

Indigenous Self- Government and Sovereignty in Canada:

Some Lessons for Australia

Grand Chief Charles Fox - Nishnawbe Aski Nation

In our last newsletter we included news of Grand Chief Charles Fox speaking at the inaugural Occasional Native Title Seminar organised in Canberra by the Canadian High Commission and the Native Title Research Unit. The seminar was held at the Australian National University on 12 April 2000. Charles Fox was elected Grand Chief of Nishnawbe Aski Nation in 1994. On June 13, 2000, Charles Fox became Regional Vice Chief of Ontario and will represent the interests of all First Nations in the province of Ontario at the regional, provincial, national and international levels. Born in Bearskin Lake First Nation in remote northwestern Ontario, Grand Chief Fox has worked for First Nations in a variety of capacities for over 20 years. Here is an extract from the seminar:

When we talk about governance, we are talking about reconciliation, about healing, about partnerships. From our perspective as First Nations people the Government of Canada is obliged to sit down with us to negotiate with us to reach governance arrangements that we so desire as First Nations people. When I talk about governance, I am talking about decolonisation.

I outline this for you so you know the context in which discussions about governance occur and so you know where we are going as First Nations in Canada. In order for our nations to be healthy, we need healthy communities, healthy families and healthy individuals. As part of this healing journey we have to take back those systems that were removed, that were outlawed, that were taken away from us. And so our governance negotiations and the process of healing and reconciliation with the government reflect this as a long-term objective.

In 1905 and 1906, we signed a treaty with the government of Canada. To this day we maintain that that treaty is based on a nation-to-nation relationship and that it is one based on friendship, coexistence, and mutual benefit. Unfortunately, that has not happened. Canada's interpretation of the treaty has been one-sided. It has interpreted the treaty as the extinguishment of Aboriginal title and thereby giving access and control over all the lands and resources in our territory to the provincial powers and federal powers. Lands and resources are part of the negotiation process. We cannot be nations without having a land base, without having access to resources to sustain our nationhood.

We are governed by a colonial piece of legislation called the *Indian Act*. There are passages in there that are still very outdated. Prior to 1951 Aboriginal people could not meet in groups of more than three people. We could not leave the reserve without having permission from the Indian agent. Still today the *Indian Act* system continues to dictate how we elect our leadership. To this day we still deal with that and we are trying to find a middle ground between traditionally leaders versus those elected under the *Indian Act*.

As Nishnawbe Aski people we are actively negotiating a governance agreement with Canada. We are currently beginning a scoping exercise of what a Nishnawbe Aski Nation (NAN) governance model may look like. There are 49 First Nations in northern Ontario which comprise Nishnawbe Aski Nation. A number of questions need to be resolved. For example, what levels of government, what kind of power, and what authority will NAN First Nations have and what will they delegate? Will there be middle layers of government? Will there be tribal governments? Will there be treaty-area governments? And, what about a regional government? What federal powers that will go with that?

The tricky part of the equation is the role of the province. The provincial government should sit at the table with us to negotiate that but at this time they are unwilling to do so. Currently they do not have an Aboriginal policy in place to participate in governance negotiations. Yet when it comes to provincial jurisdiction Ontario should be at that table. When we talk about access to resources off-reserve, when we talk about curriculum development that will affect us, we need to talk. When we talk about health services, when we talk about justice, when we talk about policing, we need Ontario at that table. The provincial government, as a potential partner in governance, is something of necessity. At this point in time they are playing hard to get.

When people speak of sovereignty there are many connotations but from our perspective as First Nations of Nishnawbe Aski Nation, we are not saying that we are going to break away from Canada. We are not saying that we want to be separate from Canada. What we believe in is a nation-within-a-nation concept. If we reach an agreement on governance in Nishnawbe Aski Nation territory, then we should have the same relationship that exists between the provincial and federal governments—the same powers, same authorities, same jurisdiction.

It is our hope that there will ultimately be a third order of government for First Nations people in Canada.

When I think of the other agreements that have been reached across Canada with First Nations I do not think that our pursuit, our objective, our vision is too far removed. We look at the *Nunavut Agreement* the Inuit recently concluded. It is a territorial government that has the same powers and authorities as the other provinces and territories. The Inuit now have authority over a vast tract of land.

The other agreement that I can speak to is the *Nisga'a Agreement* in British Columbia. The Nisga'a, I believe, have secured a land basin of about 4,000 square miles, and again it is an agreement that recognises First Nation jurisdiction, First Nation power, sub-surface mineral rights, cash compensation, and it outlines the governing powers that the First Nation will enjoy. In my opinion, its powers are equal or nearly equal to provincial powers. It is the hope of Canada and British Columbia that the *Nisga'a Agreement* will set the parameters for future agreements and negotiations in British Columbia, because British Columbia is unsundered territory. What I mean by unsundered is that there are no treaties in British Columbia, and so therefore the First Nations people in British Columbia maintain that they still have Aboriginal title to the land and that the governments of Canada and British Columbia have to negotiate with them in good faith regarding First Nations jurisdiction and governance.

I am hoping that the Aboriginal people of this country and the Government of this country will reach reconciliation, that they will find that path to reconcile the past grievances of the Aboriginal people of this continent, and that there will be best efforts, major efforts, made to develop a process of healing that is very much needed so individuals and families can regain their positive identity and sense of hope.

So to the Aboriginal people and to the Australian people, to their governments, I would say to you that you need to develop a partnership. One that is built on trust, good faith, goodwill, respect, understanding, and particularly one that is built on equality.

In Canada, 15 years ago, the bureaucrats, the politicians, would never have said the word 'self-government'. And now it is bandied about, it is coffee talk, it is lunchroom talk. Then, it was taboo yet now First Nations are in fact exercising some degree of self-government right across Canada. So it is inevitable. Self-government for Aboriginal people in Australia will happen. Perhaps not today, but in 10, 15, 20 years time Aboriginal people on this continent will have self-government.