

**Indian Residential Schools Resolution Canada
Media Clips**



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

Thursday, December 14, 2006 ♦ jeudi, 14 décembre 2006

Table of Contents/ Table des matières

<u>PROPOSED BILL COULD RESULT IN A FLOOD OF ABORIGINAL HUMAN RIGHTS COMPLAINTS</u>	<u>3</u>
<u>OTTAWA, NATIVE CHIEFS SQUARE OFF</u>	<u>5</u>
<u>CALEDONIA ANXIOUSLY AWAITS CRUCIAL APPEAL DECISION.....</u>	<u>8</u>
<u>VANDALS WRECK NUNAVIK TOWN'S ONLY SCHOOL</u>	<u>10</u>

December 14, 2006

Proposed Bill Could Result in a Flood of Aboriginal Human Rights Complaints

The Leader-Post Regina

OTTAWA (CP) -- A wave of native discrimination complaints is expected if a bill introduced Wednesday by the Conservatives is passed.

Indian Affairs Minister Jim Prentice wants to repeal a 30-year-old section of the Human Rights Act that has blocked complaints against Ottawa and band councils acting under the archaic Indian Act.

"First Nations citizens don't have the same rights and remedies as other Canadians," Prentice said. "We think that's unacceptable and we're prepared to move on it."

National native leaders rejected the bill, however, saying they can't support what they called a rushed and unilateral move that would sow dissent and tension on reserves.

Already cash-strapped band councils could be peppered with claims. Allegations of unfair treatment would likely range from housing disputes to fights over how higher education funds are shared.

Ottawa is also expected to be targeted for various despised policies. Those include Indian Act rules governing status.

For years, the Indian Act stripped thousands of native women of their Indian status along with its rights and benefits when they married non-native men.

Remedial legislation, Bill C-31, restored status to those women in 1985. But it did so with a catch: a new Indian Act section stipulated that their children could only pass on Indian status if they married another status Indian.

Those who wed non-native spouses have been denied that ability -- an exclusion decried by native groups as arbitrary and unjust.

The Native Women's Association of Canada and the Assembly of First Nations issued a rare joint press release denouncing the bill.

Both groups stress that human rights must be protected, but they dispute the extent to which Prentice sought the input of First Nations people.

"We are still dealing with the aftermath of Bill C-31, which was a result of not having meaningful consultation with First Nations, including aboriginal women," said Beverley Jacobs, president of the women's association.

Assembly national chief Phil Fontaine called the bill "a recipe for ineffectiveness" that will add new costs for under-funded bands.

Jacobs said her group developed an 18-month transition plan to help First Nations prepare for complaints and incorporate traditional, less adversarial ways of resolving clashes.

"We didn't get a response at all from the government."

Prentice said discussions on the issues with both native groups were "extensive."

If passed, the bill provides for a six-month grace period before it applies to band councils to help First Nations get ready. The Canadian Human Rights Commission is to work with native people and groups during that time.

Grand Chief Stan Beardy of the Nishnawbe Aski Nation, a political group representing 49 First Nations across Ontario, hopes the bill may ultimately bring relief to people living in the kind of squalor most Canadians can only imagine.

His communities include Pikangikum, 250 kilometres north of Kenora, where most homes have no running water.

"In many areas there are minimum standards of what is acceptable and what isn't," Beardy said. "And it's only recently that my young people have started to put pressure to make sure that those same rights are afforded to them.

"I think they'll demand that they have access to universal rights like everybody else."

Ottawa, Native Chiefs Square Off

Globe and Mail

By : Alex Dobrota

Ottawa wants to give natives living on reserves the option to file human-rights complaints, a move seen as part of a push by the federal government to tip the balance of power away from chiefs. The changes, introduced yesterday, angered many aboriginal leaders, who said they attack the concept of a distinct native culture. But the legislation was championed by others, who say it tips the balance of power on reserves, especially helping women.

The bill, to repeal a section of the Human Rights Act that shielded from scrutiny the actions and decisions of band councils and elected chiefs, was introduced by Indian Affairs Minister Jim Prentice. It would allow residents to bring their complaints to the Canadian Human Rights Commission.

"This [the bill] is clearly a move towards human-rights protection for first-nation citizens that is equal and consistent to the rights of all Canadians," Mr. Prentice said.

The move marks the latest example in a bid by the federal government to devolve authority from band councils to individual natives, native leaders and critics said. Examples include matters such as education and women's rights to own land on reserve.

Chiefs denounced the legislation as a threat to the idea that natives should be treated differently than other Canadians, which they see as a bulwark against assimilation.

Phil Fontaine, National Chief of the Assembly of First Nations, said he was not consulted about the proposed changes.

"What we are seeing here is an effort to undermine differential treatment" between natives and non-natives, Mr. Fontaine said.

Native customs are based on a communal understanding of rights, he said. For instance, in aboriginal communities the entire band acts as title holder of the land, while the council decides who occupies plots.

Until now, natives living on reserves have not had the right to challenge decisions by their band councils concerning who gets access to housing, land on reserve and children's transportation to schools.

The bill is expected to largely benefit women, who have often seen their land rights trampled by the male-dominated band councils.

The Human Rights Act came into force in 1977 with a part, Section 67, that exempted its application to administrative structures created by the Indian Act. At the time, the exemption was implemented as a temporary measure to allow the federal government to consult with natives to harmonize the two pieces of legislation.

Mr. Prentice is a strong supporter of natives living off reserves. He made several public appearances with representatives of the Congress of Aboriginal Peoples, a group that calls for an end to the reserve system.

Nepotism and abuses of power are rife on the country's reserves, something that could be changed under the new legislation, said Patrick Brazeau, president of the Congress of Aboriginal Peoples.

"The government is taking the smaller steps to having the larger discussion of dismantling the Indian Act completely," he said.

Mr. Prentice served for 10 years as the co-chair of the Indian Claims Commission, which investigates past injustices to native people. He has promised legislation to beef up native women's rights to own land.

In June, he allowed British Columbia native schools to opt out of the Indian Act, while giving communities more control over aboriginal content in their curriculum.

Most recently, a federal report that recommended the troubled Kashechewan native community should be moved off its ancestral lands raised some question as to whether the federal government is planning a major overhaul of the reserve system.

The principles of a communal way of life could be threatened by the individual concept of rights enforced by the Human Rights Act, said Murray Klippenstein, a lawyer who specializes in aboriginal matters.

"This erosion of traditional communal land rights that were promised in treaties has been a hidden Tory agenda and this is one way to advance that," Mr. Klippenstein said.

The bill could help Nona Lockhart Lundberg's family gain back a forested piece of land she inherited from her father almost a century ago. The Squamish band council of the Mission Indian reserve in B.C. had given the land to a distant male relative, said Ms. Lockhart Lundberg's daughter, Wendy. When the man's house burned down years ago, the council promised to restore the land to Ms. Lockhart Lundberg. But it never delivered.

"She'll be able to file a human-rights complaint," said Wendy Lockhart Lundberg.

The Native Women's Association of Canada has joined Mr. Fontaine in its opposition to the legislation, saying it was not consulted before the bill was tabled. But many other native organizations chose to break ranks.

Grand Chief Stan Beardy of the Nishnawbe Aski Nation, a political group representing 49 first nations across Ontario, hopes the bill may ultimately bring relief to people living in the kind of squalor most Canadians can only imagine.

"I think they'll demand that they have access to universal rights like everybody else."

Caledonia Anxiously Awaits Crucial Appeal Decision

Globe and Mail

By : James Rusk

Haldimand County Mayor Marie Trainor is anxiously awaiting a crucial ruling by the Ontario Court of Appeal that could have a critical impact on the nine-month aboriginal occupation of a disputed site in Caledonia. The court will issue a decision this morning on the legality of a ruling by Mr. Justice T. David Marshall of the Ontario Superior Court of Justice that found that the continued occupation of the site is illegal and ordered it cleared.

"I hope they will rule in Judge Marshall's favour," Ms. Trainor said in an interview yesterday.

But no matter what the ruling is, it is likely to result in more pressure on the province from Caledonia residents who want the matter settled.

Ms. Trainor, who noted that Premier Dalton McGuinty has said the protesters should be off the site by Christmas, said that residents of the town southwest of Hamilton, who "have been taking the brunt of this for all of Canada," are frustrated by the continued occupation.

In the legislature yesterday, when Conservative Leader John Tory asked Mr. McGuinty if he would keep his word and end the occupation by Christmas, the Premier accused him of being "eager to pour gasoline on the situation."

But it may be the appeal court that drives a wedge even deeper between the province and the residents of Caledonia.

The mayor's view -- widely shared by residents -- is that the occupation of the 40-hectare Douglas Creek Estates site has been illegal since it started at the end of February.

To a large part, that assessment depends on a series of rulings by Judge Marshall, who in mid-March found that protesters were in contempt of an earlier injunction that required them to clear the site.

Although the Ontario Provincial Police removed protesters from the site in late April and arrested a number of them, the aboriginals, most from the neighbouring Six Nations reserve, reoccupied it and have remained.

Over the summer, the judge held an unusual series of hearings, which he called himself, to find out why the site was still occupied despite his earlier order, and to try to restore rule of law in Caledonia.

In August, he ordered that the injunction and the contempt orders still stood, even though the province, which had bought the land from the original order, did not want the injunction to continue.

A week after the order, it was stayed by the Court of Appeal so the appeal against the ruling could be heard.

In the view of many legal experts, the court could find that Judge Marshall made a number of legal errors along the way.

The Ontario Provincial Police argued in court that the original contempt order was enforced when the property was cleared in April, and that further action would have required a new order.

And the court signalled, in its August stay order, that the injunction against the occupation should not have continued after the property changed hands.

Vandals Wreck Nunavik Town's Only School

CBC.ca

The only school in the **Nunavik** hamlet of Puvirnitug is closed indefinitely after vandals caused hundreds of thousands of dollars in damage last week.

Nearly 75 per cent of the classrooms in the northern Quebec community's school were trashed, Debbie Astroff, information officer for the Kativik School Board, told CBC Radio News.

The vandals smashed windows and computers, toppled bookshelves and poured liquids on the floor, she said.

Video cameras captured images of three adults and four youths in the school at the time.

Three adults now face charges of breaking and entering and damage to property of more than \$5,000. The trio will be transported Wednesday to a jail in Saint-Jérôme, near Montreal.

Astroff said one of the youths suspected of taking part in the incident is too young to be held criminally responsible, a fact that is upsetting some teachers.

"They are very worried that student is running freely within the community," she said.

The school board estimates it will cost as much as \$1 million to repair the damage and counsel teachers and students.

The incident remains under investigation