

Regional Director addresses Governance Act to Six Nation Council

By Marie-Lauren Gregoire

OHSWEKEN – John Donnelly, regional director general for INAC Ontario, spoke to councillors at a special Six Nations Band Council meeting last Wednesday morning about First Nations governance and impending changes to the Indian Act.

"My understanding is that the Minister of Indian Affairs is going ahead with changes to the Indian Act," said Chief Wellington Staats. "I thought John should explain this and what is going on."

Donnelly met with council for the yearly review and discussion of funding agreements from the Department of Indian Affairs and also explained the issue of governance.

"Minister Nault has not proscribed whether it's major changes to the Indian Act or a companion piece to the Indian Act, he has left that up for discussion," said Donnelly.

"Currently there are 200 pieces of litigation challenging the Indian Act, challenges in terms of equality, treatment, treatment of women. The Minister's concern was that unless we, Aboriginal leaders and Federal government, make changes or update those sections of the act that are being challenged, the courts will do it," said Donnelly.

He explained that the Indian Act, while recognizing First Nations governments as their own

entity, does not permit First Nations governance in the 21st Century.

Donnelly said that the Minister is very concerned about the relationships in the act between Band Council and the Minister.

"You, chief and council, are more responsible legally to the Minister rather than the people of

Six Nations," he said. "There is some concern that First Nations act as government rather than agents of the crown."

Donnelly explained the Minister's timeframe of three years and a consultation process involving Aboriginal leaders across the country.

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"There's a lot of terms that the Minister is ready to open up, to redefine the relationship," he said.

"It's a matter of where are we going and what are we going to do," said Staats.

The consultation process involves Indian bands across the country, Band Councils and their constituents. The Federal Government allocated \$10 million to the program nationally with Ontario receiving \$1.2 million.

"I wonder how serious the government is in implementing native people's recommendations," asked Councillor Nina Burnham.

"I can tell you the Minister is very serious about consultation," said Donnelly.

The governance act would affect the Miq'mak from Pictou, N.S. to the Squamish Nation from North Vancouver, B.C. that have different relationships with the Federal Government.

"I don't think you can make a coat that fits everybody and that everybody likes," said Councillor Dave General.

"It would fit in closer if there was an Ontario agreement rather than a Canada-wide agreement," said Staats.

Donnelly explained that Indian Bands in Western Canada were concerned about their treaty relationship with the government.

"The governance act would not affect treaty rights, it would not subsume native rights," said Donnelly.

First Nations self-governance not taxation

"This governance act is somewhere between the Indian Act and full self-government," said Donnelly.

"Taxation should never come here," said Councillor Dave General.

"You may not want us imposing taxation but you may want the ability to tax," responded Donnelly. He explained t h e

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Minister's desire to move towards self-government including granting Band Council's ability to levy taxes to pay for services and administration.

"I think the Minister has a lot of nerve to come to native people and tell us he's going to change the laws," said Councillor Alton Van Every. "To me it's just a continuation of the white paper...it's going to move towards municipalization and then taxation and then you'll get out of funding."

The Federal Government allocates \$6 billion annually to the Department of Indian Affairs that administers the funding to the more than 600 bands across the country.

"One of the things that the Minister talks about is our current funding agreements," said Donnelly. "What he'd

like is a transfer arrangement similar to the provincial transfers."

The issues discussed at this meeting would also be discussed at a consultation meeting of the Band Council, the people and the Federal Government.

"This should have been done years ago," said Councillor Roger Jonathan. He said the government was examining self-government ten years ago and discussions with First Nations could have started then.

"I've never said 'self-government—so long as we don't look at funding transfers'," said Jonathan. "I'll look at 'self-governing'—we'd take the same dollar the government gives the bureaucracy and spend it ten times better."

Jonathan advocated native 'self-governing' administering funding from the Federal Government without taxing native people.

"You can't have government without taxation," he added. Councillors discussed administration on Six Nations without taxation.

Donnelly has planned to return to Six Nations Council to further explain and discuss the impending changes to the Indian Act and the governance act.

"I think we can have a half day seminar with council and some people," said Staats. Consultation with Six Nations are expected to begin this spring as the Minister approaches the Federal Government with the changes in the fall.