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Chairman's exit leaves panel in disarray

Native abuses commission rudderless

Kevin Libin, National Post

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Emphasizing grievances might well serve the AFN, which frequently frames aboriginal funding issues as reparations for historical wrongs, suggests Tom Flanagan, a University of Calgary political scientist and scholar of aboriginal issues. It's a resource to use in future struggles to keep ratcheting up the guilt.

There were earlier signs the assembly saw for itself an intimate role in commission work, including hiring decisions. In an April news release congratulating Judge LaForme's appointment, it declared: "The Assembly of First Nations will be announcing, with the minister, the appointment of two more commissioners in the near future."

Actually, the AFN had no such authority. (The minister is required only to consult it on potential selections). And the commission was partly staffed with assembly alumni months before the chairman's appointment, including former press secretary Nancy Pine and Mr. Fontaine's former chief of staff, Bob Watts. In July, the AFN passed a motion protesting Judge LaForme's appointment of Owen Young as chief counsel (Mr. Young, as a Crown attorney, had once prosecuted a group of Mohawks who had disrupted mining exploration). The judge ignored them, as he did when the AFN protested his decision to cancel Mr. Watts' contract.

Phil is of the opinion that this [commission] is really a big deal for him, says one colleague of Mr. Fontaine's. This is a five-year process highlighting all the abuses. From a political perspective, this is the gift that keeps on giving. So he wants to be as close to that as humanly possible.

Chief Fontaine, who declined to be interviewed for this story, denied last week to Canwest News Services any AFN meddling and has said the government should avoid

dwelling on Judge LaForme's departure, but move along as quickly as possible in replacing him.

But he has also said he believes his organization has a central and ongoing role in all the terms of the residential schools settlement. In a recent speech he reportedly warned Canadians to be careful when we talk about the impartiality of the truth

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commission notably omitting the reconciliation aspect. The commission, he said, has to be partial to the interests of the survivors. Last Tuesday, when Mr. Strahl said he had sought advice from three judges that oversaw the residential school settlement about rearranging the commission, AFN officials told CBC News he should have asked them first. Such attempts by the AFN

to shape the commission imply a double standard, says Patrick Brazeau, national chief of the Congress of Aboriginal Peoples. If the federal government would have interfered at any point in the commission's independence, the Assembly of First Nations would have been the first ones to point that out. So, are they [the AFN] above the law?

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