the revenues flowing to the provincial government through the Aboriginal population. They argued that government officials tend to associate Aboriginal people with cost outlays rather than factoring in their contribution to the province through taxes and fees. In the current period of fiscal restraint, these sensitivities are heightened.

An overview of government expenditures and programs directed to Aboriginal people in Manitoba is included in Table 1, Appendix 2. The Native Affairs Secretariat provided a copy of the 1993-94 provincial estimates with programs and expenditures highlighted that are "substantially" directed to Aboriginal people. "Substantial" was used to refer to areas where Aboriginal people would account for an identifiable portion of spending or use of a program or service, although the exact percentage might vary. Despite the vague and general nature of these figures, they do allow an appreciation of the extent to which provincial programming affects the lives of the Aboriginal population. They also allow some general observations to be made.

First, comparing government expenditures on Aboriginal people over the past ten years is difficult, given the available data and changes in departmental organization and programs over the years. However, when figures from the 1987/88 and 1993/94 estimates are compared, some trends are apparent. There has been a shift in priorities. Spending on highways and transportation rose substantially, from \$47,869,900 in 1988 to \$232,047,3000, although spending on winter

roads, which serve northern communities and First Nations lands, rose only from \$2,502,000 to \$3,575,000. The reduction in federal contributions is also evident; in 1988 it paid 50 per cent of the cost of winter roads, while in 1993/94 it paid less than 20 per cent (\$665,000). Similarly, spending on justice rose from \$82,099,000 in 1987/88 to \$170,157,100, with public prosecutions and corrections accounting for the largest proportion. Health spending remained fairly constant (\$1.8 billion in 1993/94, up from \$1.3 billion in 1987/88). This might indicate more importance being assigned to the southern part of the province and to public order issues in 1993/94 than in 1987/88. This would be consistent with the electoral support and the ideological commitments of the Conservative government (1993/94) and the NDP government (1987/88).

Second, of more direct significance are the overall figures regarding northern and Native affairs. In 1993/94, the department of northern affairs estimates were budgeted at \$20,810,900, down from \$26,381,100 in 1987/88. Expenditures for the Native Affairs Secretariat rose from \$1,087,200 in 1987/88 to \$1,343,000 in 1993/94. The Filmon government had also allotted \$1,000,000 to an Aboriginal Justice Initiatives fund to implement and/or investigate the recommendations of the AJI. Overall spending on northern and Aboriginal communities has declined under the Conservative government compared with its NDP predecessor. The 1993/94 figures emphasize local government development and northern development and co-ordination, including the Northern Flood Agreement. This agenda is more consistent with the principles of economic liberalism than ethical liberalism, as might be expected following a shift to a conservative government from a social democratic government.^{clvii} It is also consistent with the general trend toward reducing government size and spending.

Third, areas of expenditures particularly relevant to Aboriginal people can be identified. The departments with the largest budgets in recent years have been Health, Education, Family Services, Finance (Public Debt), and Justice. Much of the identifiable portion of spending that is directed substantially to Aboriginal people occurs within these departments. The following programs had higher percentages of Aboriginal users than most (percentages in parentheses are guesstimates at best): Native Education (100%), Distance Education and Technology (high percentage), Access Programs (70-75%), Literacy and Continuing Education Grants (32%), Human Resource Opportunity Centres (24%), Apprenticeship (13%), Keewatin Community College (50%), Northern Patient Transportation (high percentage), Aboriginal Justice Initiative (100%).

Tables 2, 3 and 4 in Appendix 2 provide a more detailed assessment of expenditures relating to Aboriginal people. Table 2 provides a breakdown of spending by department. However, the Department of Northern Affairs released the figures with the following caution: "In considering these figures, it must be recognized that they are not the result of rigorous tracking criteria as the majority of government departments do not collect statistics on the basis of ethnicity. Accordingly, they should be considered as rough estimates to be used only in gaining some insight on magnitudes." Commenting on these figures, the AMC noted that they were unreliable and highly dubious. Table 3 provides a more detailed assessment of justice costs. However, these figures were compiled by a consulting firm and have not been endorsed by cabinet. Table 4 provides an overview of tax sharing grants between Manitoba and bands and northern communities.

The data point to some conclusions. They reconfirm that the bulk of expenditures occur in the areas of health, family services, justice, education, highways and transportation, and finance. The commentary provides insight into the difficulty of acquiring data. The figures also reveal the need to systematize government spending so that it can be directed more effectively to the identified requirements of the Aboriginal population, and so that the cost of developing institutions of self-government and transferring control over programs to communities can be assessed more accurately. As it is now, the costs of self-government are buried or based on approximations and guesses. Governments need to provide these data to facilitate the move to self-government.

Government spending on Aboriginal people was seriously affected in the 1993 budget by the reduction in grants to Aboriginal centres and organizations profiled in Table 4 of Appendix 2. On 15 March 1993, the finance minister announced grant reductions and withdrawals for the majority of grant recipients in the 1993/94 fiscal year.^{clviii} Grants were withdrawn from 56 organizations, including 11 Aboriginal Friendship Centres and 3 provincial organizations (the AMC, First Nations Confederacy, and the MKO). A further three Aboriginal organizations (the MMF, IWC and the ACW) had their grants reduced by ten per cent.

According to government news release, the cuts were made in accordance with a priority emphasis on funding groups and organizations that deliver key human services. In the legislature, the minister explained why organizations had been treated differently in the allocation of funding:

As it [the AMC] is a political body and they do have, through the federal system, budgets established through the federal government to their individual bands — and I believe there are some 61 bands in Manitoba. If one were to divide the number of bands into the total number of dollars that they received, if each band wanted to say we believe in supporting the Assembly of Chiefs as a spokesgroup for each band, they then could put within their budget an amount of just over \$5,000. So each band to maintain their own political organization in Manitoba would have the ability to fund through their own budgets which are supported by the federal government. Again, that is in contrast to the support that was continued for the aboriginal council in Winnipeg that do not have a budgetary fund available from any other source.

The same applies for the indigenous women, they do not have funding sources of any other capability...The Manitoba Metis Federation do not have additional funding supports or any other ability to acquire funds as the bands do. That is the reason behind it.

It was not an attack on the leadership.^{clix}

The minister suggested that the revenues from gaming agreements, gasoline and cigarette taxes, land claims settlements, and other longer-term agreements could be used to fund these organizations. As new revenue sources were transferred, so would be responsibilities.

The cuts were criticized by Aboriginal people and others. Paul Samyn wrote in the *Winnipeg Free Press* that "some native groups feel that the province pulled its funding in an attempt to silence those who have been critical in the past." He quoted the grand chief of the AMC as saying that "If this is designed to silence us, it will have the opposite effect" and the executive director of the MKO as commenting that "They are trying to silence us."^{clx} Friendship centres were forced to lay off workers and cut services. One observer, reflecting on the withdrawal of grants, commented that "You know that hitting friendship centres is striking at the heart and soul of the Aboriginal community." The IWC noted that it had not been mortally wounded, only "crippled". Quoting from a letter from the First Nations Confederacy, NDP MLA George Hickes said: "Your cuts to the budgets of aboriginal organizations are a direct blow to aboriginal self-government" and "To suggest that aboriginal communities have the resources to fund aboriginal political or service organizations shows a callous disregard for the aboriginal citizens of this province." Hickes went on to observe that unemployment is at 90 per cent in some communities and resources are scarce, so that "Without the confidence and without the support of the aboriginal leadership, not much will really be able to be developed for the community...It is so important that the minister arrange meetings with aboriginal leaders and ask and work out solutions...in co-operation, hopefully, some answers will come about for the betterment of aboriginal people."^{clxi}

Two general conclusions should be reiterated. First, funding for programs and services is being cut back as part of general efforts to reduce government spending and size. This has a disproportionate effect on communities with scant resources and facing serious social and economic challenges. In addition, given the small proportion of the overall provincial budget devoted to direct expenditures on Aboriginal citizens and issues (as far as it is possible to determine these from the limited data available), Aboriginal communities and service organizations have greater difficulty absorbing these cuts. As a result, communities must do without services and institutions that were providing supports (example, friendship centres).

Second, an important oversight in the data concerns the contributions of Aboriginal citizens to the provincial treasury. Estimates of the amount of revenue raised by the provincial government from Aboriginal people are even more elusive. Licensing, taxes, service purchases, and off-reserve gambling all contribute to the provincial purse. For an accurate assessment of the costs and benefits of self-government, both expenditures and revenues must be taken into account. Otherwise only negative perceptions, misperceptions, and misunderstandings can result. As the level of interaction increases and the relationship evolves toward self-government, these consequences will become more pronounced if corrective action is not taken.

Conclusion

This overview has revealed three features of government activity. First, the policy framework is not structured but has been developed intentionally on an incremental and ad hoc basis. This is at variance with the comprehensive and co-ordinated approach to self-government advocated by Aboriginal leaders during the constitutional negotiations.^{clxii}

Second, a number of specific initiatives have been undertaken. Progress has been made on issues such as gaming, resources, Métis self-government and tripartite negotiations, and youth initiatives. However, progress remains slow on child welfare, an urban strategy, women's concerns, justice issues, policing, health, and a First Nations protocol agreement. As specific issues were identified, the problem of offloading expenditures from the federal government to the province and from both levels of government to First Nations and Métis communities, particularly in the areas of social services and education, was highlighted. Also, the need for more action was evident.

Third, data on expenditures and revenues are incomplete and open to misinterpretation.

However, it is evident that cuts have a disproportionate effect on communities that are disadvantaged relative to the general provincial population. Expenditures on health, education, social services, job creation, and urban issues are vital for the future well-being of these citizens. A more thorough analysis of government expenditures and revenues relating to Aboriginal people is necessary. This becomes more important as arrangements for Aboriginal self-government develop and fiscal negotiations and disentanglement occur.

Politics is Perception: Assessing the Relationship

The preceding sections surveyed the history of the relationship between Aboriginal peoples and the Manitoba government, the extent of government involvement in Aboriginal affairs, and the actors. They revealed that the relationship is evolving, with the province playing a greater role in the lives of First Nations, Métis and Inuit citizens. They also revealed points of tension and conflict as well as co-operation in the relationship. This section examines perceptions of that relationship. What is working well? What is working poorly? What are the opportunities and limitations created by the government on the road to Aboriginal self-government? The objective is not to suggest policy solutions to complex problems but to identify positive and negative aspects of the relationship that help or hinder the policy actors in their search for those solutions.

In examining these perspectives, an attempt is made to juxtapose the views of government and state^{clxiii} actors with the views of actors in the Aboriginal community. In some cases this is not possible, since not all actors commented on all aspects discussed, and actors attributed varying degrees of importance to different concerns. Where appropriate, the comments are synthesized as a prelude to the conclusions and recommendations presented in the final section.

The information presented here is drawn from interviews with policy actors and members of the attentive public in the policy community.^{clxiv} Some of the interviews were open and permission to quote was given, but others were given on a confidential basis. Out of respect and fairness to those individuals who spoke out, no views are attributed directly to any source.

Characterizing the Relationship

Striking differences emerged in the way the relationship was described by the various actors.

Two observations should be borne in mind as these views are discussed. First, there is neither a

single 'government view' nor a single 'Aboriginal view'. Second, the existence of such different perceptions of something as basic as the state of the relationship presents a fundamental obstacle to finding solutions and answers to many of the problems facing Aboriginal communities in Manitoba.

As expected, characterization of the relationship tended to be more positive in government than in the Aboriginal community. Responses from government actors varied, however, with some describing the state of relations as "good" or "very good" and others saying it had "broken down". Others had difficulty characterizing the relationship one way or another, noting that it has moved in the right direction in some areas but not others.

Characterisations of the relationship as "good" or "very good" were based on recent policy achievements or discussions with particular groups. Officials and politicians emphasized their openness to the Aboriginal community. The relationship with the Manitoba Metis Federation was described as very productive and positive. Officials and politicians emphasized that Manitoba was ahead of other provinces in terms of negotiations on self-government and procuring a land base.

Specific examples of how well the relationship is working included advances in the areas of economic development, education, including the Louis Riel Institute, and the collection of data. The MMF was described as co-operative and as moving in the direction of self-government. Similarly, government officials noted how well negotiations with First Nations were proceeding at the community level. Agreements on Northern Flood Agreement, hydro claims and gaming were cited as evidence of the progress in relations achieved in the past five years. The incorporation of northern communities was seen as an advance toward self-government for the Métis. Finally, specific areas of policy advances were cited as examples of a positive relationship. These included recreation initiatives, arenas, a safe house for youth, the St. Theresa Point Youth Aboriginal Court Model,^{clxv} healing circles, the Aboriginal Child and Welfare agencies, New Careers, Solvent Abuse Centre, Channel Area Loggers, Moose Lake Loggers, and other advances described earlier in this study.

Government actors were sensitive or critical about other aspects of the relationship, however. Most of the criticism focused on the AMC and its leadership. A recurring theme in the interviews with government actors was that the AMC presents obstacles to a positive relationship being established between the province and First Nations. The AMC was seen as unjustly critical

of government initiatives and unwilling to co-operate on issues. Among the examples offered were the AMS's intransigence on consultations on an Aboriginal court worker program, funds for its involvement in justice working groups, and child welfare and women's issues. As discussed below, the current grand chief of the AMC attracted criticism from many of the officials interviewed in their explanations of why the relationship is not working. Officials also questioned whether the Aboriginal leadership is in touch with the desires of First Nations at the grassroots level, citing the agreements signed with communities on gaming, flooding and hydro as support for this view, as well as the criticisms of First Nations women of the self-government process and the chiefs. Similarly, officials suggested that the Aboriginal vote on the Charlottetown Accord revealed the extent to which the leadership is out of step with the populace on self-government. There was some speculation that at the grassroots level, First Nations citizens are more concerned with achieving a better standard of living than in the ideal of self-government being pursued by the leaders. A more general criticism of the Aboriginal community as a whole was that despite the advances made by government, their demands continue to grow.

Government officials suggested means by which the relationship could be improved. They noted the need for more co-operation and consultation among Aboriginal organizations and with their constituents so that government would receive more consistent messages from the community. This would facilitate the policy development process. They also suggested that Aboriginal leaders should be publicly appreciative of some advances. As one observer of the relationship observed, "No one likes to be criticized all the time." Similarly, at the political level it was noted that if initiatives are always criticized, the incentive to act in a policy area decreases. Government actors also emphasized the need for Aboriginal actors to be more conscious of the conflicting demands on government and of the need for government to balance Aboriginal issues with the concerns of other citizens.

The view of the relationship offered by the Aboriginal community was also fractured, although the mass of opinion was critical. One interviewee offered to put the relationship in context by explaining that it is much better than 25 years ago and less complex. It is less complex because issues are more focused. It is better since the Aboriginal community is more educated, more able to defend itself, less willing to accept policy decisions, and unwilling to be pushed around. Naturally, the relationship would have been easier for government 25 years ago,

since it was in the position to direct the community and experienced significantly less critical analysis and commentary on its actions. Other actors concurred in this assessment.

The majority of opinion within the organizations was that the relationship with the province is unsatisfactory. A member of one organization remarked that "there is virtually no relationship." Others observed that it is very difficult to arrange meetings with government officials at the political and senior bureaucratic levels and that there is not "a whole lot of dialogue." Correspondence tracking attempts to confirm meetings and unreturned phone calls were used as evidence of this lack of co-operation and consultation by the government. Others mentioned that the relationship is very limited and that they are hoping to establish a working relationship but are not optimistic. Consultations are seen as limited and unproductive. The Native Secretariat was criticized because its mandate is to consult with the Aboriginal community, yet it rarely contacts the organizations even on major policy issues and decisions. The tendency of the Secretariat to provide limited access to information on policies and issues was noted. However, actors observed that this may reflect government caution on Aboriginal issues, rather than a choice of officials in the Secretariat. There is a direct correlation between government confidence and the receptivity of bureaucrats to the exchange of ideas and information.

The organizations were also critical of what they perceived to be the government's unequal treatment of the concerns of different Aboriginal organizations. A few organizations suggested that government support "goes with co-operative groups." In support of this position, they cited the March budget cuts to the organizations most critical of government. Other groups observed that government support varies according to whether the organizations are supportive of the government agenda, are rural or urban, service or politically oriented, male or female, First Nations or Métis. This was interpreted as having a divisive influence on the Aboriginal community. An associated, repeated, and even more trenchant criticism was that the "government is not trusted at all."

It was even suggested that government deliberately plays organizations off against one another in an attempt to divide and conquer. Anecdotes were recounted to support this view, including the exclusion of women's organizations from the Charlottetown negotiations. The government notified women's organizations that they could not be included because the Aboriginal organizations objected. Government officials said they would like to include women,

but that "their hands were tied". When this was verified with the Aboriginal organizations referred to by the government, they replied that they did not object to women's organizations being included but had stipulated that the "resourcing should not occur at their expense" if the government chose to include more groups. This would limit the overall effectiveness of the interventions. Similar examples on other issues were recounted during the course of interviews.

In the communities visited during the research, criticisms made by the organizations were echoed and, in some cases, were even more direct. Chiefs and councillors in the First Nations communities and mayors and councillors in the northern communities observed that the relationship is very limited. Politicians were criticized for visiting communities only at election time or if they were invited explicitly and for flying in and out within hours for special ceremonies or events. Community leaders said provincial politicians "think that they know what is going on, but they don't."^{clxvi} Councillors recited a litany of unreturned phone calls and protracted periods for responses to letters on pressing issues. Chiefs and councillors expressed cynicism about government, exemplified in the following excerpt from an interview:

Chief: I can make about 20 calls today and they [ministers, ministerial staff, and senior bureaucrats] won't return my calls. People are frustrated because there is no response from the government...
...Some senior bureaucrats (30 years' service) do not want to change the way they think.

Question: Are some ministries easier to deal with than others?

Chief: Really, there is no difference. I can't say that they are. The bureaucracy doesn't change any...No difference from one ministry to another. They're all the same.

Councillor: No. I don't think so. They tell me one thing and you catch them, they cover up with extra money.

A repeated assertion in communities, especially in the North, was that distance prevents the government from understanding the effects of its decisions on them. For example, reduced work weeks and days off without pay for civil servants ('Filmon Fridays'), introduced this year, have a disproportionate effect on limited services in the North. Examples of the inappropriate delivery of services were cited.

The relationship is not completely negative according to the Aboriginal community. One organization in particular was adamant that the provincial government is coming to terms with

issues "in a way as never before." It was felt that there was "good recognition and support" for Métis issues. Provincial commitment to the advancement of Aboriginal issues was seen as firm. However, this was not to say that negotiations are not difficult in some areas. For example, at times the Pathways negotiations were very rough, although this may have been largely the result of a lack of leadership from the federal government. Progress in tripartite negotiations varies across areas and tends to be slow and incremental, but the government is willing to listen. It was noted that the relationship works best when the organizations are able to decide which issues should go forward in discussions. Similarly, there was recognition within organizations and at the community level of advances that have been achieved. The Aboriginal spokespersons interviewed were not grudging in their support of initiatives, but they were conscious of the need for more comprehensive solutions to many of the problems facing their people.

Aboriginal spokespersons were constructive in their criticisms, suggesting means to improve the relationship. The overall desire was for a new relationship that is more inclusive and a partnership. First and foremost, they articulated the need for more extensive consultations between government and their leadership. Put simply, "They could start listening to us." But even if there were more consultation, it would not be effective unless the government was willing to participate with Aboriginal organizations as equals and prepared to take bold measures to address some of the concerns.

Second, a strong desire was expressed for protocols to regulate the relationship between Aboriginal organizations and the government. A framework for relations with specific obligations on both sides would ensure regular contact and help prevent misunderstandings.

Third, the Aboriginal community should play the lead role in defining issues to be discussed. Fourth, some organizations expressed the need for Aboriginal people to be allowed to choose which system — Aboriginal or provincial — they prefer to be under. This concern applied within the Aboriginal community (First Nations, Métis, status-blind, women) and to Aboriginal versus provincial government.

The relationship requires improvement. A substantial amount of dissatisfaction was expressed during interviews with government, opposition and Aboriginal politicians and officials. Positive views on the relationship were expressed where government and Aboriginal leaders were content with a more limited and incremental approach to policy development. Where broader concerns or a more comprehensive strategy for solving problems and answering

the concerns of Aboriginal citizens were raised, consensus on the state of the relationship quickly deteriorated. The government is inclined to proceed on an incremental basis and to deal directly with communities. Aboriginal communities expressed a desire to present their particular needs to government but also supported the role that province-wide organizations can play. They asserted that unanimity among Aboriginal actors is impossible, whether across all groups, among First Nations, or among urban groups. The needs of constituents are too diverse for this to be the case. Policy must be shaped with this in mind. The province must be more tolerant of this degree of complexity in the relationship.

Despite frustrations with the relationship, leaders of Aboriginal organizations and communities affirmed their desire to co-operate with government. They were generous in their understanding of the limits and constraints on government, but they noted that within these parameters a more efficient and effective allocation of resources could be made. Through co-operation, new priorities and policies can be determined that will be more responsive to the needs of their constituents. While organizations must be critical of government if they are to represent their constituents, they are also willing to be flexible. Similarly, government actors expressed a sympathy for the frustrations felt by the Aboriginal leadership. This sympathy could be used as a basis for achieving a better understanding of communities' and organizations' concerns.

A new relationship is required. This includes greater trust on the level of political negotiations, the sharing of information, and development of policy and programs. Key ingredients for establishing the new relationship include co-operation, openness and transparency. More sustained and constructive dialogue would facilitate this.

Understanding Self-Government

Different understandings of self-government emerged from the interviews. Although government and Aboriginal representatives were using the same terminology, their definitions of the concept varied greatly. Attitudes toward self-government were also strikingly divergent. This has a direct impact on the relationship.

The government view of self-government is more restricted than the Aboriginal view. Self-government is equated with administrative control or co-management of resources, whether through transfers of power to agencies like the Louis Riel Institute, or through the establishment

of committees and boards in particular policy areas. Another model for self-government is the municipal form of government possible when the northern communities incorporate. However, government representatives doubted whether Aboriginal self-government on a broader scale is desired at the community level. One spokesperson noted that self-government means a retention of Aboriginal culture and traditions but argued that the exodus out of communities indicates that Aboriginal people are not in favour of this. They are "voting with their feet" and "becoming part of the mainstream". If there is a desire for self-government, it has to come from within the community. Progress would have to be slow.

The Aboriginal view of self-government reflects the diversity of Aboriginal peoples and communities, giving rise to various points of tension in the relationship with government. The diversity of opinion on self-government among Aboriginal people is itself a source of complications in the relationship. The objectives of provincial organizations, of communities, and of citizens within communities vary. For example, the MMF perceives itself as progressing toward a more holistic approach to self-government, with substantial legislative, administrative and executive powers vested in the Métis community. However, some communities are incorporating under arrangements offered by the department of northern affairs, which the MMF sees as a limited solution at best.

Similarly, the AMC envisions a comprehensive strategy for self-government that includes recognition of the inherent right of self-government and the attending powers and responsibilities of constitutionally entrenched governments, as well as the honouring of treaty and land claims rights and commitments. Within this approach, some communities will be more reluctant than others to move toward self-government, and progress across communities will vary. In addition, some First Nations women have expressed concern about moves toward self-government. Unless traditional structures are reinvigorated or the place of women is defined within the governing structures, some groups have asserted that they will oppose self-government.

In the interviews, Aboriginal representatives warned against overestimating these obstacles to self-government. Solutions were offered. Women's organizations emphasized the need to include women in negotiations and full consultation in the traditional manner. Another solution they proposed was an educational strategy at the community level to familiarize people with their concerns and needs. They also noted that many of the younger chiefs were progressive and beginning this educational process in the communities. This would indicate that this problem

is more likely temporary than permanent. Similarly, the structures of provincial organizations allow for diversity within organizations and respect the independence of individual First Nations or communities. Community leaders do not expect unanimity on the issues. They expect substantial support for initiatives before they are launched. Lines of accountability within organizations provide a check on the leadership. Similarly, in the urban setting, co-existence of Aboriginal and non-Aboriginal structures of governance should not be threatening. What is required is a reorganization of urban groups to provide co-ordination and reduce contradictory initiatives. Again, this is a matter of negotiations.

A more troubling obstacle for the Aboriginal community is their perception of the government's attitude to self-government. The government approach was described as "hardnosed, incrementalist, paternalistic" and as not representing a commitment to the principle of self-government. The Manitoba government's position in the Charlottetown negotiations was cited as evidence of this. The government was seen as attempting to divide the community by discussing Aboriginal self-government with provincial organizations while providing quiet assurances to Aboriginal women that "there will be no self-government while we're in office." The government attitude presents an obstacle to the realization of self-government.

Concepts of self-government vary significantly. While there are divergent views among Aboriginal people that should not be overlooked, mechanisms are either in place or being put in place to reconcile differences. For example, the AMC is looking at incorporating councils of elders, women, and youths in its constitution. Further negotiations will be needed to reconcile divergent views or find points of accommodation.

More troubling is the division between Aboriginal people and the provincial government. If self-government is to be successful, it cannot be viewed as a tool of control or divestiture. Further, government concerns about accountability within Aboriginal communities must be addressed. This can be done through a more transparent approach to governance by the communities. Also, in the case of First Nations, an umbrella structure of governance would permit checks within the leadership itself. However, not all breakdowns of consensus or disagreements among Aboriginal people should be viewed as issues of accountability and responsibility. Some degree of tension and disagreement is inevitable. Provided the mechanisms of accountability are in place (as they are in most organizations studied) the onus will be on communities to put them into effect as powers are transferred.

Education must accompany the development of self-government. This is the only way to allay fears among Aboriginal people, the broader public and the provincial government.

Funding

"Resourcing is a crucial issue. Without adequate resources, we can't access self-government."

This is a fundamental source of tension in the development of Aboriginal self-government. The question of funding is at the heart of the relationship between the provincial government and Aboriginal peoples.

The government is concerned about the cost of self-government. There was a perception that Aboriginal people expect substantial funding from the provincial government during a time of budget cutbacks and restraint. This expectation was deemed unrealistic. There were two important aspects of the government view on funding. First, merely increasing expenditures on Aboriginal peoples has not worked in the past and will not work in the future. As one official pointed out, they have been told by community activists that "governments have given money for years". It has not solved the problems. It has only encouraged communities to build on government support rather than to devise independent sources of income. It becomes natural to depend on the government and then to become a government responsibility. There was consensus among government officials that this cycle of dependency has to end.

Second, as mentioned in the section on expenditures and programs, the government sees new arrangements, for First Nations especially, such as land claims and hydro settlements, cigarette and gasoline tax revenues, Northern Flood Agreements, and gaming as alternative sources of revenue. This view was summarized in a letter to the Manitoba First Nations Confederacy from a provincial deputy minister: "I would also like to point out that individual Manitoba Indian bands now have the opportunity to access new sources of revenue through their agreements with the province on gaming as well as on tobacco and gasoline taxes." New revenue sources for Aboriginal organizations were seen as adequate justification for the reduction of transfers.

The prevalent view in the Aboriginal community is that funding is a critical issue in the achievement of self-government. This was common to all interviews. Even in areas where the relationship is operating relatively well, Aboriginal spokespersons offered the caveat that funding cutbacks could complicate the relationship. Aboriginal representatives expressed a clear

appreciation of the constraints on government but suggested that cuts are being made without adequate information or sensitivity to their effects on communities. This was especially evident in the areas of education and child welfare. The suggestion that partisan considerations affect the distribution of resources and the targeting of cuts arose repeatedly in interviews. Concurring with the Aboriginal view, opposition parties suggested that cuts are a matter of priority. Further, Aboriginal organizations observed that if self-government is to be successful, initial high outlays are inevitable for the organization or reorganization of constituencies, training and skills development, the creation of new structures, and so on.

A further complication arises at the bureaucratic level with the transfer of programs from either the federal or the provincial government. One interviewee explained that

There is reluctance, bureaucratic and political reluctance (bureaucratic is probably the most difficult). When we talk about shifting responsibility...(for example, with education), and design programs according to our own needs. But we are faced with bureaucrats who are unwilling to give and disappearing funds — these are funds that cannot be gotten back. It is at this time that they are willing to give up the institution (when there is no funding). The implication is then that the quasi-fundless skeleton is the responsibility of the Aboriginal community, ironically without funding but with an escalating demand for delivery. [For example, this occurred with the transfer of jurisdiction over health and the diabetes problem]...This is compounded by a growing population and worsening social conditions. The growth exceeds the understaffed, undertrained agencies.

Thus, preventive programs go by the wayside. It's a mess.

The wry observation was made that governments are reluctant to transfer programs because Aboriginal people are "big business" for them.

Solutions were offered by the Aboriginal community. Two representatives noted that the present budgeting process is too cumbersome and uncertain. Negotiations on self-government would be facilitated if Aboriginal representatives were included as equals in budget and program consultations. If Aboriginal people became stakeholders in the development of culturally appropriate programs and their funding, they would have a vested interest in their implementation and success. Community leaders also suggested longer-term funding commitments to add certainty to their internal budgeting processes and quicker review of funding requests by government agencies so that they do not become outdated during the review process.

Alternative sources of revenue could also be explored. The government could increase its support for economic opportunities through the creation of capital investment funds, like the

federally funded Louis Riel Capital Corporation. This could be done through the provincial government itself, or the province could lobby the federal government for further assistance. It should also be actively promoting Aboriginal businesses and economic ventures. Promotion and advertising of the fur trapping, wild rice, game, and fishing (especially whitefish) industries should be undertaken by the provincial government as part of its economic strategy for the province. Similarly, an aggressive tourism promotion campaign in Europe or the southern United States could bring foreign dollars to northern communities.

These and other solutions proposed by Aboriginal leaders combined government funding with alternative revenue sources that could only benefit the province as a whole. It is in the economic interests of the government to consider seriously these suggestions.

Points of Convergence

There were also some striking points of convergence in the relationship. First and foremost was the need to clarify jurisdiction. It is in the interests of government and Aboriginal people to have a clear delineation of jurisdiction and fiscal responsibility between federal and provincial governments. It is clearly in the best interests of the province and Aboriginal people to ensure that the federal government does not offload expenses. Aboriginal communities are especially vulnerable to double offloading when costs are transferred to them by the province. Whether these expenses are borne by Aboriginal communities or by the province, the result is a reduced standard overall.

Second, both parties believe that the media tend to aggravate tensions or difficulties in the relationship. The government noted that public criticism and attacks in the media exacerbate problems. Aboriginal organizations noted that the media tend to sensationalize conflicts or bad cases within the Aboriginal community. This often has the effect of making it more difficult to find solutions to problems and forces politicians on both sides to take stands that make compromise awkward.

Interviewees on both sides of the relationship recognize that the media have an important role in the development of self-government. Some Aboriginal organizations noted that media attention sometimes shames governments or Aboriginal leaders into action on issues. Aboriginal leaders noted that the media can be a useful means of holding governments accountable for their actions. Similarly, those interviewed in government suggested that the Aboriginal news media

are a potentially powerful mechanism for the accountability of the Aboriginal leadership. But all suggested that the media should be used responsibly and that co-operation on controversial or sensitive topics (child welfare, women, figures on expenditures, crises in programming) is preferred.

Personalities, Partisanship and Politics

A theme that emerged in the interviews was that personalities, partisanship and politics complicate the relationship. This usually happens to the detriment of Aboriginal interests.

This view was expressed most eloquently by opposition party members reflecting on interactions between members of the government and Aboriginal leaders and opposition MLAs. One politician commented that his worst moment in the legislature occurred when a minister launched a "vitriolic tirade" against the Aboriginal opposition critic. He concluded that the government lacked a voice that was sensitive to Aboriginal concerns. Another Aboriginal opposition member noted that government officials and politicians often lectured or scolded Aboriginal leaders. He related how one minister had yelled at the Chiefs in Assembly. This was a violation of norms. After being corrected by a chief, the minister later scolded the MLA. Aboriginal leaders were generous, however, in acknowledging ministers who have been open and made genuine attempts to address their concerns.

The tension between the leadership of one of the organizations and the government received much attention in the interviews. One Aboriginal leader noted that the government had attempted to discredit his organization through personal attacks on him. Reflecting on the relationship between the government and this organization and its leadership, an opposition member suggested that the government attacks on the leader were not justified and were made because he represented a threat to the government as a powerful opinion leader. Other observers noted that the members of the government would bristle if his name came up in meetings.^{clxvii} They attributed it to the leader's impact on the advancement of Aboriginal issues.

Partisanship in the political system creates tensions as well. As one commentator explained, "This government isn't prepared to listen. Unless you are a PC you don't get anywhere." The opposition will listen but is not in a position to make the changes sought by Aboriginal communities. A number of commentators were adamant that electoral support makes a difference and that the NDP are more inclined to be sympathetic to Aboriginal and social issues.

Aboriginal leaders were realistic in their appraisal of whether political parties can make a difference. Parties can move only within the parameters set by public opinion. While the Conservatives must respond to the electoral imperative, the NDP and the Liberals must move cautiously to allay fears within the communities. All parties must balance Aboriginal interests with the broader public interests. Further, the adversary system of government means that ideas and policies are subject to criticism by opposition parties regardless of their merit or worth. Aboriginal concerns do not fare well in this atmosphere. Some hope was expressed that the election of Aboriginal MLAs would increase the sensitivity of the legislature to Aboriginal concerns.

Conclusion

Perceptions of the relationship between Aboriginal peoples and the Manitoba government vary considerably, ranging from the view that it is unworkable to the opinion that it is positive and progressive. Key points of difference were highlighted in this section, although the list is by no means exhaustive. On balance, though, the comments demonstrate that the relationship should be reviewed and redefined. Starting points include protocols with the major organizations to regulate relations, discussions of the inherent right of self-government, negotiations on recognition and implementation of the right as defined by Aboriginal peoples, a commitment of funding, and goodwill and good faith on both sides.

Conclusions and Recommendations

The relationship between the Manitoba government and Aboriginal peoples is complex, multifaceted and evolving. Perceptions of the relationship vary significantly. Regardless of how participants in the process see the relationship, they tend to agree that it could be improved.

The impetus for improving the relationship is the social and economic conditions described earlier in this paper. Our discussion of the history of the relationship revealed crucial areas of misunderstanding that have developed over time, the importance of remedying past policy mistakes and grievous wrongs, and, as significant, the increasing involvement of the province in Aboriginal matters. The challenge is not to escape the past but to come to terms with outstanding obligations and the legacy of past policies. A productive future relationship can be built only with this history firmly in mind. It shapes the possible courses of action but should not

be regarded as limiting the options available to policy actors.

The policy community is ready for change. The interviews with policy actors conducted for this paper illustrate the readiness of Aboriginal organizations and leaders to assume the reins of self-government. The educational, professional, and political qualifications of the Aboriginal community are on the upswing, and these changes are translating into highly developed political and service organizations. Political structures are in place for the transfer of jurisdiction and responsibility from federal and provincial governments to communities. While further work and development of the policy capacity of organizations are required, the potential exists for the organizations to become integral and equal policy participants and/or to assume more direct control over matters affecting their constituents.

The extent of government involvement in Aboriginal issues and affairs was captured in the sections sketching the political and bureaucratic structures in place in government to track and respond to Aboriginal matters. The institutions are relatively new and are in the process of defining their mandates and the government's jurisdiction relative to that of the federal government. We also reviewed government activity in Aboriginal affairs. The overriding approach to self-government has been incrementalist and pragmatic, but significant gains have occurred, particularly at the community level and for Métis. Attempts have also been made to address the concerns of urban Aboriginal people, women and youth. Some of these advances are contentious; areas requiring immediate action were identified and highlighted earlier in the paper. The importance of the initiative to dismantle the department of Indian affairs and establish First Nations self-government was observed. However, it was also noted that this has strained relations further with the provincial government.

An attempt to track the extent of provincial government involvement in Aboriginal affairs was also made by examining expenditures and programs designed for or substantially directed to Aboriginal people. The data are incomplete and faulty, but it was apparent that significant resources are involved in providing services and programs, although they do not always translate into quality service delivery. The disproportionate effect of cuts in services on Aboriginal people was noted, bearing in mind the social and economic challenges facing them and the effects of federal and provincial attempts to offload financial responsibilities. Most significantly, it is misleading to track expenditures without also accounting for the revenues flowing to the provincial government through Aboriginal communities. This provides insight into the

contribution of Aboriginal citizens to the province as well as the revenues that would be forgone if self-government were realized and financial disentanglement occurred. It also underscores the fact that Aboriginal communities are integral to Manitoba's economic destiny. Finally, a thorough costing is essential to achieving self-government.

We also explored in detail policy actors' perceptions of the relationship. Although both state and Aboriginal officials attempted to be fair in characterizing the relationship, tensions were readily apparent. In many instances, the relationship itself presents obstacles to the achievement of self-government. Actors seemed to be talking past each other on the issue of self-government: they used the same words, but their significance and definitions were very different. Levels of commitment to self-government on the two sides tended to be opposed, although there was no consensus on either side. Funding was an area of tremendous sensitivity, yet it was also identified as the underpinning of successful implementation of self-government. Personalities, partisan and electoral politics, the media, and the federal government all place further pressures on the relationship. While this was not an exhaustive list of sources of tension within the relationship, it emphasized some of the most important detractors from a productive relationship.

All was not grim, however. Solutions for many of these problems were identified by the policy actors. Improvements in the relationship were suggested. What became apparent was the need to establish new foundations and begin a redefinition of the relationship between the provincial government and Aboriginal peoples. New paths to self-government must be explored. These recommendations attempt to highlight some of the solutions proposed throughout the work in the hope of beginning that process of renewal.

1. A coherent and comprehensive strategy for implementing the inherent right of Aboriginal self-government is necessary. While the incrementalist and pragmatic approach has resulted in certain gains, a more concerted effort to achieve self-government is required before many of the problems illustrated in the demographic and socio-economic profile are overcome. Structures are in place for the transfer of legislative and decision-making powers to Aboriginal communities. However, this strategy must be inclusive of the representative organizations of Aboriginal peoples and the leadership at the province-wide and community levels. It should include the transfer of jurisdiction in key policy areas such as child welfare, justice, policing, gaming, taxation, education, economic development, and health, among others. Core standards and consistency with levels of services provided within the province should be maintained. To be

effective, this strategy will have to be defined by government and Aboriginal policy actors negotiating on an equal basis.

2. Co-operation and consultation between Aboriginal peoples and the provincial government are key ingredients of a new relationship. This must occur in two ways. There is a perceived need to develop protocols to structure relations between Aboriginal political organizations and the provincial government. This must remain a priority. Protocols should affirm the nature of the relationships, state the objectives and understandings, and establish a process for regular meetings.

However, co-operation and consultation should not be limited to formal meetings. Informal meetings, telephone calls and consultations should occur regularly, with the premier and cabinet ministers making themselves accessible to their Aboriginal counterparts and vice versa. A less formal process of consultation reduces the temptation for political grandstanding and increases the prospects for mutually acceptable solutions to policy dilemmas. This includes a freer exchange of information and the rationale for decisions to promote understanding of positions.

The incentive for co-operation resides in more efficient, cost-effective, and satisfactory policy solutions.

3. Fiscal arrangements for Aboriginal self-government must be defined, and adequate funding for its successful achievement must be guaranteed. Control over resources is essential to self-determination. Possible financial agreements and fiscal arrangements must be investigated and developed.

An important stage in this process is to determine provincial expenditures and revenues associated with Aboriginal people. Departments should assess the extent to which their programming and expenditures involve Aboriginal citizens. Equally important is tracking the revenues the province derives from First Nations, Métis, and Inuit citizens and from non-Aboriginal citizens working and/or living in Aboriginal communities using their services. An estimate of the training of doctors, teachers, nurses, social workers, lawyers, and other young professionals in the Aboriginal communities should be factored into the calculations as a form of subsidy from the Aboriginal community to the province. These data will provide a more accurate assessment of the cost of self-government.

4. The relationship with the federal government must be clarified in terms of jurisdiction and financial responsibilities. This recommendation is in the best interests of the Aboriginal community and the provincial government. Clarification of jurisdiction avoids overlap and duplication of services. An express statement of federal fiscal obligations to Aboriginal people will result in more certainty in the fiscal arrangements for self-government. Aboriginal organizations and the provincial government should engage in a joint effort to encourage the federal government to cease offloading and assume its obligations. This should help ease the financial situation in Aboriginal communities within Manitoba, with spin-off benefits for the provincial economy.

5. The Manitoba government must take a more active role in promoting Aboriginal concerns and economic opportunities. To promote and encourage the economic viability of Aboriginal communities, the government should actively foster economic ventures and activities that benefit Aboriginal communities. This could include initiating or expanding such activities as an advertising campaign for northern tourism, promotion of the products (whitefish, wild rice, furs) of traditional Aboriginal pursuits, promotion of Aboriginal business in European and American markets in conjunction with efforts to promote Manitoba business and industry generally, and subsidies to overcome market disadvantages in the northern part of the province similar to those provided to other sectors of the economy. Aboriginal leadership at the provincial and community levels must identify these opportunities to the provincial government and also promote them.

6. There must be a clear commitment to action on the part of the province and Aboriginal peoples. *Facta non verba* — deeds, not words, are required. Studies, negotiations and requests for information can themselves become obstacles unless there is a commitment to action. Self-government can become a reality only when it is put into effect.

7. A continuing process of education must be established. Provincial government politicians should make more regular visits to Aboriginal communities to bring the provincial government closer to the people and help them understand the limitations on policy makers while also giving politicians first-hand knowledge of some of the problems and concerns of Aboriginal communities. This is especially important for northern communities whose concerns are often appreciated only vaguely in the south.

However, education must be more extensive if the relationship between Aboriginal and other citizens is to be compatible. Sensitization of the public to Aboriginal

traditions and concerns should occur through school curriculum development, the media, and the arts. Similarly, education on self-government should occur both within the Aboriginal community and among the broader public to allay fears and concerns. A public relations campaign featuring prominent Aboriginal role models and initiatives would help eradicate stereotypes hindering the development of a more positive relationship and the move toward self-government.

8. The Manitoba government should consider sponsoring programs that could serve as pilot projects or training seminars for the realization of self-government. For example, it should consider forming a working group made up of qualified Aboriginal representatives to draft an Aboriginal child welfare act, or one to formulate a strategy to deal with rising violence among Aboriginal youth, including culturally appropriate wilderness camps. Government actors should serve in an advisory capacity only when called upon. Similarly, the government could offer subsidies to Aboriginal political organizations for leadership training of youth parallel to its funding for management trainees in corporations. These measures would be investments in the future.

9. The Manitoba government should facilitate the reorganization and mobilization of the urban community to prepare it to assume more control and authority over the design and delivery of services to urban Aboriginal citizens. This should include a commitment to implementing an urban strategy for self-government and support for the Aboriginal centre and friendship centres. However, differences in the type of representation provided by service organizations and by governing organizations must be borne in mind.

10. Aboriginal organizations must be inclusive and ensure that strong lines of accountability are not only observed but seen to be observed. Some of the misunderstandings in the current relationship arise from relations within the Aboriginal community being misunderstood or misrepresented. These relations must be clarified. In particular, the role of women must be defined within the parameters of proposals on self-government.

11. A dialogue between the Manitoba First Nations and the federal government and the provincial government on the dismantling initiative must be commenced. Silence is increasing tensions between these actors, which could prove detrimental to the initiative in the long term.

12. Personal and partisan considerations are inevitable in politics. However, democratically elected representatives have a responsibility to their constituents to avoid these types of conflicts

to the greatest extent possible. They are never productive and are often detrimental to relations and the achievement of policy goals. This admonition was offered by Aboriginal and other policy participants to Aboriginal and other policy participants alike. The basic ingredients of a productive and solid relationship are trust, goodwill, and a genuine respect for each other.

Notes

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Appendix 1
Socio-Economic and Demographic Data

Appendix 2

Inventory of Programs and Expenditures

It is difficult to provide an exact accounting of expenditures and programs directed to Aboriginal people in the province. Departments do not track Aboriginal-specific programs and expenditures. Because of their tentative and unreliable nature, figures could be misinterpreted or misconstrued. The government has begun a process of attempting to record expenditures in conjunction with the other provinces and the federal government.

The data in Table 1 are based on the Provincial Estimates of Revenue and Expenditure for Manitoba, 1993-94, and 1988. The Native Affairs Secretariat provided a copy of the 1993-94 estimates with programs and expenditures that are 'substantially' directed to Aboriginal people designated. 'Substantial' was used to refer areas where spending or users would form a distinct part of the total although the exact percentage could range from 5 per cent to 100 per cent. Where a close approximation of the percentage was offered, I have included that number in parentheses beside the name of the program/service. The 1988 figures provided in the second column offer a contrast between the current expenditures and the level of expenditures compiled in the outgoing year of the previous NDP government.

Table 2 provides the estimate of provincial expenditures related to Aboriginal people in response to the request by Dr. Georg Lithman on behalf of the AMC.

Table 3 offers an estimate of total federal and provincial justice system costs in contrast to an estimate of costs attributable to Aboriginal people. This table was provided by the provincial minister of justice but is not a government estimate. It was compiled by a consulting firm at the request of the government and has not been approved by cabinet.

Table 4 lists tax-sharing grants for 1993 in effect between the Manitoba government and northern affairs communities and First Nations communities.

Table 5 lists the 1993 government grant reductions to the major Aboriginal organizations and centres.

Table 1
Estimates of Revenues and Expenditures
"Substantially Directed to Aboriginal People"

Manitoba Estimates of Revenues

Source	1993/4 (PC) \$000s	1992/93 \$000s	1988 (NDP) \$000s
1. Taxation	2,695,622.7	2,643,376.9	2,254,855.0
2. Government of Canada	1,755,599.9	1,850,068.1	1,165,127.0
3. Other Revenue	451,190.8	401,351.8	352,626.5
Transfers for Deficit Reduction			
1. Lotteries	60,000.0	---	---
2. Fiscal Stabilization Fund	30,000.0	200,000.0	---
Total Revenue	4,992,413.4	5,094,796.8	
3,772,608.8			

Manitoba Estimates of Expenditures

Source	1993/94 (PC) \$000s	1988 (NDP) \$000s
Departments/Services of Particular Relevance (partial listing)		
Health	1,863,965.2	1,327,380.5
Highways and Transportation	232,047.3	47,869.9
Justice/Attorney General	170,157.1	82,099.3
Northern Affairs	20,810.9	26,381.1
Native Affairs Secretariat	1,343.0	1,087.2
Aboriginal Justice Initiatives	1,000.0	---

Breakdown of Estimates within Departments 1993/94 (PC) (\$000s)

Culture, Heritage, and Citizenship

Culture, Heritage and Recreation Programs	5,040.4
Cultural Organisations Grant Assistance	11,644.9
Community Places Program—Grant Assistance	2,000.0
Manitoba Arts Council	6,800.3

Multicultural Grants Advisory Council	661.8
Heritage Grants Advisory Council	671.6
Manitoba Community Services Council	2,000.0

Education and Training

Program Development and Support Services	18,769.1
Curriculum Services	3,900.1
Native Education (100% Aboriginal)	838.8
Child Care and Development	4,371.7
Distance Education and Technology (high percentage Aboriginal)	4,260.3
Student Support	669.6
Canada-Manitoba Winnipeg Core Area Renewal Agreement—Education Development ---	
Advanced Education and Skills Training	49,831.5
Access Programs (70% Aboriginal)	9,926.0
Student Financial Assistance—Assistance	10,000.0
Literacy and Continuing Education Grants (32% Aboriginal)	812.1
Employability Enhancement Programs Salaries	3,936.5
Other Expenditures	3,719.7
Human Resource Opportunity Centres (24% Aboriginal)	3,451.7
Grants	685.8
Apprenticeship (13% Aboriginal)	1,172.4
Canada-Manitoba Winnipeg Core Area Renewed Agreement—Employment and Training --- (loss of 150.0 in grants from previous year)	
Support to Community Colleges Keewatin Community College (50% Aboriginal)	7,201.1
Support to Universities Access Fund	790.0
Expenditures Related to Capital Keewatin Community College (50% Aboriginal)	428.8

Family Services

Administration and Finance Children's Advocate	284.1
Income Security and Regional Operations Income Maintenance Programs Social Allowances	236,802.0
Health Services	14,727.4
Municipal Assistance	111,055.6
Income Assistance—Disabled	9,410.0
Rehabilitation, Community Living and Day Care Child Day Care	47,467.0

Finance

Taxation	9,480.9	
Tax Credit Payments (cost of living payments)		188,000.0

Health

Healthy Public Policy Programs		
Women's Health	1,244.1	
Continuing Care Programs	72,818.3	
Home Care (\$9,914.9 from Canada)	68,325.7	
Long-Term Care	828.9	
Gerontology (\$797.3 from Canada)	3,179.2	
Provincial Mental Health Services		
Adult Mental Health Services	4,535.7	
Child and Adolescent Mental Health Services	1,169.7	
Brandon Mental Health Centre (\$201.4 from Canada)	19,678.0	
Selkirk Mental Health Centre (\$186.9 from Canada)	17,924.6	
Health Services		
Hospitals and Community Health Services (\$2,772.5 from Canada)	37,561.2	
Laboratory and Imaging Services	22,071.3	
Emergency Health and Ambulance Services	3,692.7	
Insured Benefits	5,801.3	
Health Services Insurance Fund		
Personal Care Home	250,537.7	
Pharmacare	48,514.2	
Ambulance	6,001.3	
Northern Patient Transportation	2,232.2	
Alcoholism Foundation of Manitoba (\$3,232.2 from Canada)		
Program Delivery	9,091.7	
Funded Agencies	1,885.0	
Capital Appropriations		
Health Services Insurance Fund—Equipment Purchases		10,258.8

Highways and Transportation

Operations and Maintenance		
Winter Roads (\$665.0 from Canada)	3,575.0	
Northern Region Office	1,306.6	
Engineering and Technical Services		
Northern Airports (\$480.0 from Canada)	4,764.1	
Expenditures Related to Capital	118,632.1	

Housing

Manitoba Housing and Renewal Corporation		
Transfer Payments	35,823.9	
Grants and Subsidies	6,801.8	
Emergency Home Repair Program	400.0	
Capital Appropriations		

Justice

(see accompanying table on Justice estimates)

Public Prosecutions

Office of Chief Medical Examiner 1,189.7

Provincial Policing 48,373.7

Corrections 49,756.3

Courts (\$300.3 from Canada) 24,311.7

Protection of Individual and Property Rights

Manitoba Human Rights Commission 1,368.6

Legal Aid Manitoba (\$5,596 from Canada) 12,440.7

Public Trustee 3,342.0

Natural Resources

Regional Operations

Fire Pre-Suppression Program 4,795.6

Helitac Program 2,141.2

Fire Tac Program 1,382.3

Resource Programs

Lands

Crown Lands Administration 734.2

Fisheries

Northern Fishermen's Freight Assistance 250.0

Wildlife

Game Management 395.9

Habitat Management 1,358.8

Fur and Commercial Wildlife

Management (\$342.4 from Canada) 886.9

Surveys and Mapping 608.5

Sustainable Development Co-ordination Unit 208.0

Habitat Enhancement Fund 50.0

Northern Affairs 19,332.6

Local Government Development 9,159.9

Northern Development and Co-ordination 5,065.9

Northern Flood Agreement 2,127.7

Native Affairs Secretariat 1,343.0

Provides policy development, research and planning, policy analysis, federal-provincial negotiations, inter-provincial negotiations, coordination and organizational activity.

Salaries 404.7

Other Expenditures 165.7

Aboriginal Development Programs 772.6

Expenditures Related to Capital 2,614.6

Northern Communities 2,379.6

Community Access and Resource Roads

Seniors Directorate 257.2

Aboriginal Justice Initiative 1,000.0

Table 2
Estimate of Expenditures 1993/94

These figures were provided by the Department of Northern Affairs with the caution that "In considering these figures, it must be recognized that they are not the product of rigorous tracking criteria as the majority of government departments do not collect statistics on the basis of ethnicity. Accordingly, they should be considered as rough estimates to be used only in gaining some insight on magnitudes."

Table 3
Justice System Costs

The following breakdown of justice system costs was prepared by a consulting firm for the Manitoba Justice Department within the past three years. The government has not endorsed the figures.

Table 4
Tax Sharing Grants

Table 5
1993 Reduction in Grants

<i>Name of Organization</i>	<i>Amount of Reduction (\$)</i>
Assembly of Manitoba Chiefs	325,000
Brandon Friendship Centre, Inc.	76,300
Cultural Operating Grants — Native Communications Inc.	
Dauphin Friendship Centre, Inc.	101,800
First Nations Confederacy	60,400
Flin Flon/Creighton Crisis Centre Inc.	195,000
Flin Flon Indian and Metis Friendship Centre, Inc.	78,500
Indian and Metis Friendship Centre of Winnipeg Inc.	298,800
Lynn Lake Friendship Centre, Inc.	80,000
Manitoba Keewatinowi Okemakanak	78,500
Ma-Mow-We-Tak Friendship Centre Inc.	105,700
Portage la Prairie Friendship Centre, Inc.	96,600
Riverton and District Friendship Centre, Inc.	43,900
Selkirk Friendship Centre, Inc.	78,500
Swan River Indian and Metis Friendship Centre, Inc.	73,800
The Pas Friendship Centre, Inc.	81,300
John Howard Society — Offender Employment Program	41,800
Manitoba Metis Federation	-10%
Indigenous Women's Collective	-10%
Aboriginal Council of Winnipeg	-10%

Appendix 3

Chronology of Events

Pre-1660	Pre-European Contact
1660	Arrival of Europeans
1670	Hudson's Bay Company Charter granting control over most of the area now known as Manitoba
1763	<i>Royal Proclamation</i>
1803	<i>Canadian Jurisdiction Act</i>
1811	Earl of Selkirk purchases territory within Rupertsland from the Governor and Hudson's Bay Company
1816	Battle of Seven Oaks. Métis victory led by Cuthbert Grant. Twenty Selkirk colonists and colony governor are killed
1817	The Selkirk Treaty
1830	Basis of reserve system created
1835	Assiniboia Colonial Government Reorganization — extension of jurisdiction over all residents
1845	Métis petition governor of Red River Settlement for recognition of their special status
1849	Sayer Trial and the fall of the Hudson's Bay Company Charter — <i>Commerce Libre</i>
1850	The Robinson Treaties (along Lake Huron and Lake Superior)
1851	Battle of Grand Couteau
1857	<i>Gradual Civilization Act</i>
1862	Sioux First Nation settle in Red River region
1862	The Manitoulin Island Treaty
1862-65	The Sioux or Dakota enter 'Manitoba' and establish settlements
1867	Confederation
1868	Rumours of new governance in the West
1869	<i>Act for the Gradual Enfranchisement of Indians</i>

1869	`Canadians' arrive in significant numbers in Rupertsland and Red River area
1869	Red River Resistance — Louis Riel and Métis challenge the Canadian government's survey and bar the entry of the Canadian governor William McDougall
1869	Declaration of Métis Independence of 8 December — establishment of Métis Provisional Government
1870	<i>Manitoba Act, 1870</i> negotiated between provisional and Canadian governments
1870	Entry of Manitoba into Confederation
1870	First Nations in Manitoba petition for a treaty
1871	Treaties Numbers 1 and 2 — The Stone Fort and Manitoba Post Treaties
1873	Treaty Number 3 — The North-West Angle Treaty. This treaty shaped Treaties 4-7
1874	Federal Indian legislation declared to be in force in Manitoba
1874	Treaty Number 4 — The Qu'Appelle Treaty
1874	Two Sioux reserves allotted
1875-76	Revision of Treaties 1 and 2
1875	Treaty Number 5 — The Lake Winnipeg Treaty
1876	Treaty Number 6 — The Treaties at Forts Carlton and Pitt
1876	Consolidation of federal laws into <i>Indian Act</i> ; elected band council laws require confirmation by Governor in Council
1876	Sioux reserve granted
1877	Treaty Number 7 — The Blackfeet Treaty
1881	<i>An Act to Amend the Indian Act, 1880</i> appointed Indian agents as justices of the peace
1883-85	Indian diplomatic and military campaign against the controls established by the <i>Indian Act</i>
1885	Passes required to travel outside reserves
1885	Battle of Batoche
1885	Trials and Riel hanging

1885	Federal franchise law changed disqualifying Indians in Manitoba from voting
1886	Manitoba excludes Indians and people of Indian blood from receiving an annuity from the Crown
1908-10	Treaty adhesions
1916	<i>St. Peter's Reserve Act</i>
1930	Natural Resources Transfer Agreements
1931	Manitoba extends franchise to Indians who are war veterans
1951	<i>Indian Act</i> revised extensively; provincial laws applicable to First Nations on reserves
1952	Manitoba returns franchise to Aboriginal people
1959	Government report, "A Study of the Population of Indian Ancestry Living in Manitoba", by Jean H. Lagasse, released
1960	Federal government extends franchise to Indians
1969	Federal government White Paper, Statement of the Government of Canada on Indian Policy
1969	Manitoba NDP elected on a platform of "Humanity First", with election focus on the impact of hydroelectric developments on Aboriginal communities
1973	<i>Calder v. Attorney General of British Columbia</i>
1977	Northern Flood Agreement signed
1978	Northern Flood Agreement ratified in a referendum by registered band members of Cross Lake, Nelson House, Norway House, Split Lake and York Landing
1981	Elijah Harper elected to Manitoba legislature
1982	Native affairs subcommittee of cabinet and Native Affairs Secretariat created
1982	Treaty and Aboriginal Rights Research Centre releases "Treaty Land Entitlement in Manitoba, 1970-1981"
1982	Kimmelman Report, <i>No Quiet Place</i> , is released revealing the number of children from First Nations being adopted out of the province
1982	Canada-Manitoba Indian Child Welfare Agreement signed by First Nations governments, provincial and federal governments
1982	Patriation of constitution and entrenchment of the <i>Canadian Charter of Rights</i>

	<i>and Freedoms</i> ; Aboriginal and treaty rights entrenched
1983	Mitchell Commission report on treaty land entitlement
1983	House of Commons Special Committee on Indian Self-Government reports (Penner Report)
1983-87	First ministers conferences on Aboriginal matters
1983	Aboriginal amendment to <i>Canadian Charter of Rights and Freedoms</i>
1984	Agreement in principle on treaty land entitlement
1984	<i>Guerin v. The Queen</i>
1985	Order in council formally establishing Native affairs subcommittee of cabinet
1987	Policy review on treaty land entitlement
1987-90	Meech Lake Accord
1988	NDP government establishes the Aboriginal Justice Inquiry headed by Associate Chief Justice A.C. Hamilton and Associate Chief Judge C.M. Sinclair
1988	Election of a Progressive Conservative minority government in Manitoba
1989	Manitoba Metis Federation and federal and provincial governments sign a process agreement on Métis self-government tripartite negotiations
1989	Declaration of the First Nations on their right of self-government and self-determination signed at Garden Hill Reserve by Chief Ken Wood of St. Theresa Point, Chief Isaiah Harper of Garden Hill, Chief John A. Mason of Wasagamack, and Chief Joshua Harper of Red Sucker Lake, and by Attorney General and Minister of Justice James McCrae, Deputy Leader of the Liberal party James Carr, and Leader of the NDP Gary Doer
1989	Manitoba Task Force Report on Meech Lake
1990	Elijah Harper, MLA, prevents introduction of the Meech Lake Accord in the Manitoba legislature
1990	Election of a Progressive Conservative majority government in Manitoba
1991	DIAND reduces reimbursement to provinces and municipalities for off-reserve status Indians from 100% to 50%; interim arrangements made by DIAND later that year and by the province the following year
1991	Release of the report of the Aboriginal Justice Inquiry of Manitoba

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| 1991 | Manitoba Constitutional Committee recognizes the inherent right of Aboriginal self-government |
| 1992 | Yvon Dumont is appointed Lieutenant Governor in February, the first Métis citizen to hold that position |
| 1992 | Government of Manitoba introduces a resolution in the legislature recognizing the historic role of Louis Riel; the resolution passes unanimously |
| 1992 | Charlottetown Accord is defeated |
| 1993 | Manitoba budget announcing cuts in funding to friendship centres, AMC, and other Aboriginal groups |
| 1993 | Pathways to Success, Aboriginal employment and training policy of Employment and Immigration Canada, agreement reached between AMC, MMF, and status-blind organizations |
| 1993 | Release of the report of the Manitoba First Nations Child and Family Task Force |
| 1994 | Protocol between the Manitoba government and the AMC in development; negotiations have broken down |
| 1994 | Louis Riel statute removed from grounds of the legislature at request of MMF |
| 1994 | Announcement of Louis Riel Institutes |
| 1994 | Federal government and AMC sign an agreement for the dismantling of Indian Affairs, recognition of First Nations governments, and restoration of jurisdiction to First Nations |

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- ⁱFor an excellent discussion of this event, see Comeau, *Elijah*.
- ⁱⁱAlthough this text focuses on the internal dynamics leading to the development of Aboriginal self-government, international trends should not be forgotten. During this period, Aboriginal issues have received more favourable hearings in international human rights forums, Australia has engaged in a review of the relationship between Australian governments and Aboriginal peoples, and the Nordic countries have also been active.
- ⁱⁱⁱTerms of reference of the Royal Commission on Aboriginal Peoples, in Canada, *Report of the Special Representative Respecting the Royal Commission on Aboriginal Peoples*, pp. 10-12.
- ^{iv}Confidential interviews with participants in the Charlottetown negotiations, July and August 1992.
- ^vMorris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories*, pp. 276-284.
- ^{vi}Olson and Wilson, p. 14.
- ^{vii}The early documentation provided by anthropologists was vague and often contradictory on the political structures in Aboriginal communities. Classification schemes were often value-laden and obscured the reality of First Nations communities by imposing European and western concepts. For example, the work of Diamond Jenness was long regarded as definitive in describing Aboriginal societies. However, a study of his terminology reveals an ethnocentric bias. Some accounts discussing political organization in North America from a comparative perspective include Jenness, Driver, Waldman and Braun, Spencer, Jennings et al., Farb, and Hodge. Recent work by scholars like Samuel Corrigan, L.J. Barkwell, L.F. Barron and J.B. Waldrum, Bob Beal and Ron Macleod, R. Bourgeault, M. Giraud, Antoine Lussier, Sylvia Van Kirk, and Hugh Dempsey, among others, have improved understanding of these communities.
- ^{viii}Indian Tribes of Manitoba, *Wahbung*, pp. i, 3.
- ^{ix}Sealey, *The Education of Native Peoples in Manitoba*, pp. 5-8.
- ^xBuckley, *From Wooden Ploughs to Welfare*, p. 29.
- ^{xi}Brown, "The Metis", pp. 138-139. See also Peterson and Brown, *The New Peoples*.
- ^{xii}On the emergence of the Métis, see Pelletier, *A Social History of the Manitoba Metis*; Sealey and Lussier, *The Metis, Canada's Forgotten People*; Peterson and Brown, *The New Peoples*.
- ^{xiii}Sprenger, "The Metis Nation".
- ^{xiv}Much of this account is taken from Sealey and Lussier, *The Metis*, pp. 36-49.
- ^{xv}See, for example, DIAND, "History of Indian Policy"; Crossley; National Indian Brotherhood, "Background Paper #1"; Surtees; Chamberlin, *The Harrowing of Eden*.
- ^{xvi}Sanders, "Prior Claims", pp. 241-242.
- ^{xvii}Lussier and Sealey, *The Metis*, pp. 60-64; Miller, *Skyscrapers Hide the Heavens*, pp. 132-133; Manitoba Aboriginal Justice Inquiry [AJI], *Report*, p. 60.
- ^{xviii}Miller, *Skyscrapers Hide the Heavens*, p. 134.
- ^{xix}Tobias, "Indian Reserves in Western Canada", p. 148; cf. Tobias, "Canada's Subjugation of the Plains Cree, 1879-85", pp. 211-240.
- ^{xx}Assembly of Manitoba Chiefs [AMC], "Planning Change".
- ^{xxi}AJI, *Report*, p. 63; Morris, *The Treaties of Canada with the Indians*, pp. 9-12, 285.

^{xxii}An important difference in interpretation is that the Canadian representatives understood this to entail an alienation of title, while First Nations representatives understood it to mean a sharing of land and resources.

^{xxiii}Morris, *The Treaties of Canada with the Indians*, pp. 285-292 (for the actual treaties see pp. 299-375); AMC, *Planning Change*, pp. 4-5; AJI, *Report*, p. 63; Indian Tribes of Manitoba, *Wahbung*, pp. 1-16.

^{xxiv}AJI, *Report*, p. 63.

^{xxv}It is interesting to note that Alexander Morris, who helped negotiate and compile the treaties, urges the federal government to carry out the provisions of the treaties "faithfully" and do "its utmost to help and elevate the Indian population, who have been cast upon our care, and we will have peace, progress, and concord among them in the Northwest; and instead of the Indian melting away, as one of them in older Canada, tersely put it, 'as snow before the sun,' we will see our Indian population, loyal subjects of the Crown, happy, prosperous and self-sustaining, and Canada will be enabled to feel, that in a truly patriotic spirit, our country has done its duty by the red-men of the Northwest, and thereby to herself". (*The Treaties of Canada with the Indians*, pp. 296-297)

Although steeped in the assumptions of the era, Morris's words convey his impression that the government had an obligation to observe the treaties in a broad and full sense and to honour their goodwill in entering the agreements. He would probably be disappointed to read the comment of the Manitoba Indian Brotherhood that "After the reserves were finally set out for the Indians who signed the treaties, the Indians discovered that the Government had reneged on its promise to protect the physical integrity of the reserves" (see MIB, *Treaty Days*) or the pages of testimony before the Aboriginal Justice Inquiry outlining the broken promises and unfulfilled obligations of governments. (AJI, *Report*, p. 117)

^{xxvi}MIB, *Treaty Days*, p. 57. This refers to the St. Peter's reserve. For an eloquent expression of First Nations views of the treaties and government attitudes, see MIB, *Wahbung—Our Tomorrows*; Cardinal, *The Unjust Society*, pp. 29-45; and, in the context of the constitutional settlement of 1982, Robinson and Quinney, *The Infested Blanket*.

^{xxvii}See Kent McNeil, *Indian Hunting, Trapping and Fishing Rights*.

^{xxviii}See Hogg, *Constitutional Law of Canada*, pp. 560-562; NIB, *Background Report #1*, p. 14; Weaver, *The Making of Canadian Indian Policy*, p. 25.

^{xxix}There exists a plethora of works on the Red River resistance, the Métis provisional government, Louis Riel, the Battle of Batoche and Métis history. For a brief but insightful review of the writing and biases, see Miller, "From Riel to the Metis", pp. 1-20. For an excellent review of the 1870 settlement, see Chartrand, *Manitoba Metis Settlement Scheme of 1870*. He also provides an excellent bibliography on the Métis. Additional sources include Sealey and Lussier, *The Metis*; Pelletier, *A Social History of the Manitoba Metis*; Peterson and Brown, *The New Peoples*; Sprague, "The Manitoba Land Question, 1870-1882"; Sprague, *Canada and the Metis, 1869-1885*; Lussier, *Louis Riel and the Metis*; Flanagan, *Metis Lands in Manitoba*; Flanagan, "The Case Against Metis Aboriginal Rights"; Flanagan, *Riel and the Rebellion of 1885 Reconsidered*; Stanley; and Morton.

^{xxx}There is some debate about whether these events should be termed 'rebellion' or 'resistance', the former signifying the right of Canadian authority and the latter

recognizing the status of the provisional government of the Métis in the area. See the comment on this debate offered by Flanagan, *Riel and the Rebellion 1885 Reconsidered*, p. viii. While Flanagan concedes that the events of 1869-1870 can be referred to as a 'resistance', he terms the events of 1885 a 'rebellion'.

^{xxx}This is an important consideration to bear in mind when assessing the events of the period in relation to the right of self-government. In international law, the ability to maintain territorial integrity and control is an important factor in determining jurisdiction over a disputed area.

^{xxxii}AJI, *Report*, p. 61.

^{xxxiii}Section 31 states: "And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine."

^{xxxiv}Manitoba Metis Federation, "Metis Self-Government Tripartite Negotiations Working Papers".

^{xxxv}See Chartrand, *Manitoba's Metis Settlement Scheme of 1870*, pp. 4-6.

^{xxxvi}Sprague, "The Manitoba Land Question, 1870-1882", p. 74.

^{xxxvii}Lussier and Sealey provide a graphic account of this in *The Metis*, pp. 87-95.

^{xxxviii}For diametrically opposed views of the interpretation of this section and the attending events, see Chartrand, *Manitoba Metis Settlement Scheme*; Flanagan, *Metis Lands in Manitoba*; and Sprague, "Government Lawlessness in the Administration of Manitoba Land Claims", pp. 415-41, *Canada and the Metis*, and "The Manitoba Land Question".

^{xxxix}Sprague, "Manitoba Land Question", pp. 75-76, 77-79. Flanagan argues that Archibald's interpretation was accepted initially and uses it as an example of the good faith position of the government (*1885 Reconsidered*, p. 63).

^{xl}Chartrand, *Manitoba Metis Settlement Scheme*, p. 7.

^{xli}Chartrand, p. 8.

^{xlii}Chartrand, p. 8; cf. Manitoba Metis Federation, *Metis Self-Government*; for the alternative view see Flanagan, *1885 Reconsidered*, pp. 62-67.

^{xliii}Sprague, "Manitoba Land Question", p. 83.

^{xliv}Barron, pp. 28-30.

^{xl}Flanagan discounts the involvement of First Nations in the uprising and gives them passing mention (*1885 Reconsidered*, pp. 1, 88-89, 95, 108); Blair Stonechild notes that the involvement of First Nations has yet to be told and begins that narration in "The Indian View of the 1885 Uprising", in *Sweet Promises*, ed. Miller, pp. 259-275. He concludes that First Nations communities were unfairly implicated beyond their levels of responsibility.

^{xlvi}AJI, *Report*, p. 66.

^{xlvii}As quoted in AJI, *Report*, p. 67.

^{xlviii}Manitoba Metis Federation, "Metis Self-Government".

^{xlix}Sealey and Lussier, *The Metis*, p. 145.

ⁱSealey, *The Education of Native Peoples in Manitoba*, pp. 37-45.

ⁱⁱThis paragraph and interpretation rely heavily on Lussier and Sealey, *The Metis*, pp. 143-158. For a brief review of community development in Manitoba, see Lagasse, "Community Development in Manitoba", pp. 232-237.

ⁱⁱⁱBrock, pp. 179-182.

^{liii}York, *The Dispossessed*, p. 206.

^{liv}Manitoba, First Nations Child and Family Task Force, *Children First, Our Responsibility*, p. 17.

^{lv}This account is culled from Young, "The Northern Flood Agreement", pp. 181-188; Waldrum, *As Long as the Rivers Run*, pp. 3-17, 171-183; Waldrum, "Native Employment and Hydroelectric Development in Northern Manitoba", pp. 62-76; AJI, *Report*, pp. 172-175.

^{lvi}The hiring and training of local workers did not materialize to the extent hoped. Phil Fontaine, Grand Chief of the Assembly of Manitoba Chiefs, points out that in northern development, Aboriginal people are often invited to be one of a number of competing interests, where they often feel pitted against the other interests. He writes, "We perceive a symbiotic relationship among business, labour, and government; these parties may have disagreements in some areas, but are united in a number of key issues against Aboriginal People. I am here referring to the basic philosophy behind activities in the North, directed by non-Aboriginal People. Environmental consequences are seen as manageable, developments as inherently good, and a belief that the future will take care of itself if we just clean up our act." (Fontaine, "What the Corporate Presence Means", p. 113)

^{lvii}Young, "The Northern Flood Agreement", p. 187.

^{lviii}The communities chose to accept these agreements despite the Assembly of Manitoba Chiefs' advice endorsing a more comprehensive, global compensation package recognizing Aboriginal rights and entitlements. The decision was difficult but the chiefs and councils acted in what they perceived to be the best interests of their communities given their financial situations. The AMC recognizes this. There is disagreement on whether this agreement constitutes a treaty.

^{lix}Brock, pp. 360, 365.

^{lx}Brock, p. 365.

^{lxi}This is based on my recollections, as research director of the Manitoba Task Force on Meech Lake, of the incident and the discussions between Task Force members that followed.

^{lxii}Again, this is based on personal observations as well as comments made to me by participants in the negotiations from other provinces during that process.

^{lxiii}For a review of the Secretariat, see Manitoba, Resource Initiatives, "A Review of the Native Affairs Secretariat".

^{lxiv}Comeau, *Elijah*, pp. 107-108.

^{lxv}In the 1993 budget much of this assistance was cut.

^{lxvi}For insight into the debate on the use of census data see Hull, pp. 147-156; and Wright, p. 13.

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- ^{lxvii}For an overview of the First Nations population in Canada, see Comeau and Santin, *The First Canadians*. They apply their analysis to the conditions of First Nations in Manitoba in Comeau and Santin, "Indians".
- ^{lxviii}Statistics Canada, *Canada's Native People*, introduction and chart 1.
- ^{lxix}Statistics Canada, *Canada's Native People*.
- ^{lxx}Statistics Canada, *The Daily: 1991 Census of Canada—Aboriginal Peoples Survey*, 30 March 1993.
- ^{lxxi}This is in contrast to figures compiled by the Manitoba Native Affairs Secretariat in April 1992 using Indian and Northern Affairs community membership lists. According to these lists, in 1991 there were 54,334 on-reserve status Indians and 23,428 off-reserve status Indians, for a total population of 77,762. These lists are generally held to be quite accurate, given that they are updated regularly by chiefs and councils. There is a significant discrepancy that could then affect transfer payments to the province and communities.
- ^{lxxii}Telephone interview, Statistics Canada representative, Winnipeg, Manitoba, 13 January 1994.
- ^{lxxiii}Aboriginal Council of Winnipeg [ACW], "Proposal for Partnership on Urban Aboriginal Self-Government", pp. 5-6.
- ^{lxxiv}ACW, cited in note , pp. 4-5.
- ^{lxxv}Fontaine, "What the Corporate Presence Means", p. 111.
- ^{lxxvi}In Manitoba, Shamattawa, Sandy Bay and Norway House have received a lot of publicity regarding social conditions in those communities.
- ^{lxxvii}Employment refers to people who did any work or were absent from jobs during census week. Unemployment refers to people who were looking for jobs, starting jobs, or available for jobs during that week. The unemployment rate refers to the unemployed labour force but excludes Canadians in institutions. The total population includes the Aboriginal population.
- ^{lxxviii}For a discussion of this policy network, see Coleman and Skogstad, *Policy Communities and Public Policy in Canada*.
- ^{lxxix}One of the most coherent and concise discussions of jurisdiction is contained in Morse, pp. 59-91; cf. Hogg.
- ^{lxxx}Reference *Re Eskimos*, [1939] S.C.R. 104; 2 D.L.R. 417.
- ^{lxxxi}This passage caused the current minister to observe that "We don't even think about making specific laws. The fact is that our laws now apply. We think about the whole context of making laws." He emphasized the financial responsibility of the federal government and its current tendency to offload costs to the province.
- ^{lxxxii}House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on Aboriginal Affairs and Northern Development*, March 1987, 22:12, 20:20-1. See also Brock, p. 342.
- ^{lxxxiii}The legitimacy of representation by status-blind groups is challenged by Métis and First Nations organizations. For example, the Manitoba Metis Federation maintains that it represents the Métis population whether urban or rural. The federal government has recognized the MMF as representative in negotiations. Further, *Dumont et al. v. The Queen* (March 1991) recognized the MMF as the legitimate political representative of the Métis.

^{lxxxiv}The following comments are drawn from interviews with AMC officials and documents provided by the organization.

^{lxxxv}At the time of writing, the AMC represented 60 of the 61 First Nations in the province. Valley River First Nation (845 members) has chosen to be independent and takes a hard-line position on issues of sovereignty. At the last general meeting, Opaskwayak First Nation (2,869 members) rejoined the AMC after having withdrawn over the handling of the gambling issue.

^{lxxxvi}AMC, *A Model for Political Coordination and Cooperation in Manitoba*.

^{lxxxvii}Comeau, *Elijah*, pp. 108-109.

^{lxxxviii}The following description of the MMF is drawn from interviews with MMF officials and documents provided by the organization, including its constitution and working papers.

^{lxxxix}These comments are drawn from an interview at the IWC and documents provided by the IWC, including the constitution and by-laws.

^{xc}This profile is based on interviews with ACW representatives and documents provided by the ACW, including "Proposal for Partnership on Urban Aboriginal Self-Government" and "Presentation to Honourable James Downey, Minister of Northern Affairs, Province of Manitoba".

^{xci}See ACW, "Presentation to Mayor William Norrie, Honourable Jake Epp, Honourable Jim Ernst, and Honourable James Downey".

^{xcii}ACW, "Proposal for Partnership", p. 8.

^{xciii}For example, the secretary, Wayne Helgason, was executive director of Ma Mawi Wi Chi Itata, and vice-president Kathy Mallett is president of the Original Women's Network.

^{xciv}These comments are based on interviews with a Council representative and documents, including *Presentation to the Royal Commission on Aboriginal Peoples by the Winnipeg First Nations Tribal Council* and *Presentation to Lord Michael Morris*.

^{xcv}For a more comprehensive listing, see Arrowfax, *Manitoba Aboriginal Directory*.

^{xcvi}In 1993-94, the subcommittee comprised ministers in the following areas: Northern and Native Affairs, Agriculture, Industry, Trade and Tourism, Natural Resources, Family Services, Culture, Heritage and Citizenship, and Justice, and the premier when required.

^{xcvii}Manitoba, Northern Affairs, 1993-1994 *Departmental Expenditure Estimates: Supplementary Information for Legislative Review*, p. 2.

^{xcviii}In interviews with departmental representatives, this was cited as a means for northern Aboriginal communities to achieve a form of self-government.

^{xcix}Manitoba, Northern Affairs, cited in note , p. 3.

^cManitoba, Northern Affairs, cited in note , p. 46.

^{ci}These comments are based on formal interviews and informal conversations with secretariat staff and on Manitoba, Resource Initiatives Ltd., *A Review of the Native Affairs Secretariat*.

^{cii}For a breakdown of departments that spend a 'substantial' amount on Aboriginal peoples as identified by the Native Affairs Secretariat, see Appendix 2.

^{ciir}This vote was cited in three interviews and two informal conversations with ministers and officials.

^{civ}According to Elections Canada, "Federal Referendum: Unofficial Results, Specific Aboriginal Communities" (28 October 1992), 10,554 votes were cast on reserves in

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- Manitoba. The total 'yes' vote was 1,876, while the total 'no' vote was 9,609, and 69 ballots were rejected. By comparison, the total 'no' vote in other provinces ranged from 25.9% in Newfoundland and 30.6% in P.E.I. to 79.1% in Alberta and 70% in B.C. The average 'no' vote across the nation was 62.1%.
- ^{cv}Based on two conversations with AMC representatives, April 1993 and February 1994.
- ^{cvi}Manitoba, Legislative Assembly, *Debates and Proceedings [Hansard]*, Thirty-Fifth Legislature, 1 June 1992, p. 4040.
- ^{cvi}*Hansard*, Fourth Session, Thirty-fifth Legislature, volume XLII, NO. 1, 26 November 1992, p. 1.
- ^{cvi}*Hansard*, 26 November 1992, cited in note , p. 5.
- ^{cix}*Hansard*, 26 November 1992, cited in note , p. 7.
- ^{cx}*Hansard*, Fourth Session, Thirty-Fifth Legislature, volume XLII, No. 91B, 28 June 1993, p. 4838.
- ^{cx}*Hansard*, 28 June 1993, cited in note , p. 4838.
- ^{cxii}Based on interviews with two government actors. The recent incident in which First Nations leadership and women were divided on child welfare issues and were protesting on the steps of the legislature was cited as support for this view.
- ^{cxiii}*Hansard*, 28 June 1993, cited in note , pp. 4838-4842. According to the annual report of the department of Northern Affairs, 'in trust' means "communities responsible for making decisions pertaining to the operations and maintenance of local services, via resolutions, but the department handles all accounts through the Northern Affairs Trust Fund." 'Self-administration' means "communities which have reached a level of development enabling them to handle their own financial and administrative matters. Funds for operations and maintenance are transferred to the communities on a quarterly basis."
- ^{cxiv}*Hansard*, 28 June 1993, cited in note , p. 4840.
- ^{cxv}*Hansard*, 1 June 1992, cited in note , p. 4053.
- ^{cxvi}Manitoba, Department of Northern Affairs, *Annual Report 1991-92*, p. 26.
- ^{cxvii}Although capital funds are provided to construct the arenas, communities often have difficulties raising the operating funds necessary to keep the arenas running after construction.
- ^{cxviii}*Hansard*, 28 June 1993, cited in note , p. 4841.
- ^{cxix}The participation of women in the emerging forms of self-government was underscored in interviews with government officials.
- ^{cx}Manitoba, *First Nations Child and Family Task Force Report*.
- ^{cx}Manitoba, Northern and Native Affairs, *Developing an Indian and Metis Urban Strategy for Manitoba*.
- ^{cxii}*Hansard*, 1 June 1992, cited in note , p. 4067.
- ^{cxiii}*Hansard*, 1 June 1992, cited in note , p. 4067.
- ^{cxiv}*Hansard*, 28 June 1993, cited in note , pp. 4848-4849.
- ^{cxv}ACW, *Proposal for Partnership on Urban Aboriginal Self-Government*.
- ^{cxvi}The minister's remarks in the legislature questioned the involvement of the Assembly of Manitoba Chiefs in the development of an Urban Native Strategy but seemed receptive to involvement by the Aboriginal Council of Winnipeg and the Indigenous Women's Collective. Core funding for the latter two groups had been maintained despite funding cuts of up to 100% for the AMC and other organizations. (*Hansard*, 28 June 1993, cited in

note , p. 4849) The opposition had raised the idea of treating Aboriginal issues as an integral part of the core area initiative (p. 4850).

^{cxxvii}For the background to the announcement of the inquiry, see Comeau, *Elijah*, pp. 130-132.

^{cxxviii}Manitoba Aboriginal Justice Inquiry, *Report: The Justice System and Aboriginal Peoples*, volume 1. See especially pp. 641-674. Recommendations are presented throughout the report, but this section offers a summary of some of the broader ones. Volume 2 contains a further 42 recommendations.

^{cxxix}AJI, *Report*, volume 1, p. 674.

^{xxx}Donald Campbell, "Report's Scope Enormous", *Winnipeg Free Press*, 30 August 1991, p. 3.

^{xxxi}Aldo Santin, "Findings, recommendations `exactly what natives expected'", *Winnipeg Free Press*, 30 August 1991, p. 3.

^{xxxii}Santin, cited in note .

^{xxxiii}"We won't wait forever", *The Winnipeg Sun*, 30 August 1991, p. 5.

^{xxxiv}"Women react", *The Winnipeg Sun*, 30 August 1991, p. 5.

^{xxxv}Bud Robertson, "'A lot of good talk but no walk,' natives say of AJI", *Winnipeg Free Press*, 9 January 1994, p. A3.

^{xxxvi}Tour of Stoney Mountain Institute and conversations with officials, 17 February 1994. Officials were very positive about sweatlodges, Aboriginal programs, and the impact the elder was having on inmates. Although no hard program evaluation data were available, anecdotal evidence indicated that these changes benefited the Aboriginal population. One official was particularly convinced that Aboriginal programs and cultural education would ensure that inmates did not return once released. He cited examples to support this view.

^{xxxvii}Robertson, cited in note .

^{xxxviii}Interview with a cabinet minister, 11 April 1994.

^{xxxix}An issue that is generating some tension is the loss of the Dakota Ojibway Tribal Council Police as a result of funding difficulties. The use of First Nations police forces is an important aspect of self-government.

^{cxl}AJI, *Report*, volume 1, p. 569.

^{cxli}Jon Jenkins, "Natives demand input into boot-camp plans", *Winnipeg Free Press*, 24 February 1994, p. B1.

^{cxlii}Manitoba, University Education Review Commission [UERC], *Post-Secondary Education in Manitoba: Doing Things Differently*, p. 47. Visits to four northern communities have confirmed the impression that often these schools are not built to withstand the climate and are substandard structures presenting health risks for children and youth.

^{cxliii}UERC, cited in note , pp. 47-48.

^{cxliv}UERC, cited in note , p. 49.

^{cxlv}*Hansard*, 28 June 1993, cited in note , pp. 4843-4844.

^{cxlvi}Associated issues include child welfare and family violence. Although not discussed separately here, they are crucial aspects of the relationship. Child welfare is of vital concern to Aboriginal communities. This should not be underestimated. As seen earlier in this paper, the Child Welfare Task Force has released its report. Action is pending. Transfer of more control and authority to First Nations and Métis communities is expected.

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- ^{cxlviii}This was illustrated graphically during visits to northern reserves. In many cases, First Nations citizens must travel over rough roads or open water to reach a hospital. One boat guide had recently taken a man with a broken leg across choppy water to a hospital. With serious injuries, fractures, and illnesses, this can be an extremely painful experience. Most southern residents would not tolerate these conditions.
- ^{cxlviii}Koppang, "Native Gaming in Manitoba" (November 1992), p. 1.
- ^{cxlix}Koppang, "Native Gaming in Manitoba" (September 1992), pp. 1-2.
- ^{cl}Koppang, cited in note , p. 3.
- ^{cli}Manitoba Lotteries Foundation, *Fact Sheet: Native Gaming Commissions; Fact Sheet: Video Lottery Terminal Siteholder Agreements; Lottery Licences for Reserves*.
- ^{clii}Hansard, 28 June 1993, cited in note , p. 4840.
- ^{cliii}AMC, *Planning Change*, p. 32.
- ^{cliv}AMC, *Protocol and Structural Plan for First Nations Gaming Commission in Manitoba*.
- ^{clv}Hansard, Thirty-Fifth Legislature, volume XLII, No. 94A, 5 July 1993, p. 5004.
- ^{clvi}This interpretation is based on AMC and DIAND, *The Dismantling of the Department of Indian Affairs and Northern Development, The Restoration of Jurisdictions to First Nations Peoples in Manitoba, and Recognition of First Nations Governments in Manitoba: Framework Agreement; Towards First Nations' Governments in Manitoba: Workplan*; Paul Samyn, "Ottawa mends historic wrong", *Winnipeg Free Press*, 8 December 1994, p. A4; Dan Lett, "High Drama on Way to History", *Winnipeg Free Press*, 7 December 1994, p. B3. The analysis is based on my observations as an adviser and participant in the process of negotiations from January to April 1994.
- ^{clvii}For an explanation of 'economic' and 'ethical' liberalism and the associated priorities, see Manzer, *Public Policies and Political Development*.
- ^{clviii}Manitoba, Information Services, "News Release: Grant Levels to be Reduced", 15 March 1993.
- ^{clix}Hansard, 28 June 1993, cited in note , p. 4851; cf. p. 4860.
- ^{clx}Paul Samyn, "Aboriginal Groups Staggered by Cuts", *Winnipeg Free Press*, 16 March 1993.
- ^{clxi}Hansard, 28 June 1993, cited in note , pp. 4845-4846.
- ^{clxii}In a recent interview, one AMC official noted that leaders in the First Nations community thought the province would have learned that a more proactive and co-ordinated response was necessary to address Aboriginal issues. Confidential interview, AMC official, January 11, 1995.
- ^{clxiii}For these purposes, state actors include the opposition parties. However, these views are distinguished from government views. An attempt is also made to distinguish between politicians and officials.
- ^{clxiv}A policy community includes actors and potential actors with a direct or indirect interest in a policy area who share a common policy focus and to varying degrees influence policy outcomes over time. The policy community subdivides into the sub-government and the attentive public. The sub-government includes government agencies, interest associations, and other societal groups that make the policy. The attentive public refers to individuals with a special interest or expertise in the policy area and may include the media, experts and affiliated individuals. These individuals are not regular policy actors. See Coleman and Skogstad, *Policy Communities and Public Policy*, pp. 25-26.

^{clxv}The St. Theresa Court serves the four reserves around Island Lake, uses traditional Aboriginal methods of resolving conflict, and handles young offenders charged with less serious offences like vandalism, various driving offences and breaches of band by-laws. It has been very successful, with "only about eight cases turned over to the provincial system." The Justice department is in the process of developing an Aboriginal court model based on St. Theresa Point.

^{clxvi}A distinction was made between the government officials and the NDP who visited the community more regularly. Similarly, Aboriginal MLAs were not regarded in the same light as non-Aboriginal MLAs.

^{clxvii}This was confirmed in interviews with government officials.