

June 22

"We're distinct, we have Inherent Rights"

What do the Indians want anyway? This plaintive question echoes the old whimper about Quebec, based on the same fallacy, yet also grounded in an anxiety to do something about it.

It's both easy and impossible to answer. Easy because we can throw around words like equality, dignity and self-government, though it's harder to move from concept to reality. Yet it's impossible because "the Indians" are of many tribes and backgrounds, differing in language, historical experience and geographical situation, and because within those categories of band and tribe, individual Indians are as different as you and me and Madonna.

Canada has treaty and non-treaty Indians, status and non-status. In addition, we have the Metis, people who are part Indian, and the Inuit, who are not only different ethnically but have a different history, do not share the land claims problem, have no treaties, but suffer similar difficulties of maladjustment in a white man's world — unemployment, discrimination, alcoholism, destruction of traditional patterns of self-support.

In his Winnipeg office, I sought the counsel of Grand Chief Phil Fontaine of the Manitoba Assembly of Chiefs, who last week lost the national Indian leadership to Ovide Mercredi.

Chief Fontaine, an Ojibway, has classically Indian features and a thick mane of prematurely grey hair. When he tires of the political burden, he could make money in movies. He talks much like a successful executive in any other branch of Canadian life, but the content is very different.

What are the Indians' constitutional objectives?

"Constitutional justice is important. So are (land) claims. So are treaty obligations. All have to be pursued. All are important.

But if we get these settled, we'll be able to move forward on improving the life of our people."

Those few sentences cleared the underbrush. I had talked to non-Indian experts, who tended to stress that constitutional matters were less important than land claims and access to resources, essential if the Indians are to raise their appalling living standards. That's true too, but here was an important Indian leader telling me that progress must be made on all fronts. I asked what he meant by constitutional justice.

"We have to start a healing process. The only way the Constitution can work is that we should be on a full and equal basis with first ministers. I know it's heresy, but the fact of the matter is that we're distinct, that we have inherent rights of self-government. That's a fact — it just hasn't received the recognition.

"We're suggesting a co-operative relationship with the two levels of government, with full input into the kind of development that occurs — in many areas — from James Bay (hydro development in Indian lands) to mining in Manitoba and Saskatchewan to logging on the Queen Charlotte Islands.

"It means protecting the land but it doesn't mean saying no to development. It isn't radical — it's practical. It means constitutional recognition of this right to participate."

I recalled a talk with the University of Saskatchewan's former president Lloyd Barber, who has been negotiating Indian land claims in that province. He had attended the three federal-provincial conferences on Indian problems that failed in the late 1980s.

"They broke down because (some governments) weren't prepared to take the leap of faith, to say, 'Okay, we'll give you self-government and work it out after.' I'm not sure I would have had the guts either."

So what's to be done? "I'd find appropriate words to set up a new system without isolationist or separatist institutions at the outset."

Thomas Berger, lawyer, ex-judge and ex-NDP politician, who does a lot of legal work for B.C. Indian bands, is doubtful of

constitutional answers. He says the conferences of the '80s "broke down because the natives wanted self-government enshrined in the Constitution, and the provinces said, 'Tell us what self-government is.' It foundered on that."

There was talk of the U.S. model, which provides a form of self-government for Indian reserves, but some premiers were unconvinced. Even if this had gone through, says Berger, "you still have to have land and finances. You've got to settle the land and the resources or it means nothing.

"There's a measure of self-government now. Some bands look after health and welfare, but without land, resources and capital it doesn't mean much. B.C. has been negotiating with the Nishgas for years but unless the feds provide land resources so they can be players in the forest industry, it's not the answer. That's more difficult than putting self-government in the Constitution.

"It's very complicated. Take the fishery — many native villages depend on it. If conditions are to be enhanced, they must have a greater share so they can sell their fish. Indians on this coast lived on fishing traditionally, but mostly just for themselves. We should build on their past.

"It requires leadership by governments to insist that Indians be given access to more fish and resources that can make them self-sufficient. That's the real issue. This will change their lives. The Constitution won't."

Still, Berger's practical approach emphasizes why Fontaine says the Indians need to advance on several

fronts at once. Constitutional status is intended to give them a voice in these decisions. Land and resources are necessary to improve their intolerable conditions of life.

At the same time, western universities are making considerable strides in native education. UBC is graduating substantial numbers of native foresters, teachers and lawyers and trying to bring native students into commerce and economics.

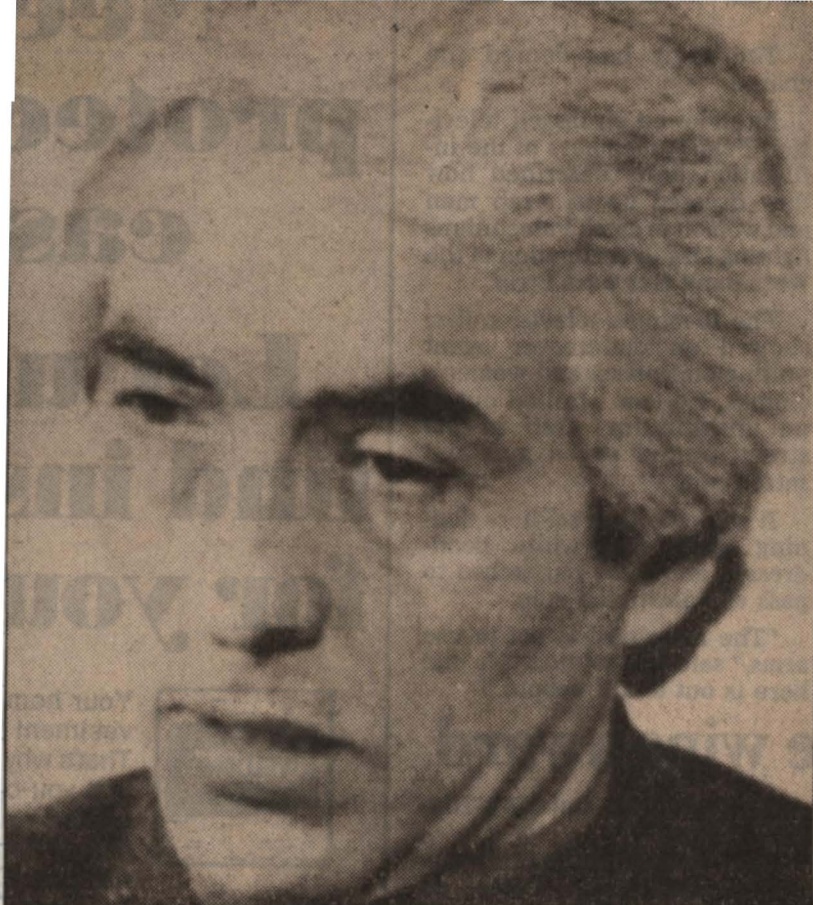
"That's the mix you need to settle land claims," Berger said. "We've tried for years to settle native claims — we've failed because we don't want to. The issue of Quebec is two European peoples trying to work out an accommodation, and that's a hell of a lot easier."

And Berger came full circle by emphasizing the importance of constitutional change:

"The change to the Constitution in 1982 guaranteeing, in Section 35, aboriginal and treaty rights has made a big difference. So constitutional guarantees are important at the end of the day. The question is, are we going to give back the land and resources that we stole from them, so they can be self-sufficient?"

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The office building on Winnipeg's downtown Smith St., where Chief Fontaine and other Manitoba chiefs work, is an example of what self-sufficiency means. The building is all Indian-owned, and energetic people of Indian heritage charge from one floor to another in pursuit of both private enterprise and collective objectives. It's a striking contrast to the terrible condition of those Indians far gone in alcoholic ruin who roll in the gutters of Winnipeg, Regina and other Prairie cities.



Grand Chief Phil Fontaine: "We have to start a healing process."

The constitutional problems of the native peoples and of Quebec are intertwined. If there is to be a major constitutional overhaul, it has to approach both these intractable situations. We cannot open up the Constitution every year, and there's a growing feeling across the country that we need to put the whole thing behind us as soon as we can, and turn our minds to more productive matters.

But in Quebec the two issues come together. Oka and Chateauguay, for instance, are local hot spots that will continue to boil until local people as well as governments find ways to live together.

A larger issue looms in northern Quebec, where the Cree Indians are watching with apprehension the development of Premier Robert Bourassa's grandiose and environmentally hazardous scheme for further hydro development.

"Has Parizeau read the 1912 Boundaries Extension Act?" Barber asked rhetorically. Parti Quebecois leader Jacques Parizeau has not recognized that the separation of Quebec might raise new questions about sovereignty in the northern part of the province, where Indians are the majority, and few speak French.

Legislation passed by Parliament 79 years ago reserves for the federal government "trusteeship" of the Indians in northern Quebec and "management of any lands now or hereafter reserved for their use."

"The Cree own northern Quebec if anyone owns northern Quebec and James Bay. Quebec doesn't own James Bay," said Barber.

It's just another compelling reason not to give up on Confederation.