

Residential schools pact needs review: coalition



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Coalition's Ted Quewezance (left) looks through residential school photos with Roy Littlechief.

It's not going to happen, federal government says

By Alexandra Paul

IT'S the largest-ever compensation deal in Canadian history — but groups that represent thousands of aboriginal people have come forward to say it's flawed.

The National Residential School Survivors Society is calling for a judicial review of the \$5-billion Indian Residential Schools Settlement Agreement (IRSSA).

That means claimants might have to go back to court to reopen the deal.

"Survivors want to take the high road, because most of us signed on with the agreement, but we did not sign on to all these problems," Ted Quewezance, a lead spokesman for the society, said Thursday in Winnipeg.

The society is a coalition of survivor groups from British Columbia to Ontario and represents 32,000 survivors of residential schools. They claim to have catalogued 460 complaints dating back five years on the way the settlement money is being paid out, how claimants are treated and how mechanisms to deal with the role of survivors have failed.

"The settlement agreement is an out-of-court settlement that is to be monitored by the courts," said national society chairman Ray Mason. "Yet each day we have survivors complaining about the treatment by a consortium of lawyers, the role of Canada, lost records, information not provided, adjudicators not respecting our culture or language.

"Why is the court not taking responsibility?"

The deal was designed to compensate 80,000 First Nations and Inuit children who were forcibly removed from their homes in the course of more than a century. They were sent away to schools that have been accused of being part of a plan of cultural genocide. Many children also suffered physical, sexual and emotional abuse.

In 2008, Prime Minister Stephen Harper formally apologized for the schools, which churches ran and governments funded for more than a century.

The deal and the apology were supposed to herald a new era of reconciliation, but it hasn't turned out that way.

"Disgust and apathy — that's what a lot of them feel. It's like going back to residential school again," said Mike Cachagee, the group's executive director.

In response, the federal government said the deal is done. "The IRSSA is a court-approved and court-monitored class-action settlement of all (Indian residential school) claims across Canada and does not include a requirement for an independent review," said a media spokeswoman for Aboriginal Affairs and Northern Development.

However, one adviser with the United Church, a signatory among a consortium of more than 50

What's wrong with the deal?

Main complaints:

- Some lawyers over-bill clients, taking as much as 15 per cent off their settlements on top of the 15 per cent standard lawyer's fee set out in the deal.

- The role of Canada in handling the administration and the purse strings. For every dollar paid in compensation, it's fair to say it costs the government \$2 to administer it, observers say. No one knows what will happen to a projected \$350-million surplus after the final settlement claim deadline in September 2012.

- Mechanisms in the agreement to take account of survivors' collective concerns are ignored. Individual claimants are elderly and find appeal processes complicated.

Chronology of compensation

- **1990s through to 2005:** Assembly of First Nations national Chief Phil Fontaine hammered out the deal with supporters.

- **2005:** Paul Martin's Liberals approve the deal before losing power to the Conservatives.

- **2006:** Provincial courts ratify the residential school agreement as a fair deal.

- **2007:** The Conservatives under Stephen Harper implement the deal as a \$1.9-billion fund for a common-experience payment for every survivor, which averaged \$20,000. Additional funds to cover abuse claims and initiatives such as the Truth and Reconciliation Commission brought the total fund to \$3.2 billion.

- **2011:** Ottawa estimates total costs will exceed \$5 billion, including 29,000 claims.

- **2012:** The group taking issue with how the deal treats claimants represents 32,000 survivors of residential schools.

Anglican, United Church and Roman Catholic churches, said anything is possible.

"One thing you have to say, the agreement we're working with is unprecedented. It's enormous and we're making new laws (with it)," said David MacDonald, a United Church minister, former MP and the churches' special adviser on residential schools. He played a sustained role in agreement dating back to the 1990s.

"I have spent a good deal of my time meeting with survivors and their families and I have heard a good deal about their disappointments and the claims that are not addressed. And I have heard that some groups want to get together and make an application to the courts to reopen the agreement," MacDonald said.

"Whatever happens, it won't happen quickly."

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