

**Indian Residential Schools Resolution Canada
Media Clips**



**Résolution des questions des pensionnats indiens Canada
Manchettes**

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Rights rulings top native news stories for 2005

SINCE this is my last column of 2005, I thought I would reflect on a few news stories that were, in my opinion, significant in the aboriginal community in Nova Scotia this year.

- ; The Supreme Court of Canada decision on Mi'kmaq treaty rights to log on Crown land:

It wasn't the court ruling that Mi'kmaq loggers and leaders were expecting. In a unanimous decision, the Supreme Court of Canada ruled that treaty rights covered under the Peace and Friendship Treaties of 1760-61 do not include the right to commercial logging on modern-day Crown land in New Brunswick and Nova Scotia.

The case involved Joshua Bernard from the Eel Ground First Nation in New Brunswick and 35 Mi'kmaq loggers from Nova Scotia. They all were charged in 1998-99 with cutting and selling trees on Crown land without a permit.

The Supreme Court concluded that trading logs wasn't contemplated by the Mi'kmaq and the British when the treaties were signed, nor was logging ever a traditional Mi'kmaq activity. Therefore, commercial logging isn't a natural evolution of a modern-day treaty right. The court also ruled that the loggers didn't prove they held aboriginal title to the provincial Crown lands in question.

But lawyers for the loggers say the ruling applies only to commercial logging ventures. According to them, the Supreme Court has left some room for aboriginal people to collect wood for personal use.

And the Supreme Court of Canada will be dealing with that particular issue sooner rather than later. It recently granted leave to hear the appeal of three aboriginal loggers who are fighting charges of illegally logging on Crown land in New Brunswick. The lower courts there acquitted Darrell Gray of the Pabineau Band, and Dale Sappier and Clark Polchies from the Woodstock First Nation of the charges, saying the men had the right to harvest logs for personal projects like cabinet making.

- ; Proving Metis rights in Nova Scotia:

There were two significant court cases on Metis hunting and fishing rights winding their way through the provincial court system this year. Both cases are relying on a 2003 Supreme Court of Canada decision which ruled that the late Steve Powley, a Metis hunter from Ontario, had an aboriginal right to hunt for food or for ceremonial purposes. But that decision also outlined a test for determining those rights. Any Metis people who exercise such rights must prove that they come from an established Metis community with a distinct culture, heritage and language.

John Paul Babin is one of two men from the Yarmouth area who claim they meet the definition of a Metis person based on their mixed Mi'kmaq bloodlines. Babin was charged in 2001 for setting a net in a lake without a licence to catch gaspereau for food purposes. Babin is using his court case to prove he comes from a long established Metis community in southwestern Nova Scotia, although the term Metis is more commonly used for a group of mixed-blood European and native communities in the West.

The other case involves Jack Hatfield, who was charged with illegally shooting a deer in 2003. Like Babin, Hatfield argues that he meets the legal definition of a Metis person because of his mixed aboriginal heritage. But until recently, Hatfield has been tied up in legal wrangling in provincial court over who was going to pay for his legal defence. In September, a judge denied Hatfield's request for legal aid.

Both of these cases will go to trial early next year. And they will legally determine whether there is an established Metis community in Nova Scotia.

- ; Compensation to former students who attended the Shubenacadie Indian residential school:

Last month, the federal government announced a \$2-billion compensation package for former students of Indian residential schools. And for former students of the Shubenacadie Indian residential school in Nova Scotia, it was the news they had waited 10 years to hear.

In 1996, more than 900 former students filed a class-action lawsuit against the federal government and the Roman Catholic Diocese of Halifax. They were seeking an apology and compensation for the physical, sexual and emotional abuse they suffered while they attended the school.

More than 2,000 Mi'kmaq and Maliseet children attended the Shubenacadie Indian residential school from 1930 until it closed in 1967.

The federal government is offering compensation to all former students who attended such schools. The amount of compensation is based on how many years each student attended a school.

Many other significant stories happened in the aboriginal community in Nova Scotia this year, but I don't have enough space in my column to mention them all. I hope people agree with my picks for three of the most significant.

Merry Christmas and best wishes for the New Year.

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