
An Assembly for Aboriginal Peoples

by Hon. Aurélien Gill

On May 7, 2008 a private member's bill was introduced in the Senate to establish an aboriginal assembly as a third chamber of Parliament along with the Senate and the House of Commons. The following is an abridged version of the speech by the sponsor of the Bill.



Having grown up on the Pointe-Bleue Reserve of the Lac-Saint-Jean area, I have always been very sensitive to the fate of our people.

All my life, I fought for Aboriginal causes. All my life, I saw the ravages of dependence. It is clear that the Canadian government will not forever be able to fulfill the fiduciary obligations it took on in the 19th century. We

have said it 100 times, 1,000 times, and we will say it again: the *Indian Act* is an anomaly. The Department of Indian Affairs is an anomaly. It is important and urgent to break the bonds of this trusteeship.

This paternalistic system, symbolized by the *Indian Act* and the department responsible for its enforcement, has shown its limitations. It is time to think about a system that gets Aboriginals involved in the management of this country's affairs, especially in affairs that concern them.

It is urgent that we move forward, and do what has been recommended in all the sensitive and intelligent reports, including the one from the Royal Commission on Aboriginal Peoples, which is to make Aboriginals more responsible.

How do we do that? We must do so slowly, and first create a framework that gives Aboriginals the opportunity to properly participate in this country's decision-making process. Such a structure would recognize

the interests, cultures and values of our peoples and give them the opportunity to consider any issues that are vitally important to First Nations, Metis and Inuit peoples. For Aboriginals, this institutional framework would represent an opportunity to officially organize and express their concerns.

I am essentially proposing a responsible political body and a real representative assembly. It is something that has been tried elsewhere, albeit with limited powers, for example, in Norway and Finland.

Some might find the approach I am suggesting somewhat risky. Others might even see it as a dangerous novelty. Yet there is nothing new about the idea itself; it is a very old idea that has been considered many times, in various forms, and it would be unfair not to highlight those here.

History of the Idea

In its final report dated November 21, 1993, the Royal Commission on Aboriginal Peoples recommended the passage of an *Aboriginal Parliament Act* to establish a representative body of Aboriginal peoples that would evolve into a House of First Peoples and become part of Parliament. The idea of a third chamber was put forward during the round of constitutional negotiations that terminated in the *Charlottetown Accord*.

As early as 1918, some of our great leaders came up with the idea of an Aboriginal government in Canada and one who comes to mind was the Iroquois leader Frederick Ogilvie Loft. He was a remarkable man. He was not a radical without any personal resources. He held a university degree. He served in the army during the war and could have been prime minister of Canada, for he had the political skills.

Aurélien Gill was appointed to the Senate in 1998 and retired in August 2008. He is a founding President of the Conseil Attikamek-Montagnais and chief of the Mashteuiatsh Montagnais community from 1975 to 1982 and from 1987 to 1989.

He definitely wanted to break the vicious circle of dependence and guardianship. Because of his actions, people tried to discourage him. Political meetings were banned on reserves and the *Indian Act* was amended in order to make it illegal for Aboriginals to raise any funds to finance the First Nations' cause.

The government of the day went even further in its battle against the affirmation of Aboriginal rights. It prohibited Aboriginals from having recourse to lawyers or pursuing any legal action against the Indian agencies' abuses of power. Loft persevered, in spite of everything. He objected to the *Oliver Act*, which authorized the sale of Indian lands to give non-Indian veterans a place to settle. With the help of others, Loft managed to establish the League of Indians of Ontario, as well as similar leagues in Manitoba, Saskatchewan and Alberta.

Following the lead of the Iroquois, Deskaheh, also known as Levi General, Loft went to Geneva in 1921 to ask the League of Nations to recognize the sovereignty of the Six Nations Confederacy. Loft was talking about sovereign nations. He spoke to kings. He was part of the tradition of the great Amerindian leaders of the past.

Despite the government of the time with its deaf ears and its unfair and humiliating strategies, the movement continued on from 1930 until 1980. Modern-day Canadians know nothing of this important struggle. It may be difficult to say and hear all these things, but it must be done because history is lacking in details about these events.

In 1943, Andrew Paull, from the Squamish Nation in British Columbia and a number of leaders, including Huron Gilles Sioui and Algonquin Willie Commanda, organized a national conference that led to the creation of the National Indian Brotherhood. This brotherhood grew as other leaders joined in the 1960s and was followed by the creation of various provincial First Nations associations. This brotherhood became the Assembly of First Nations.

Aboriginal peoples are hardly newcomers to politics. Our nation was sovereign. Some of our political leaders of yesterday were legendary. They had difficult decisions to make. They had to deal directly with the Crown of France and the Crown of England.

At major turning points in history, some of them rose to take a stand and left their legacies. The mighty Chief Pontiac of the Ottawa nation, faced with the turmoil of the wars between France and England for possession of America, called for the First Nations to unite. That was in 1760. Tecumseh, of the Shawnee nation, did the same in a compelling speech in 1812. In the new world, he said, Indians must unite and speak with one voice in order to find a place on the political map between the Americans and the Canadians. Naturally, no one listened to them.

I do not wish to retell the whole story for you; I simply want it to be clearer and I want us to remember that these efforts are the continuation of past efforts. All these remarkable individuals since Loft have continually called for responsibility and political authority for Aboriginal peoples.

We have been calling for a better world and proving that we are going nowhere for quite some time. The political conscience of Aboriginal leaders is not newly found; it has always existed, but their voices were smothered and were not heard.

You know as well as I do how the Americans dealt with Indians between 1830 and 1890 — with brutality, meanness and without respect. Canada was definitely less brutal, but were the results any different? Indian lands disappeared, natural resources were put under government trusteeship, reserves were established, treaties were not respected, the administration was unfair and fraudulent, powers were abused and our most fundamental rights were violated.

The 20th century will remain a dismal period in the history of the rights of Aboriginal peoples in Canada. What happened to the First Nations? They were broken, they became bands isolated from one another, administrative units in trusteeship, subjects dependent upon the federal government. We should consider the dead end we are in as a true tragedy because it has led to an unacceptable social situation in terms of health, education and the economy as demonstrated by year after year of family and community crises.

Those of us who have been deprived of our rights as citizens and persons, who have been legally marginalized in Canada, have a lot of ground to make up. We only obtained the right to vote in 1960, four years after I had graduated from university. For four years I had been paying taxes and had a job as a teacher and school principal.

Despite all these inconsistencies, we are still here. Even more incredible is the fact that we have played an active role in history, for the benefit of Canada. Our people went to war in 1914 and 1939, and a number of them gave their lives. Some were military heroes.

I am thinking of major figures such as Francis Pegamagabow, an Ojibwa who was awarded several medals during the First World War. I am also thinking of Joe Kurtness, my next-door neighbour in my community of Mashteuiatsh. Were these people recognized? No. They were humiliated when they came back and they were forgotten. Most of them were excluded from veterans' assistance programs.

It is now 2008 and the situation persists. Every now and then, Canadians become aware of tragedies that are reported on the national news in the context of horror stories such as the suicide rate in isolated communities, third world conditions prevailing in Canada, public health issues, and so on. There is never anything positive. It is always about unpleasant situations and bad surprises.

We will never get beyond this situation until we have full control over our own affairs. We have the political know-how to govern ourselves.

Provisions of the Bill

The main purpose of the legislation that I am submitting is to establish an assembly for Aboriginal peoples, which would be located in Ottawa.

The assembly, which will group together the representatives of the Aboriginal peoples of Canada, will be split into three separate chambers for the First Nations, Inuit and Metis members. French and English will be among the official languages of the assembly.

The number of members is to be determined by the assembly. However, that number shall not exceed the maximum number of members of the Senate. The assembly will have the power to determine the method of selection of its members and their terms of office.

The privileges and immunities of the assembly's members will be similar to those enjoyed by the members of the Senate of Canada. The remuneration of the members will not exceed the amounts paid to senators.

The general mandate of the assembly is primarily to deliberate on the affairs of Aboriginal peoples. The assembly may, among other things, investigate matters, deliberate and adopt resolutions concerning constitutional issues relating to Aboriginal peoples and persons in Canada.

The bill provides that the assembly may consider, concurrently with the Senate and the House of Commons, any motion or bill to amend the Constitution of Canada.

The Senate or House of Commons may transmit such a motion or bill to the assembly for its consideration.

Clearly, nothing in this bill derogates from any authority of the Queen, Parliament or the Government of Canada or the legislative assembly or government of a province or territory.

The assembly's authority extends to government spending as it relates to Aboriginal peoples; Aboriginal rights, treaty rights and land issues in Canada; the law governing Aboriginal peoples and Aboriginal persons in Canada; and Aboriginal identity, education, language, tradition, culture and social life. The assembly will also

be able to consider matters that it accepts to have referred to it by Aboriginal organizations.

The assembly will redraw the geopolitical map of the First Nations. It will have to set regulations for membership and address the Metis issue and Inuit reunification. It will have to deal with lands, resources, wealth creation, the tax base, relations with the government, health, education and culture.

The wording of the bill included more details in this regard about the future responsibility of the Assembly of First Nations of Canada.

The assembly will establish a committee to help it manage its internal governance and it will also establish a secretariat, including a clerk of the assembly, a law clerk and a parliamentary adviser. The mandate of the Auditor General of Canada will also extend to the assembly.

In order to establish this permanent assembly, the bill provides for the creation of a provisional assembly for a term of two years or less and, consisting of Aboriginal peoples summoned by the Governor General by instrument under the Great Seal of Canada.

Prior to persons being recommended for summoning to the provisional assembly, the Governor-in-Council, in consultation with the First Nations, Inuit and Metis, shall summon between seven and fifteen persons to sit on the committee responsible for establishing the provisional assembly.

The committee will be under the direction of the Speaker of the House of Commons, the Speaker of the Senate, and a member of the Indigenous Bar Association in Canada and they will be in charge of selecting Aboriginal peoples based on certain demographic and geographic criteria, in consultation with the associations of the First Nations, the Inuit and the Metis. The provisional assembly will facilitate the creation and meeting of the assembly of Aboriginal peoples.

The bill provides for the establishment of an executive council within the permanent assembly, whose mandate will be to exercise the executive functions assigned to it by the assembly. There will be seven members, including one chair and three members elected by the assembly. The other members will be designated by each of the chambers of the assembly.

It seems imperative to me that the federal government machinery now dedicated to Aboriginal affairs and the government's budgetary resources in the other departments be fully monitored by a duly created Aboriginal political body.

To that end, I propose in the bill that one year after this assembly of Aboriginal peoples is set up, the govern-

ment, together with the assembly, introduce legislation to wind up the activities of the Department of Indian Affairs.

Conclusion

This representative assembly is a first step, but without it, nothing will ever happen. Aboriginals must take their place in Canada's political landscape. The 1982 Constitution recognizes us as peoples. It recognizes that we have rights. Therefore, it is time to take action and do what is needed to enable the Aboriginal peoples to take charge of their futures.

It should be noted that this Assembly of the Aboriginal Peoples of Canada is not meant to replace the self-government measures taken by various nations. It is simply an institution to complement all the measures taken a few years ago in our communities to achieve self-government.

I want to help eliminate the current conditions. There are over 600 isolated and vulnerable band councils, Aboriginal groups that have no economic, legal or political power; and there is a lack of commitment from the federal and provincial governments to change or improve the situation.

I ask you to take a close look at the bill I have presented. See what be a great step forward it would be. Consider the positive long-term effects. This bill would give Can-

ada something it should have had years ago, a place dedicated to managing Aboriginal affairs.

Aboriginal peoples will have a lot of work to do. We will have to unite and learn to work together. We will have to rediscover ourselves. We will have to make a real effort. But who would oppose that?

How can we be anything less than passionate about this, when this concerns the future of our many children, their education, their health, their environment, their pride, their culture and their identity?

Canada is incomplete, a house lacking some important parts of its foundation. One of the missing pieces is the assembly I have proposed. This country will never be complete as long as Aboriginal peoples do not have a place in its political architecture. Simply acknowledging that Aboriginal peoples have played a major role in founding this country would go a long way toward resolving numerous disputes. If we correct this mistake, we will be able to pursue our development on the basis of historical truth.

This new House must be created, and it must be given the time and means necessary to establish itself. This implementation will take place in stages and many problems will be worked out as they come up. I have confidence in our leaders. As everyone knows, there are a number of complex problems. It will take decades to solve them and it will not be an easy path. It will be fraught with obstacles, but at least it will be a path, and above all, it will be our path.