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# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

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*A Proposal in Response to the  
Federal Government of Canada Objective to  
Establish a New Framework for Aboriginal Economic Development  
in Canada*

March 11, 2008

CAID

## **Preface:**

*A Model to Establish a New Framework for Aboriginal Economic Development in Canada* was written as a submission to the Government of Canada. As such, the terminology used may be offensive to Indigenous Peoples. The Proposal was written in response to the federal Government of Canada objective to establish a new framework for Aboriginal economic development in Canada.

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## **Submitted to:**

- The Right Honourable Stephen Harper Prime Minister Of Canada;
- Forwarded to the Honourable Chuck Strahl, Minister of Indian Affairs and Federal Interlocutor for Métis and Non-Status Indians April 14, 2008; and,
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## **Shared with:**

- First Nations, Inuit, Innu and Métis of Canada

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A Model to Establish a New Framework for Aboriginal Economic Development in Canada:  
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# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

## Table of Contents:

Introduction .....	1
Historical Background .....	2
Clear Future for Canada .....	3
Missing Knowledge Base .....	4
Culture, Infrastructure and Harmonization .....	5
Fear of Change .....	7
Real and Significant Threat .....	9
Need for an NGO .....	10
National Elder Consultation Process .....	11
1- Request for Consultation .....	12
2- Elder Seeking .....	12
3- Elder Consultation .....	12
4- Community Consultation .....	13
5- Special Council & Nation Organization Consultation .....	13
6- Regional Tribal Council Consultation .....	14
7- Grand Council Consultation .....	14
8- Report to Grand Council and answer to Canada .....	14
9- Elder ratification .....	14
10- Presentation to Canada .....	15
Costs .....	15
Concluding Remarks .....	16

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# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

## Introduction:

After more than 100 years of forced Aboriginal assimilation in Canada, the country is at a crossroad. No government official, elected or otherwise, wishes to continue the legacy that is Canada's impoverished First Nation reserves. Unfortunately, there is no clear model to establish change. Canada's relationship with its Aboriginal Peoples needs to change but Canada can not afford decades of reconciliation.

Canada needs a model to reconcile with First Nations while jointly charting a course for the future. In light of the 2007 United Nations *Declaration on the Rights of Indigenous Peoples*, Canada needs the reconciliation process to quickly send a clear signal to the world that historical colonization policies and forced Aboriginal assimilation are no longer tolerated in Canada. The reconciliation process must be:

- Transparent with no cryptic agenda;
- Capable of defining a new federal role(s) with First Nations;
- Capable of defining the role(s) of First Nations in Canada;
- Capable of resolving to the world that Canada's sovereignty over its land and resources is secure and just;
- Firmly founded in respect and joint stewardship,
- Able to define a shared destiny for Canada; and,
- Able to provide a framework for bilaterally beneficial and respectful partnerships between Canada's Indigenous Peoples and the Government of Canada.

**The model that Canada is looking for to establish new Aboriginal frameworks and restore its relationship with Aboriginal Peoples is found within sincere consultation of its Aboriginal Peoples.** A traditional national Elder consultation process coupled with a firm commitment from the Government of Canada to harmonize Canada with the aspirations, culture and rights of First Nations will establish new Aboriginal frameworks for Canada. Canada's First Nations are held in the grip of poverty and despair. It is time for First Nations to have an avenue to let Canada know what they need to do, to be who they are, and support their families while they do it.

The Government of Canada is committed to establish a new framework for Aboriginal economic development. Canada can not use the Department of Indian and Northern Affairs Canada (INAC) to administer a national Aboriginal Elder consultation process. A third party, non-governmental organization (NGO) with no direct benefit from the consultation process results will need to administer, oversee and facilitate the consultation to meet the requirements of Article 27 within the United Nations *Declaration on the Rights of Indigenous Peoples* (2007).

# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

## Historical Background:

Historically, the Government of Canada chose to force the assimilation of its Aboriginal Peoples. In doing so, Canada would absorb Aboriginal lands and resources into the country of Canada. This assimilation policy can best be illustrated with the following comment given by a Canadian Politician in the early 1900's. He said,

**"In order to rid Canada's Indian Problem a policy of assimilation exists and is to continue until there is not a single Indian that has not been absorbed into the body politic of Canada and there is no longer an Indian question, and no Indian Department<sup>1</sup>."**

While the residential school system used for forced assimilation in Canada was exposed and dismantled by 1996, embedded systemic governmental policies, laws and regulations that empowered forced assimilation and purposely caused contemporary First Nation social injustices still exist. As a direct consequence of embedded forced assimilation, Canada still withholds Aboriginal rights, meaningful consultation, self-determination, culturally-based economic development and a variety of infrastructure services; the sum of which would empower Canada's Aboriginal people to prosper as Indigenous People. Most Canadian citizens and government officials are unaware of the fact that federal policies, laws, regulations and programs continue to enforce the policy of forced Aboriginal assimilation while sabotaging change.

The world recognizes modern nations, such as Canada, built on the colonization of Indigenous Land did so in violation of the rights and title of Indigenous Peoples. The sole purpose of violating Aboriginal rights and title was to gain permanent possession of Aboriginal lands and resources. The world also recognizes that perverted policies, laws, regulations and programs still exist within countries like Canada that continue the denigration and annexation of Aboriginal Peoples, land and resources. In response, the United Nations has set the world's standard for a just and equitable relationship between colonizing governments and their Indigenous Peoples within the United Nations *Declaration on the Rights of Indigenous Peoples* (2007). Irregardless of Canada's position on the United Nations declaration at the time of its voting, Canada now needs to work quickly and diligently to right embedded legislated wrongs and restore its relationship with Aboriginal People.

The *Royal Proclamation* (1763), *Constitution Act* (1982), Report of the Royal Commission on Aboriginal Peoples (1996)<sup>2</sup> and the United Nations *Declaration on the Rights of Indigenous Peoples* (2007) have laid a clear foundation for a partnership between First Nations and the Crown for land and resource stewardship. In the Spirit that was extended to settler nations when they arrived in Canada, the Crown should now realize its moral and legal obligation to share Canada's resources in a fair and equitable manner with its Aboriginal Peoples. To do this, Canada will need to consult Aboriginal Elders in a national consultation process to learn what First Nations want to do and how to harmonize their desires and intent with Canada's national goals.

# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

## **Clear Future for Canada:**

Canada's future lies in a harmonized partnership with its First Nations. This new partnership should be founded with economic development. Sustainable economic development in First Nation communities would immediately restore and reconcile Canada's relationship with its Aboriginal Peoples.

Economic development partnerships between Canadian governments and First Nation governances have been largely unfruitful; unilaterally dictated and underscored by embedded forced assimilation. These one-sided partnerships resulted in economic development initiatives focussed on state-based social welfare or market-related private economies. These two economies are based on job creation with ownership of the industry belonging to the Government of Canada or another corporate entity; jobs that any other non-native Canadian might hold.

A new harmonized economic development partnership established through a consultation model would entail a bidirectional flow of purpose-driven goals founded on mutual respect and shared stewardship. The result of a two-sided partnership would be the development of "de novo" industries and economies with concrete roles for First Nations in Canada; roles in place of assimilated jobs; roles that create native Canadian-specific jobs.

A new harmonized economic development initiative will result in an aggregate of economies for First Nations. This aggregate will represent a hybrid economy<sup>3</sup> in which a third newly created traditional economy would also exist. In that regard, a harmonized economic development partnership will support three economies. These economies are:

1. Public (health, education, transfer payments, social welfare, *etc.*)
2. Market (ecotourism, forestry, mining, art, *etc.*)
3. Traditional<sup>4</sup> (hunting, fishing, gathering, *etc.*)

All three economies will exist in every First Nation community and each will respect Aboriginal culture. Canada's First Nations are a diverse group of Indigenous Peoples that have been colonized to varying degrees. As a consequence, the three economies will co-exist in First Nation communities to varying degrees. Further, the influence of one economy over another would be region-dependent.

**A national Aboriginal Elder consultation coupled with a firm commitment to harmonize Canada with the results of the consultation process will create a new third "traditional" economy capable of hybridizing with other available public and market economies to permanently end the cycle of poverty in First Nation communities.**

# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

## **Missing Knowledge Base:**

Canada has been overtly unsuccessful in relieving poverty for its First Nations. However, there is more to the lack of success than just missing the mark. Economic development for Canada's Aboriginal Peoples is about putting the correct solution into the correct culturally appropriate framework. Canada's efforts should have been focussed on harmonizing 21<sup>st</sup> century services and infrastructures with the culture of its First Nations. Unfortunately, Canada's policy on forced Aboriginal assimilation left its governments unable to respect First Nation culture.

There are government departments that have worked with Aboriginal organizations and governances for years, INAC is one of these. INAC has an understanding on what is needed but lacks knowledge on how it is needed. Using a peg model: INAC tries to put a square peg into a round hole. Scaling up the peg model to explain INAC's failure to deliver despite multiple attempts, we see INAC is unsuccessful for two fundamental reasons:

1. INAC does not have enough of a knowledge base on traditional values to see the round hole or reshape the peg; and,
2. INAC has its hands tied by embedded forced assimilation policies, laws, regulations and programs such that they only have non-native square pegs.

These two reasons are at the core of Canada's failure to resolve third world conditions in First Nation communities. These core reasons for failure have their origin in the now-defunct Canadian policy on forced Aboriginal assimilation and represent next-generation pathologic sequellae to:

1. Canada's refusal to recognize the legitimacy of its Indigenous Peoples; and,
2. Canada's commitment to force its culture and institutions on First Nation Peoples.

Canada's failure to remove sequellae blocking traditional Aboriginal economic development maintains the status quo in Canada, continuing the Canadian policy of forced Aboriginal assimilation. In essence, the poverty seen in Canadian First Nation communities and the failure of INAC's Aboriginal economic development initiatives occur simply because Canada has not chosen to, or committed to, change. Canada can not continue to ignore the traditional identity of its Aboriginal People and needs to listen to what they have to say. Further, Canada must identify and change federal and provincial laws, regulations and programs that block the development of traditional native economies and institutions.

**Consulting Aboriginal Elders in a national consultation process will allow First Nations to share who they are and what they need . The harmonization of these needs and desires with Canadian laws and regulations will identify and permanently remove embedded forced Aboriginal assimilation and its agenda from the Nation of Canada.**

# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

## Culture, Infrastructure and Harmonization:

Provincial transfer of Family and Child Care programs into Aboriginal affiliates has shown that transferred programs need to be placed into a framework harmonized between provincial legislation and Aboriginal culture. Federal Aboriginal employment training and health programs have also responded to the need to include Aboriginal culture. Unfortunately, these transferred aspects of the public economy still do not function to the satisfaction of either First Nations or Canadian governments. The problem lies in the lack of understanding for Aboriginal culture and the missing harmonization process.

Culture can be represented by the simplified equation of Culture = Law + Custom. With First Nation Culture, law equals the oral law carried by Elders. This law is referred to as tradition. In non-native Canada, traditions are considered synonymous with customs (language and rituals). This is because different democratic western societies have similar laws. Consequentially, the only germane differences between England and Denmark, for example, are language and rituals. Not so in societies of Indigenous Peoples because of the oral nature of their law. In a society with oral law, tradition means the law as it is orally passed down to each successive generation. To further clarify differences with the equation Culture = Law + Custom, western societies group their regulations with their laws. With First Nations, the words custom and regulation are interchangeable, grouping regulations with custom. So, when Canada's First Nations indicate they want:

- Tradition respected, Canada should respect oral law;
- Customs respected, Canada should respect language, rituals, and regulations; and,
- Culture respected, Canada should respect oral law as passed down since time began plus language, rituals, and regulations.

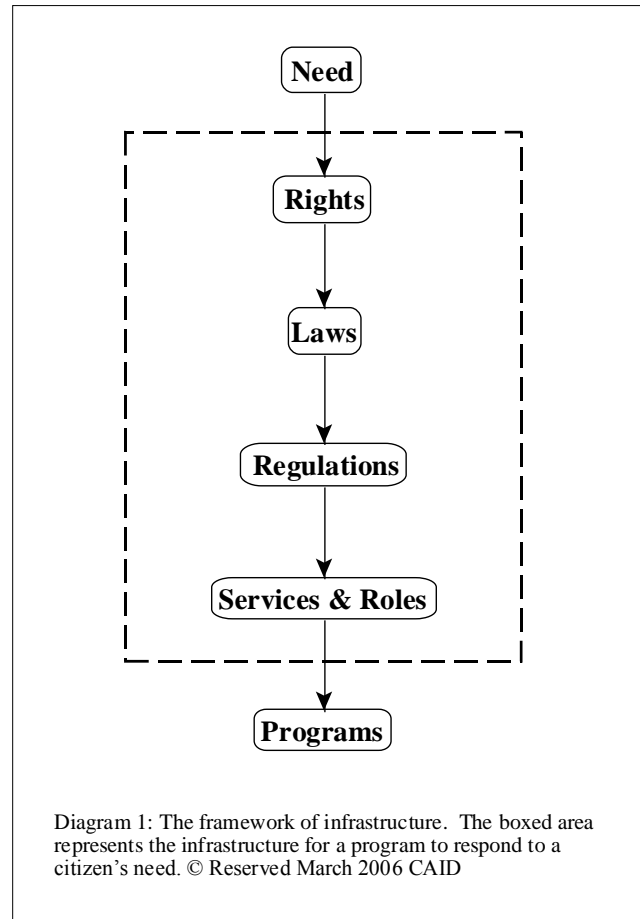
Canada's attempts to give a program-based public economy has only marginally succeeded because Canada did not incorporate Aboriginal oral law and regulation into programs. This is the same reason why virtually every market economy business developed by Canada for Aboriginal People has failed. Transferred programs and developed businesses need to be harmonized with Aboriginal culture, law plus custom, to become **traditional**<sup>5</sup> programs and businesses. To accomplish this, oral Aboriginal law must harmonize with Canadian law and Aboriginal custom with Canadian regulations. Laws and regulations which need to be harmonized are found within the infrastructure that supports a program or business. The harmonization of infrastructure must occur for both the successful:

1. Transfer of public and market economy programs and businesses into First Nations; and,
2. Creation of traditional economy programs and businesses.



# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

On a national level, infrastructure is the framework of rights, laws, regulations, services, and roles that are essential in building responding programs for a citizen's need (diagram 1). An infrastructure is founded in rights; rights are guaranteed by laws; laws define regulations; regulations define the blueprint for services and roles; and, services provide programs. A program can not respect Aboriginal culture unless its supporting infrastructure respects Aboriginal culture. To do this, laws and regulations within the infrastructure must be founded on Aboriginal rights and harmonized with Aboriginal oral law and custom creating traditional infrastructure. Programs and businesses created from traditional services within a traditional infrastructure are by definition traditional programs and businesses. Canada's First Nations do not need a "duplicate" set of infrastructures that mirror Canada's infrastructures, they need traditional infrastructures. Traditional infrastructure in many instances can simply be created by paper trails and policy changes. If Canada knew the oral law carried by Aboriginal Elders, most of the infrastructure missing from First Nation communities could be papered together to quickly develop successful traditional services, programs, and businesses.



Canada is aware that its Aboriginal Peoples are missing infrastructures necessary to defeat poverty. To build harmonized traditional infrastructure for Canada's Aboriginal Peoples, Canada must:

- Acknowledge First Nations are in need of programs provided by missing traditional infrastructure;
- Affirm the right of Aboriginal People to benefit from the culturally respectful establishment of missing traditional infrastructure;
- Consult with Aboriginal Elders through a national consultation process for temporal writings of oral law and regulation to define missing traditional infrastructure;
- Alter embedded assimilation laws and regulations that withhold missing traditional infrastructure from First Nations; and,
- Create mutually respectful bridges between Canadian laws, regulations, and services with those of Canada's Aboriginal Peoples for new traditional infrastructures.

# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

**Canada is committed to establishing a new framework for Aboriginal economic development, a new infrastructure. However, this new economic development infrastructure will fail if Canada does not undertake a national Aboriginal Elder consultation process to acquire the knowledge to harmonize Canadian infrastructure with Aboriginal infrastructure.**

## **Fear of Change:**

Fear of change is a fear of the unknown. But is there truly an unknown to the Aboriginal consultation and harmonizing process we have been discussing? No. Canada and its Aboriginal Peoples have lived together for a few centuries now. We know much more about each other and what to expect than we realize. We will not try to give exhaustive detail in this section and we do not wish to appear that we know what First Nations need before they have been consulted. We will simply point out some of the obvious.

Without an extensive list, both First Nation oral law and Canadian law are founded on:

- Truth;
- Respect;
- Love;
- Sharing with those who need;
- Caring for children and the elderly;
- Healthy family and community values; and,
- Leaving an inheritance to the next generation.

First Nations are not interested in:

- Managing national institutions such as health, unemployment, and pension programs;
- Maintaining an armed force and patrolling Canada's borders;
- World affairs and policing war zones;
- Undermining Canada's sovereignty abroad;
- Managing national agencies for food, product, and workplace safety;
- Negotiating international protocols for Canadian interests with international communities and markets;
- Selling their lands and resources;
- Public economies based solely on social welfare;
- Separating from Canada;
- Preventing non-aboriginal use of lands and resources; and,
- Preventing market economies from developing on their land and resources.

However, First Nations are interested in:

# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

- Managing their ancestral lands and resources with traditional programs to the benefit of their citizens while living modern traditional lives;
- The health and prosperity of their communities and children;
- Their right to self-determination and self-governance;
- Harmonizing stewardship of the land and its resources with Canada; and,
- Developing partnerships with Canada that respect First Nation culture.

As an extension of interests, First Nations want traditional programs in their communities for:

- Family, child and other social services;
- Health, dental and long term convalescent care;
- Housing, public works and animal care;
- Justice and policing;
- Trade, commerce and economic development;
- Education, post-secondary education and training;
- Renewable resource (wildlife and fish) management and harvest;
- Management of non-renewable resource; and
- Safe traditional food.

Again, these lists are not meant as detailed, all inclusive, lists from which to base national policy. They are here to illustrate:

**There will be no surprises from a national Canadian Aboriginal Elder consultation process to establish a new framework for Aboriginal economic development. There will simply be the detailed understanding necessary to harmonize First Nation culture with Canadian culture such that new infrastructures, services, and programs can be developed in partnership to end Aboriginal poverty in Canada.**

However, laws and regulations that continue to support the policy of forced Aboriginal assimilation and the separation of Canada's Aboriginal Peoples from their ancestral lands and resources will become a focus for misinformation, slander and unwarranted alarm throughout the consultation and harmonization process from those who benefit by maintaining the status quo. Beneficiaries of the status quo include government, corporate, institution, and private groups and individuals. These beneficiaries, but most notably government agencies, ministries and departments empowered by embedded forced assimilation-related laws and regulations, will not relinquish their perceived fiduciary roles and embrace joint stewardship and partnership easily.

Canada's Aboriginal Peoples and the Government of Canada are not on a collision course, they are at a pivotal time in their relationship. A new partnership between First Nations and Canada, firmly founded in respect and joint stewardship, is essential and will be beneficial to all.

## **Real and Significant Threat:**

## **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

In September of 2007, the United Nations ratified its *Declaration on the Rights of Indigenous Peoples*. These rights, as applied to the current state of Aboriginal affairs in Canada, have the potential to tear Canada apart.

Canada's policy of forced Aboriginal assimilation, and its continuing application through systemically embedded laws and regulations, has created a population of Indigenous Peoples from which basic rights have been and are being withheld. Canada has and is withholding rights to:

- Self-determination and self-government;
- Pursue economic, social, and cultural development;
- Own and manage lands and resources; and,
- A nationality.

The withholding of these rights has created the third world First Nation reserve environment seen today. Conditions of poverty, disease and despair were created because laws and regulations supporting forced assimilation allow Canada to withhold traditional infrastructures for:

- Health care;
- Education;
- Economic Development;
- Justice;
- Safe food; and.
- Other basic necessities.

The United Nations declaration indicates that Indigenous peoples, among other rights, have the right to:

- Self-determination;
- Self-government;
- A nationality;
- Own lands, territories, and resources they traditionally owned, occupied, used or acquired; and,
- Control these lands, territories, and resources.

Canada continues to withhold First Nation rights while vast amounts of Canada's land mass, rich in natural resources, is traditional land still occupied by Indigenous Peoples. Therein lies the danger. These are the same Indigenous Peoples with international rights to own and control their traditional land; the same Indigenous Peoples with international rights to choose their own nationality. It is plausible that other western nations will negotiate with Canadian First Nations for the realization of international rights in exchange for joint stewardship and partnership in mineral exploration and development. This would transfer national control and sovereignty of traditional First Nation land and its resources to another western nation. This might not seem feasible along the St. Lawrence Seaway but with the questioning of Canada's sovereignty over the Arctic by the international community, it is possible.

# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

Further, the United Nations declaration provides a mechanism for Indigenous Peoples worldwide to appeal to the United Nations. The United Nations can then intervene on the behalf of these Indigenous peoples to protect their rights. As Indigenous Peoples, Canada's First Nations can now appeal directly to the United Nations to protect rights withheld by Canada. Should this occur, Canada's traditional First Nation lands and resources could be placed under the protection of the United Nations, functionally recognizing the sovereignty of Canada's Indigenous Peoples within the international community.

Canada is, arguably, in violation of Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 32, 33, 34, 35, 37, 38, 39 and 40 of the United Nations *Declaration on the Rights of Indigenous Peoples* (2007). There are 46 articles in the United Nations declaration. With Canada's violation of international First Nation rights, Canada's Aboriginal Peoples now have non-Canadian avenues to guarantee their rights and the health of their communities. First Nations may now have the choice to:

1. Maintain their Canadian nationality and partnership with Canada;
2. Choose another nationality and another nation as a partner; or,
3. Choose to take their place as a nation directly under the protection of the United Nations.

Non-native Canada and Canada's First Nations are too interwoven to disengage and expect the country of Canada to survive. Canada would fall apart, separating into a mix of native and non-native states with or without some degree of functional union. Canada can not afford to maintain laws and regulations that continue to steer the country to a chaotic end by withholding rights from its First Nations. **An open consultation process coupled with a firm commitment to harmonize Canada with the results of the consultation process would instantly resolve most of Canada's apparent international Aboriginal rights violations and lead the country onto a path of unity.**

## Need for an NGO:

Canada needs to quickly send a clear signal to the world that:

- Historical colonization policies and forced Aboriginal assimilation are no longer tolerated in Canada;
- Canada will recognize the rights of its First Nation Peoples as outlined in the United Nations *Declaration on the Rights of Indigenous Peoples* (2007);
- Canada will implement a fair, independent, impartial, open and transparent national Elder consultation process to give due recognition to First Nation rights, laws, traditions, customs and land tenure systems; and,

# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

- Canada will meet the needs of its Aboriginal Peoples by using the findings of the national Aboriginal Elder consultation process to develop new frameworks in Canada and harmonize Canada with its First Nations using these frameworks.

To facilitate this process, Canada needs an organization that will be:

1. Respected by both Canada and First Nations, fair;
2. Unable to profit from the results of the process, impartial; and,
3. Without affiliation with either First Nations organizations or the Government of Canada, independent.

**Canada needs a specialized not-for-profit, charitable non-governmental organization (NGO) to fulfil these criteria. It is this NGO that will administer, oversee, and facilitate the national Elder Consultation process.**

## **National Elder Consultation Process:**

Canada's Aboriginal Peoples have a variety of governance and non-governance institutional structures in a number of organizational patterns. Still, there are basic institutions we can use for discussion and model purposes. They are:

1. Elders,
2. Communities,
3. Special Councils and national organizations,
4. Regional Tribal Councils, and
5. Grand Councils.

**First Nations have had their traditional infrastructures both taken away and prevented from rebuilding. They have been left with shells of their former institutions. These shells function as Canadian infrastructure with Canadian law powering them. In essence, First Nation organizations have lost traditional infrastructure roles from their national institutions. The ability to establish and harmonize new traditional frameworks with Canada lies dormant within these institutions waiting to be reactivated by traditional law.**

Aboriginal Elders carry oral traditional law for First Nations. These oral traditions include traditional roles and infrastructures for First Nation institutions. To reconnect lost roles and infrastructures with modern institutions, Elders must be consulted with specific questions on national issues. Questions and Elder answers are then used in a national consultation process. The questions and answers from an Elder consultation are brought to each national institution. Each of the institutions adds its understanding to the consultation. As the results of the Elder consultation spread through national institutions, the framework of a missing traditional role or infrastructure gains definition, taking form. The nature of questions asked of the Elders determines which role or traditional infrastructure framework will be rebuilt by the national Elder

# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

consultation process. Questions chosen for the national Elder consultation process must be chosen from a position of understanding of both Canadian and First Nation culture.

**The exact nature of the national Aboriginal Elder consultation process must itself be defined with consultation of Canada's Aboriginal Peoples.** However, for discussion, we can use our basic institutions to outline a model national Elder consultation process. In this model there are ten basic parts:

1. Request for Consultation;
2. Elder seeking;
3. Elder consultation;
4. Community consultation;
5. Special Council and nation organization consultations;
6. Regional Tribal Council consultation;
7. Grand Council consultation;
8. Report to Grand Council and answer to Canada;
9. Elder ratification; and,
10. Presentation to Canada.

In this model, only a nation served by a recognized Grand Council (First Nation, Inuit, Innu, and Métis) would be included in the consultation. However, **whether urban or land-based, Canada's status and non-status Aboriginal Peoples should be included in the consultation process as recommended by the Report of the Royal Commission on Aboriginal Peoples.**

## **1- Request for Consultation:**

The Prime Minister of Canada formally meets with Canada's Aboriginal Leaders. The Prime Minister asks one question of the native leaders (Grand Chiefs), puts the question in context and commits to harmonizing Canada with the response.

## **2- Elder Seeking:**

The Grand Chief returns to his nation and requests a national consultation of the Elders, sharing the question received from the Prime Minister. As a formal request for national guidance, there will be a gift presentation from the Grand Chief to the Elders and a gathering with traditional ceremonies.

## **3- Elder Consultation:**

Elders are the spiritual guides of First Nations. As such, they carry the truth of the nation. Truth is spoken as an interpretation of traditional law when needed. Elder interpretations can be written down. It is these written temporal interpretations that will be used to harmonize traditional law with Canadian law. However, it must be understood that traditional law is much more than its temporal interpretation. In this regard, temporal interpretation of traditional law must remain

# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

open to future clarification and interpretation as the situation for the temporal interpretation changes.

The Elder consultation is a four day event. Four Elders (two female and two male) from each community should be invited to attend. The consultation will ask a small number of questions to be discussed in small groups. All sessions will have focus areas but be open to spontaneous discussion. The consultation will be recorded and translated. Temporal interpretations of traditional rights and laws will be gleaned from the consultation. These temporal interpretations will be bilingually prepared for presentation to the nation.

## **4- Community Consultation:**

Traditional law given by the Elders must be clarified as it is spoken through the nation. Only then can temporal interpretation be accessed by First Nation leaders for response. In keeping with the historic traditional process to develop public national tribal policy, the consultation of the nation starts with consulting communities. Comments and concerns from community consultation will provide depth to temporal interpretations by defining needed traditional programs from traditional law. within temporal interpretations.

The community consultation is a one or two day event that needs to occur in every community. A team will present temporal interpretations from the Elder consultation. Comments and concerns voiced by the community will be recorded and translated. Bilingual reports for each community consultation and a bilingual summary report for the nation will be prepared for presentation.

## **5- Specialized Council and Nation Organization Consultations:**

Special Councils have traditionally been formed to develop solutions to specific issues. Once the solution was developed and presented to governance, Special Councils were dissolved. Special Councils can be permanent for ongoing issues such as Youth Councils. However, with the influence of Canadian corporate law and pressure to acquire funding for Special Councils, a number of Special Councils have evolved into corporate nation organizations.

Hard copies of the Elder consultation will be available for written comment by Special Councils and nation organizations during the community consultation phase of the Elder consultation process. The end of the community consultations will signal the deadline for comment submission on the Elder consultation by Special Councils and nation organizations. A bilingual summary report of these consultative comments and concerns will be prepared for presentation.

## **6- Regional Tribal Council Consultations:**

Regional Tribal Councils and their organizations are the infrastructure and resource management workhorses of the nation. As such, their input on regional concerns and practical applications are



# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

essential in the understanding of the Elders' consultation. Resource Tribal Council consultation will add detail to traditional infrastructure, resource management and traditional services. There are traditionally four Regional Tribal Councils in each nation.

Summary reports will be presented to each Regional Tribal Council separately in a four day event. A team will present the results of the Elder and community consultations along with Special Council and nation organization submissions. Regional community concerns and comments will also be shared. Comments and concerns voiced by the Regional Tribal Council will be recorded. A bilingual summary report will be prepared for presentation.

## **7- Grand Council Consultation:**

Grand Council is involved in managing national policy and traditional laws that are necessary to provide a foundation for infrastructures and institutions. Summary reports will be presented to the bureaucratic body of the Grand Council. Grand Council input and concerns are essential to incorporate temporal interpretations given by the Elders and results of the nation's consultation into policy that can be used in the harmonization process with Canada.

The Grand Council consultation is a four day event. A team will present the results of the Elder, community, Special Council and nation organization and Regional Tribal Council consultations. Comments and concerns voiced by the bureaucratic body of the Grand Council will be recorded. A bilingual report will be prepared for presentation.

## **8- Report to Grand Council and Answer to Canada:**

A final trilingual summary report of the entire national Elder consultation process will be prepared for presentation to the political body of the Grand Council. This summary report will become the final result of the national Elder consultation process.

A special two day meeting of the Grand Council would be called to order. A presentation of the national Elder consultation report will be given to the Chiefs in Assembly by the team. Directions from the Chiefs would be given for a national Elder consultation process covering letter to Canada. This covering letter would include a short answer to the question asked by the Prime Minister of Canada and qualify that answer with the final report of the national Elder consultation process.

## **9- Elder Ratification:**

The final trilingual report from the Elder consultation process and its trilingual covering letter answering the Prime Minister's question to the nation will be given to the Elders for ratification. A gathering of the Elders, with the nation, will occur. The ratification gathering and its ceremonies will be a two day event.

# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

## 10- Presentation to Canada:

The Prime Minister of Canada formally meets with Canada's Aboriginal Leaders. The Prime Minister will receive the answer to Canada's question to its Aboriginal Peoples. The Prime Minister re-affirms Canada's commitment to respect its First Nations by harmonizing Canada's future with that of its Aboriginal Peoples.

## Costs:

The cost to Canada of a national Aboriginal Elder consultation process and harmonization of Canadian culture with Aboriginal culture can be recognized two ways:

1. The cost of continuing the status quo; or,
2. The cost of the consultation and harmonization process.

**The cost of continuing the status quo in Canada with embedded Aboriginal assimilation policies, laws, regulations and programs has already been discussed. The United Nations *Declaration on the Rights of Indigenous Peoples (2007)* has opened the door to the separation of First Nations, their lands and their resources from Canada. If Canada maintains the status quo, the Government of Canada could lose its sovereignty and the country could separate into a mix of native and non-native states. This course of action should not be continued. Both Canada and its First Nations will be synergistically stronger if a reconciliation process leads to a future of joint stewardship and respectful partnership.**

The cost of the national Elder consultation process and the harmonization of its results include:

1. Immediate costs and time; and,
2. Ongoing costs and time.

Immediate costs are quantifiable. It will cost \$50-100 thousand (dollars) per First Nation community in Canada over two (2) years to undertake and complete the consultation process. Cost will depend on the number of participants at each level of consultation and vary by region. More remote regions will have much higher costs. Canada has approximately 615 First Nation communities<sup>6</sup> and so a national Aboriginal Elders consultation process is estimated to cost between \$30-62 million (dollars) to complete. The length of the consultation process for any one nation will vary between eighteen (18) to twenty four (24) months duration depending on the number of communities and their remote nature.

Ongoing costs include:

1. Initial costs of harmonization; and,
2. Future consultation and harmonization costs.

# A Model to Establish a New Framework for Aboriginal Economic Development in Canada

Initial costs of harmonization to build traditional infrastructure are impossible to ascertain this early in the process. However, it should be noted that:

- Canada has a moral and international obligation to provide infrastructure for its First Nation communities with or without harmonizing to an Aboriginal consultation;
- As traditional economic development infrastructures come on-line, First Nations will become less dependent on a public economy; and,
- As new traditional economies develop through harmonized infrastructures, Canada's gross national product and its trade surplus will increase.

The cost of future Elder consultations and harmonization will diminish as they become routine with established protocols to process each new request through functioning traditional institutions.

## **Concluding Remarks:**

Canada is at a crossroad in its relationship with its Aboriginal People. Canada discontinued its century old forced Aboriginal assimilation policy but did not rewrite enacted policies, laws, regulations and programs that continued to enforce Aboriginal assimilation. Twenty eight (28) years after the closure of the last residential school, very little has changed in Canada's relationship with First Nations. Non-native Canadians have one of the highest standards of living in the world while native Canadian communities suffer third world conditions without reprieve.

The recent adoption of the United Nations resolution on the *Declaration on the Rights of Indigenous Peoples* (2007) has placed the Government of Canada in a position where it must send a clear and transparent signal to the world that forced Aboriginal assimilation and the legislation that supports it are no longer tolerated in Canada. Canada must start a process of change and reconciliation.

The Government of Canada must set a path for change founded on joint stewardship of Canada with its First Nations. To change this dramatically, Canada will need to consult its First Nations to discover the traditional nature of their institutions. With an understanding of Aboriginal tradition, Canada will be able to remove embedded legislative blocks from Canadian institutions and harmonize with First Nation culture to jointly steward Canada.

The reconciliation of the Government of Canada with its Aboriginal Peoples will most effectively be accomplished by reversing the effect of crushing poverty with sustainable economic development for First Nation communities. To accomplish this, Canada will need to consult its First Nations to develop a traditional economy capable of hybridizing with both public and market economies.

To accomplish the transition to joint stewardship and develop partnerships for sustainable economic development, the Government of Canada must initiate and facilitate a national Aboriginal Elder consultation process with its Indigenous Peoples. The entire consultation

## **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

process would span 4-7 years and must be administered, overseen and facilitated by a very specialized not-for-profit, charitable NGO.

The Government of Canada has committed \$70 million (dollars) over two (2) years to establish a new framework for Aboriginal economic development in Canada. The national Aboriginal Elder consultation process will come well within that budget. The consultation process is the only mechanism through which Canada will meet its Aboriginal economic development goal, fulfill its obligations to the world to protect First Nation rights and maintain Canadian unity. However, Canada should not embark on a policy of Aboriginal consultation without a pilot project to fine tune and prove the model consultation process. **Pilot projects for an urban and a land-based Elder consultation are recommended.** Depending on the amount of resources allocated for pilot projects, pilot projects can be done, evaluated and Elders Consultations prepared for nation application within 2 years.

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# **A Model to Establish a New Framework for Aboriginal Economic Development in Canada**

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1. JR Miller, Shingwauk's vision, A history of native Residential Schools (1996) p 46.
  2. Report of the Royal Commission on Aboriginal Peoples (1996), Ottawa, Minister of Supply and Services Canada.
  3. Altman, J. C. Alleviating poverty in remote Indigenous Australia: The role of the hybrid economy. Development Bulletin No. 72, March 2007.
  4. For completeness, it should be noted that some degree of agriculture (corn), mining (copper), and pastoralism (buffalo) were also present in traditional North American pre-contact economies.
  5. The word traditional in this context means lawful or "in respect of" oral law.
  6. 2006 Census, Aboriginal Peoples of Canada, Statistics Canada.
  7. CAID is a not-for-profit, charitable non-governmental organization (NGO) whose overall objective is to develop a knowledge base on Indigenous culture through consultation, share this knowledge to develop model frameworks for missing traditional Aboriginal infrastructure, work with Aboriginal Peoples to harmonize missing traditional infrastructure with other outside jurisdictions, and to help develop the support necessary for harmonized traditional infrastructures to be realized. As a charity, CAID does not build or own infrastructure.