

RESPONSE TO INTERIM REPORT

WORKING TOGETHER – RECOMMENDATIONS 3.1

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February 3, 2004

Mr. J. Wilton Littlechild, O.C., Q.C., I.P.C.,
Chair - Commission on First Nations and Métis People and Justice Reform
802 - 119 Fourth Avenue South
Saskatoon, SK
S7K 5X2

Dear Mr. Littlechild:

Further to my letter of January 9, 2004, I am writing to provide information about Saskatchewan activities undertaken by the Government of Canada in response to recommendation 3.1 of the November 20, 2003 interim report of the Commission on First Nations and Métis People and Justice Reform:

It is recommended that the Government of Canada, Government of Saskatchewan, Federation of Saskatchewan Indian Nations and Métis Nation of Saskatchewan respond to the Justice Reform Commission by December 15, 2003, with the actions taken in response to the recommendations of the Royal Commission on Aboriginal People.

The Government of Canada's response to the Royal Commission on Aboriginal People was contained in *Gathering Strength – Canada's Aboriginal Action Plan*, issued on January 7, 1998. The information contained in this letter is not intended to be a comprehensive list of *Gathering Strength* initiatives, but rather it identifies some activities that federal departments are undertaking to address the social, economic, health and educational concerns of Aboriginal people in Saskatchewan.

Reconciliation

Gathering Strength contained a *Statement of Reconciliation*, which established the foundation for a new relationship with Aboriginal people.

The *Statement of Reconciliation* acknowledged the negative legacies of certain historical decisions made by the Government of Canada. It spoke to the pain many Aboriginal people experienced as a result of the Residential School system, the events culminating in the death of Louis Riel. In addition, the Government of Canada apologized for its role in the suffering of Canada's Aboriginal peoples.

The Government of Canada committed \$350 million to an Aboriginal Healing Foundation, a non-profit corporation run by Aboriginal people. This Foundation supports community-based healing initiatives for Aboriginal individuals suffering from the legacy of sexual and physical abuse in the Residential School system.

The Federation of Saskatchewan Indian Nations (FSIN), the Office of the Treaty Commissioner (OTC), and the Government of Canada have initiated discussions (with the Province of Saskatchewan participating as an observer) to explore the treaty relationship. These discussions recognize that any new relationship must be respectful of the treaty relationship. To date, the OTC has published a number of reports and publications, and has also developed curriculum materials on treaties that are being used in Saskatchewan schools.

Building a new relationship

Under Indian and Northern Affairs Canada's (INAC) *Governance Initiative*, 19 pilot projects have been approved in Saskatchewan. These projects enable First Nations communities to develop and implement practical approaches and tools leading toward local governance of resources and programs.

The Department of Canadian Heritage *Aboriginal Women's Program* supports the participation of Aboriginal Women in self-government processes. The Department also supports the Métis Nation - Saskatchewan and Congress of Aboriginal People through its *Aboriginal Representative Organizations Program*.

Canada is currently negotiating two self-government arrangements in Saskatchewan: the *Saskatchewan Common Table* and the Meadow Lake Tribal Council (MLTC) *Self-government Initiative*. Successful negotiations at both tables will result in all First Nations in Saskatchewan having the opportunity to enter into self-government arrangements with Canada and the Province of Saskatchewan.

On July 17, 2003, an important milestone was achieved at the *Saskatchewan Common Table* when the negotiators initialled an Agreement-in-Principle (AIP) with Canada and a Tripartite AIP with both Canada and Saskatchewan. First Nations' Chiefs and Councils have been asked to work with their membership to review the agreements.

On January 22, 2001, an equally important milestone was achieved as part of the MLTC *Self-Government Initiative*. A Comprehensive AIP was signed by the MLTC and the Government of Canada, along with an accompanying Tripartite AIP including the Province of Saskatchewan.

The Government of Canada recognizes that the response to the issues before Aboriginal Canadians today requires initiatives in many areas: from improving educational opportunities and working with Aboriginal organizations to develop new training opportunities, to contributing to the health and public safety of Aboriginal Canadians by focusing on health promotion and programming, housing, justice, and community and economic development.

Over the last decade, Human Resources Development Canada's policy regarding program design and delivery for Aboriginal peoples has evolved from a non-participatory approach to one in which Aboriginal authorities and communities have full responsibility for program design, delivery and results. This evolution included the Aboriginal Human Resource Development Strategy (AHRDS), which was given a five-year, \$1.6 billion budget nationally of which includes over \$40-million per year in Saskatchewan. The AHRDS has assisted Aboriginal communities and organizations to take on full local responsibility for labour market planning, and has resulted in a corresponding growth in effective public administration, completion of training interventions, employment results and savings to income support programs. The fundamental focus of the AHRDS is to help Aboriginal communities strengthen the ability of Aboriginal people to compete in the Canadian job market, including enabling Aboriginal groups to design and deliver a wide range of human resource programming.

In Saskatchewan, Indian and Northern Affairs Canada has been working with First Nations in their quest to have greater participation of Aboriginal people in the economy. The *Community Economic Development Program*, *Resource Partnerships Program*, *Resource Partnerships Program*, *Regional Partnership Fund* and *Major Business Projects Program* have all been developed to enable First Nations to improve the economic lives of First Nations people in Saskatchewan. In Saskatchewan, INAC's *Opportunities Fund*

and the *Resource Acquisition Initiative* has contributed to 220 projects over the past five years, creating 973 full-time and part-time jobs, and reducing social dependency and unemployment.

In 1998, the federal government rolled out its *Urban Aboriginal Strategy* (UAS) to improve policy development and program coordination at the federal level and among other levels of government. Although this initiative had no program dollars attached to it in its early stages, it served to stimulate dialogue and discussion on how the federal government might be more effective in supporting field level efforts aimed at addressing the needs of urban Aboriginal people. These preliminary discussions proved to be very significant in increasing awareness of the circumstances of Aboriginal people, and mobilized all levels of government to work more collaboratively on many different fronts, including the establishment of forums where Aboriginal community members could voice concerns and participate in the setting of priorities at a local level. More was needed, however, and in 2002, the Government reaffirmed its commitment and allocated \$4.5 million over three years for pilot projects in Regina and Saskatoon. The government also set out some specific objectives: to employ horizontal mechanisms, align federal programs on the ground to respond to local priorities, test innovative ideas, gain better understanding of what does and doesn't work and ultimately to improve the socio-economic conditions facing urban Aboriginal Canadians. To date, two pilot cities (Regina and Saskatoon) have been identified to undertake pilot projects under the UAS:

The Regina Inner City Community Partnership (RICCP) has been created to function as a multi-sectoral forum. Its membership includes representatives from Aboriginal organizations and from federal, provincial and municipal governments. The RICCP has funded a community development action plan for North Central Regina that includes three key projects:

“Moccasin Flats” is a six-episode dramatic television series focusing on the realities of life in Regina’s inner city. Pilot funding has supported the opportunity for Aboriginal youth to participate in and develop skills in television production. This project directly reflects the RICCP priority of increasing opportunities for Aboriginal youth linked to economic growth areas.

The Regina and area Drug Strategy Coordinator position was funded to support a strategy developed through a partnership of federal, provincial, municipal departments, school boards, Aboriginal organizations, including File Hills Qu’Appelle Tribal Council, Métis Addictions Council of Saskatchewan and Treaty Four Urban Services and other community groups. The goal of the strategy is to improve the quality of life for citizens and provide a healthier and safer community by reducing the impact of addictions.

A Community Facilitator position was funded to support the implementation of North Central Community Partnership action plan, ensuring the voice of the community continues to be heard and ensuring action on the part of the stakeholders.

The Saskatoon UAS initiative is still in early stages of development. The focus is to engage the Aboriginal community to determine needs and priorities. The initiative will be led by an advisory committee, comprised of representation from the three levels of government, Aboriginal groups and individuals (First Nations and Métis). Specific projects and funding decisions will be guided by a steering committee comprised of First Nations and Métis people.

Linked to the Urban Aboriginal Strategy is a component of the Government of Canada's National Homelessness Initiative. This component is the Urban Aboriginal Homelessness (UAH) Initiative – important since about 50 percent of the Aboriginal population live in urban centres. The UAH specifically strives to reduce the disparity between Aboriginal and non-Aboriginal people in urban settings. It provides flexibility to enable Aboriginal organizations and other partners to find local solutions to the complex issues, enhances the capacity of Aboriginal organizations to participate in broader community processes, and brings culturally sensitive services into play.

Examples of projects funded under the UAH initiative include:

The development of 10 transitional housing facilities through a partnership among the Federation of Saskatchewan Indian Nations, the Saskatchewan Indian Training Assessment Group, five Tribal Councils (Prince Albert Grand Council, Saskatoon Tribal Council, Yorkton Tribal Council, Battlefords Tribal Council, and Regina Treaty Status Indian Services) and the Government of Canada.

Infinity House, a supportive housing facility operated by Central Urban Métis Federation Inc. in Saskatoon, serves Aboriginal women and their children who are homeless or at risk of becoming homeless.

The Department of the Solicitor General Canada (Public Safety and Emergency Preparedness Canada), through its Aboriginal Policing Directorate, implemented the *First Nations Policing Policy* (FNPP) in 1991. The FNPP is a policy document, which provides the mechanism for the funding of tripartite agreements. In Saskatchewan, the FSIN is a signatory to this Framework Agreement. The FNPP was revised in 1996, and serves to ensure that police services are responsive to First Nations cultures and needs (i.e. communities should be policed by police officers of similar cultural and linguistic background). This policy is founded on a legislative framework that enables First Nations to establish, administer and regulate their own police services and to appoint police officers, consistent with provincial norms and practices. In the last year, 103.5 police officers (Royal Canadian Mounted Police First Nations Community Policing Service – RCMP FNCPS) have functioned within this framework. The officers employed in these positions are to be of Aboriginal ancestry. In 1999, the first transitional *Self Administered Police Service* began with 6 officers of the RCMP FNCPS (including a Chief of Police), which will transition to the *File Hills First Nations Police Service*.

The *Aboriginal Justice Strategy* (AJS) is an example of how provincial and federal governments are working in partnership with Aboriginal communities. Although the administration of justice is primarily a provincial responsibility, Saskatchewan and Canada have been able to set aside jurisdictional boundaries in order to deliver community-based justice programming allowing Aboriginal communities to take responsibility for the administration of justice both on and off reserve. AJS programs, which are cost-shared on a 50-50 basis with Saskatchewan, provide funding to deliver programs, which offer alternatives to the mainstream justice system for Aboriginal people in a manner that is culturally appropriate. The AJS provides funding for 22 Aboriginal community-based justice programs. The majority of these programs are targeted towards youth, helping them understand the consequences of their actions, take responsibility for them and ultimately repair the harm that has been done.

Canadian Heritage's *Urban Multipurpose Aboriginal Youth Centre (UMAYC)* initiative has been a significant success in Regina, Saskatoon and Prince Albert, with hundreds of Aboriginal young people benefiting from youth-oriented services and activities. Youth who may have not been successful in

other programs are now making progress because of the flexibility, the cultural foundation and the accessibility of the program to the most at-risk group of young people. The department sought to engage Aboriginal youth in such a way that the youth determined the needs and priorities through *Aboriginal Youth Advisory Committees* in each of the cities. All funding decisions have been guided by the recommendations made by the youth.

Between 1999 and 2001, the UMAC initiative supported approximately 85 projects in Regina, Saskatoon, and Prince Albert. A very successful UMAC project is the Saskatoon Tribal Council White Buffalo Youth Lodge. The lodge delivers a range of services to youth in all situations, from post-secondary students looking for employment to those at risk of entering the negative street lifestyle. Other successful projects include Common Weal Community Arts and New Dance Horizons in Regina, that enable youth to express themselves through acting, writing and dance; and the Youth Literacy Project at the Prince Albert Integrated Youth Centre.

Canadian Heritage provides funding to Aboriginal organizations to help preserve and teach Aboriginal languages and culture. Missinipi Broadcasting Corporation – A LaRonge based Aboriginal radio communications group has been supported, in part, by funding provided through the department's *Northern Native Broadcast Access Program* and has provided radio broadcasting in both Cree and Dene.

Health Canada's *Aboriginal Head Start* program has reached on-reserve communities through locally controlled and designed early intervention strategies (including parent advisory committees) that instill a positive sense of self and desire for learning in Aboriginal preschool children. In 2002-2003, 78 communities were involved in *Aboriginal Head Start*.

Summary

As departments strive to adhere to the spirit of *Gathering Strength*, progress has been made in effecting positive changes in attitudes and responses among staff; many departments have now implemented employee awareness programs designed to educate staff about Aboriginal issues and familiarize them with Aboriginal culture, history and integral contribution Aboriginal people have made and will continue to make in Canada. Departments are acknowledging the value and contributions of Aboriginal people and culture and integrating these in several ways.

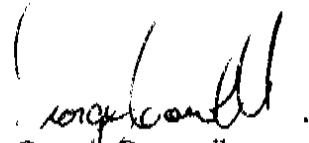
For example, Correctional Services of Canada (CSC) has partnered with First Nations communities to establish two Healing Lodges for federal offenders: *Okimaw Obci Healing Lodge for Women*, located at Nekaneet First Nation; and the *Prince Albert Grand Council Spiritual Healing Lodge*. The *Willow Cree Healing Lodge Natarwihokamik*, on the Beardy's and Okemasis First Nation is currently in the early stages of development.

The Saskatchewan Federal Council identified a strategic objective to improve socio-economic circumstance for Aboriginal peoples in Saskatchewan in the late 1990's. In April 2002, this objective led the Council to make significant changes to its structure by creating the *Regional Partnering Strategy – Aboriginal Initiatives* as a platform upon which broader government issues related to Aboriginal people in Saskatchewan could be addressed in a strategic way that encourages partnership and collaboration. The Council's regular discussion of Aboriginal issues led to a unique forum, in December 2003, in which Aboriginal leaders and provincial officials could collectively discuss issues with Council members.

Several Government of Canada departments have also realized the power of diversity through increasing their complement of Aboriginal staff. Indian and Northern Affairs Canada's staff complement in Saskatchewan is 50 percent Aboriginal.

I hope you find this information useful and informative. If you have any questions, comments, or concerns, please contact me.

Sincerely,




/ George Cornwell,
Executive Director – Saskatchewan Federal Council
Director General – Regional Partnering Strategy – Aboriginal Initiatives



February 19, 2004

Mr. J. W. Littlechild, Chair
Commission on First Nations and Métis
Peoples Justice Reform
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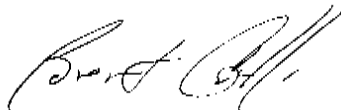

Dear Commissioner Littlechild:

In your interim report of November, 2003, there was a request for a report from Saskatchewan, FSIN, MNS, and Canada, on actions taken in response to the recommendations of the Royal Commission on Aboriginal People. In subsequent meetings, the Province indicated it would provide a response. The Province provided such a response related to the justice system in a February 4th letter to you from Mr. Doug Moen, Deputy Minister of Justice and Deputy Attorney General. To complement this information, I am pleased to enclose the following entitled, *Discussion Paper: Provincial Response to the Royal Commission on Aboriginal Peoples - Strategic Directions*.

This Discussion Paper is not intended to respond to specific recommendations of RCAP. Rather, it briefly describes the strategic directions of the Province that coincide with, and respond to, many of the key subject matters covered by RCAP. In doing so, it demonstrates the Province's commitment improve the well being and quality of life for Aboriginal people. The Province can not do it alone. Effective partnerships with First Nations and Métis people, the federal government, private sector and other stakeholders are prerequisites for success.

I hope this information will be of assistance.

Sincerely,



W. Brent Cotter, Q.C.
Deputy Minister
Government Relations
and Aboriginal Affairs

Attachment

cc: Doug Moen, Deputy Minister of Justice and Deputy Attorney General
Hal Cushon, Acting Deputy Minister, Agriculture, Food & Rural Revitalization
Bonnie Durnford, Deputy Minister, Community Resources and Employment
Angie G  linas, Deputy Minister, Culture, Youth and Recreation
Lily Stonehouse, Deputy Minister, Environment
Ron Styles, Deputy Minister, Finance
Glenda Yeates, Deputy Minister, Health
Larry Spannier, Deputy Minister, Industry and Resources
Jim Nicol, Acting Deputy Minister, Labour
Craig Dotson, Deputy Minister, Learning
Glenn McKenzie, Acting Deputy Minister, Northern Affairs
Wynne Young, Chair, Public Service Commission

Without Prejudice
Prepared by Government Relations and Aboriginal Affairs
Province of Saskatchewan
February, 2004

For the Commission on First Nations and Métis Peoples Justice Reform

DISCUSSION PAPER

**PROVINCIAL RESPONSE TO THE ROYAL COMMISSION ON ABORIGINAL
PEOPLES – STRATEGIC DIRECTIONS**

1. INTRODUCTION

After consulting widely with Aboriginal people in Canada, the Royal Commission on Aboriginal Peoples (RCAP) presented 454 recommendations in 1996 to the federal, provincial and municipal governments, Aboriginal organizations, post-secondary education institutions, major third parties, and the media. RCAP was important in advancing the public discourse and providing a context to focus public policy on the Aboriginal front.

The provincial government took RCAP's work very seriously. In early 1997, the provincial government undertook a thorough review of all of the recommendations and their potential impact on the province. In this regard, the Province also looked to Canada for leadership given the Province's position that Canada has legislative responsibility and treaty, constitutional, and fiduciary obligations to all Aboriginal people, whether or not they reside on or off reserve. However, Canada does not share that view.

The province extends programs of general application to First Nations and Métis people, regardless of residency, in circumstances where these programs and services are not already provided by the federal government. However, as a matter of public policy, the province has developed targeted initiatives to benefit First Nations and Métis people. Included in the development of targeted initiatives, the province considers, in its analysis, the overall benefit to the province, whether federal cost sharing is available and whether the province would retain authority for the expenditure of public funds.

This was the context of provincial initiatives in support of First Nations and Métis people before RCAP and in developing the provincial response to RCAP. The following is not intended to respond to specific recommendations, but rather to briefly describe the strategic directions of the Province that coincide with, and respond to, many of the key subject matters covered by RCAP.

On justice specific recommendations, the Deputy Minister of Justice has provided an overview of how Justice responses align with the recommendations made by the Royal Commission under their earlier report on "Bridging the Cultural Divide". This, along with the discussion paper provided to the Commission on First Nations and Métis Peoples Justice Reform by Saskatchewan Justice and Saskatchewan Corrections and

Public Safety in their joint submission, provides an overall context to understanding the department's Aboriginal Justice Strategy.

In addition, other provincial departments made submissions to the Commission about their respective areas.

2. FIRST NATIONS SELF-GOVERNMENT PROCESSES IN SASKATCHEWAN

Context

For over one hundred and thirty years, authority has been exercised over First Nations people and communities by the federal government through the reserve system and the framework of the *Indian Act*, laws and regulations. Within limits, it is generally recognized that the greater authority people have over their own lives and communities, the greater the chance that their lives will be bettered and their communities strengthened.

During the constitutional negotiations towards what was known as "the Charlottetown Accord", the Government of Saskatchewan supported constitutional amendments that would have recognized an inherent right of self-government of Aboriginal people. When the Accord was defeated in the referendum, Saskatchewan made the policy decision to participate in self-government negotiations within the existing framework of Canada's Constitution. This view was reinforced by Mr. Justice Rene Dussault, who co-chaired the Royal Commission on Aboriginal Peoples, when he stated this inherent right would be implemented through negotiations in appropriate circumstances.

This provides the context upon which Saskatchewan agreed to participate in two sets of Aboriginal self-government negotiations – with Canada and the nine First Nations comprising the Meadow Lake Tribal Council (in 1996); and with Canada and the seventy-plus bands represented by the Federation of Saskatchewan Indian Nations (in 1997). The latter is essentially a set of negotiations with all, or virtually all, of the First Nations of Saskatchewan.

Meadow Lake Tribal Council (MLTC)

The first practical implementation of the provincial self-government policy framework involved the Meadow Lake Tribal Council (MLTC). Saskatchewan has been involved in self-government negotiations with MLTC and the federal government since 1996.

On January 22, 2001, Canada, Saskatchewan and seven of the nine Meadow Lake First Nations signed agreements-in-principle and committed to negotiations towards final agreements to set up arrangements for on-reserve self-government.

The Parties are working on two agreements. The main agreement will be bilateral - between the First Nations and the federal government. That agreement will contain the

details of the self government arrangements. The second agreement will include all three parties and is intended, generally, to be the means by which Saskatchewan formally accepts and recognizes the self government regime. It will also provide for the ongoing relationship among the Parties, the harmonization of laws, programs and services and other matters of specific interest to the Province.

Having two separate agreements with the main agreement being bilateral ensures that the primary relationship remains between Canada and the First Nations. This ensures consistency with the historical, treaty and constitutional relationship between Canada and First Nations. This approach is also taken at the FSIN Table.

Related to the self government negotiations, Saskatchewan is also involved with Canada and MLTC in negotiations related to "traditional territories" and "non-resident citizens". These negotiations are to address the interests of the Parties in lands outside of reserves to which the Meadow Lake First Nations have a historical connection. The negotiations are also intended to deal with matters having to do with the design and delivery of programs and services to members of the Meadow Lake First Nations who live in the province but off reserve. Currently, the parties are putting together a "Framing Agreement" which will set out the details of how the negotiations will be undertaken.

Federation of Saskatchewan Indian Nations (FSIN)

The Protocol Agreement to Establish a Common Table among Canada, Saskatchewan, and the FSIN was signed in October 1996. This led to the establishment of the Fiscal Relations Table in 1997 and Governance Table in 1998. In 2000, the Parties signed a document entitled *Framework for Governance of Treaty First Nations* as the basis to enter into substantive negotiations on a range of sectors beginning with education and child and family services.

In July of 2003, negotiators agreed to the wording in a proposed Agreement-in-Principle (AIP), between FSIN and Canada, and a proposed Tripartite Agreement-in-Principle (TAIP), between FSIN, Canada and Saskatchewan, subject to approval by their respective principles. If approved, they would set the agenda and next steps for future work at the negotiating table.

The AIP is intended to establish the agenda for negotiating the Governance Agreement, which will be the main self-government agreement. The Governance Agreement will set out First Nations jurisdiction on First Nations lands and will contain definitions, governance, fiscal and relationship of laws provisions, structures and processes, with a focus on education and child and family services sectors. The sectors require the aggregation of jurisdiction to a province-wide First Nations Government to enact province-wide laws on-reserve with respect to the education and child and family services sectors. This must also be reflected in First Nations' constitutions.

The TAIP establishes the agenda for negotiating the Tripartite Agreement, which would allow the Province to formally recognize the First Nations government's law-making

authority established in the Governance Agreement and to work with First Nations governments in areas like education and child and family services. The purpose of the Tripartite Agreement is to facilitate the co-ordination of laws, programs and services as contemplated in the main self-government agreement (Governance Agreement). It will provide for the ongoing government-to-government and day-to-day working relationship with the Province.

The current round of negotiations has focused on self-government on-reserve in education and child and family services. Other sectors noted in the AIP and TAIP for future negotiation include: lands and resources; hunting, fishing, trapping and gathering; health; and housing, but would require approval of the principals to proceed.

It is also recognized that in certain circumstances, the law governing a First Nations person, even off the reserve may need to be the First Nations law and not the law of some other government. So, for example, under one potential scenario, an adoption law of a First Nation may in certain cases apply to First Nations persons living in our cities. Within limits, Saskatchewan is open to exploring this matter where it is central to First Nations identity and culture, and where the off-reserve First Nations person consents to be governed by the First Nations law. However, the exploratory discussions to date have been very preliminary and inconclusive as these are subject matters for a second round of negotiations in the area of education and child and family services.

Good Governance and a Sound Financial Base

For negotiations at the MLTC and FSIN Tables to be successful, good governance and a sound financial base are the two important areas that must be fully dealt with in any final agreement.

(a) Good governance

A major objective of the self-government processes is the development of effective and efficient governance structures for First Nations. The current legal framework for First Nations' governance is provided by the federal *Indian Act*. The Act has been described as paternalistic and a significant impediment to economic development on Indian reserves.

International experience and literature concerning good governance conclude that the following characteristics are necessary for effective governing capacity and a prerequisite to successful social and economic development:

- law-making authority, with all men and women having a voice in decision-making, especially at the local level;
- stable institutions, policies and processes, that are efficient and effective and seek to serve all stakeholders;

- transparency and accountability to citizens;
- fair and effective dispute resolution, including provision for redress, based on respect for the rule of law;
- separation of politics from business management and day-to-day public administration;
- a professional bureaucracy, with hiring and promotions based on merit, and adequate compensation; and
- a cultural match of the governing institutions to the society they serve.

Prior to the implementation of self-government, each First Nation must develop a written constitution that will create a proper foundation for nation building. This will include such matters as ensuring the government is democratically accountable to its electorate, setting out rights of appeal for persons affected by government decisions and describing the election process and the terms of office for members of the government.

(b) A sound financial base

A sound financial base is essential for any government to be able to function properly. The funding of programs and services benefiting First Nations in Saskatchewan is a complex matter and has been an issue of contention for many years. Generally speaking, Canada pays for most on-reserve costs and Saskatchewan pays for most off-reserve costs.

Saskatchewan is of the view that the federal government is responsible for the funding of programs and services to Indian people regardless of residency and Canada is expected to pay any increased costs associated with self-government. Saskatchewan has entered the negotiations with a policy that contends whatever fiscal arrangements are concluded must be fiscally neutral to the province. The Province is committed to creating economic and employment opportunities for First Nations people, both within and outside the self-government processes, and looks to Canada for a meaningful and significant role.

All of the parties are committed to a regime that secures sound financial management, accountability requirements, and fiscal equity and comparability. Elements of this dimension include the capacity for First Nations Governments to raise their own revenues and a long-term resolution of the issue of taxation of First Nations people.

Conclusion

Negotiations at the MLTC and FSIN Tables are conducted in the spirit of good-will and co-operation. The objective is to achieve self-government agreements that serve the interests of all Saskatchewan residents, First Nations and non-First Nations people alike.

The government of Saskatchewan believes self-government is not about taking anything away from anyone, nor is it about giving anything back, it is about recognizing a right which was always there. And it is about empowering a people, legally and spiritually, to take control of their own destiny. Clearly, the future of Aboriginal people will define a large part of the future of Saskatchewan as a whole. First Nations self-government is an important element in the equation for success.

3. THE MÉTIS

Context

The Métis, one of the aboriginal peoples as defined in the *Constitution Act 1982*, have played a pivotal role in the development of Canada as a nation and Saskatchewan as a province. The Government of Saskatchewan recognizes the distinct history, culture and aspirations of Métis people. Since the opening of the west for settlement by Europeans and the formation of the province, the Métis and their communities have been affected by federal and provincial legislation and policy.

Public policy generally recognizes that the greater authority people have over their own lives and communities, the greater the chance that their lives will be bettered and their communities strengthened. For Saskatchewan, this recognition suggests a need to collaborate with Métis to address the significant social and economic pressures facing Métis people, and to enhance the governance and institutional capacity of Métis organizations in the province.

The Province is also guided by decisions of the courts that confirm and contextualize what “existing aboriginal rights” are Métis rights within the meaning of section 35 of the *Constitution Act, 1982*. The Province continues to work with Métis people to coordinate policy and develop co-management regimes in responding to a recent Supreme Court of Canada ruling regarding Métis hunting rights in Canada.

The Province continues to work with Métis people to enhance the governance capacity of Métis institutions through such things as cultural recognition legislation, transfers of certain historic heritage lands (such as those at Lebret and those intended at Palmberre), enhanced co-management arrangements in northern Métis communities, social program delivery accords with regional authorities and government departments, and enhanced economic development through the Métis Development Fund.

The Métis Act

The creation of legislation to recognize the contributions of the Métis people in Saskatchewan began in 1991. The Government confirmed provincial interests with the Métis Nation – Saskatchewan (MNS), and negotiations toward a draft Métis Act began in 1997. Consultations with the Métis community were completed that year. Bill 42, an Act to recognize contributions of the Métis and to deal with certain Métis institutions

The Métis Act was introduced into the Legislature on May 29, 2001, and received Royal Assent on July 6, 2001. It was proclaimed on January 28, 2002.

The Métis Act gives the Province an opportunity to celebrate the historic and contemporary cultural and economic contributions Métis people have made and will continue to make in our Province and country. It also enables the Métis Nation - Saskatchewan Secretariat Inc., and its subsidiaries, to do business outside of *The Non-profit Corporations Act, 1995*; and formalizes a commitment to negotiate practical, non-rights based issues and enhanced opportunities, such as capacity development, land, harvesting and governance, under the Bilateral process.

The same day the Act was proclaimed, the Province and the MNS entered into a Memorandum of Understanding which serves as the vehicle to bring aspects of *The Métis Act* to life. The MOU provides an opportunity for the MNS and the Province to actively pursue practical, non-rights based initiatives in the areas of governance, land, harvesting, and capacity building.

This legislation and MOU provide the building blocks for the Province's future relationship with Métis in Saskatchewan. Both the Province and the MNS are currently working to develop respective visions for our future relationship. The MNS is in the process of consulting with Métis citizens across Saskatchewan to identify and set priorities. The Province awaits this input and continues to work with other departments to establish its own priorities that will build on the MNS/Saskatchewan relationship.

The Métis Act and MOU, and the Province's well-established relationship with the MNS will be the primary vehicles to engage Métis people and organizations in Saskatchewan's social and economic structure.

Bilateral Process

Saskatchewan has a number of service agreements with Métis organizations to deliver programs and services in Saskatchewan. Building on these relationships, the Province of Saskatchewan and the MNS entered into the *Bilateral Process Agreement* in June 1993 to foster and maintain a constructive relationship. This process was undertaken to provide a forum to discuss issues of mutual concern, including policy and program matters and joint strategies to assert federal funding and jurisdiction for Métis people.

The Bilateral process has been successful in assisting the MNS with entering into agreements and arrangements with other provincial departments, such as:

- The establishment of the Métis Development Fund (Clarence Campeau Development Fund);
- Development of *The Métis Act* legislation and associated MOU;
- Establishment of the MNS/Saskatchewan Environment Task Force and funding to the MNS for a Lands/Resources Coordinator;
- Discussions with the Department of Community Resources and Employment around capacity building and Métis service delivery; and

- Involvement opportunities for Métis through the Aboriginal Employment Development Program partnerships

Tripartite Process

The Province has been working with Métis people, through the Métis Nation – Saskatchewan (MNS), and the federal government, through a Tripartite Memorandum of Understanding, to address the complex issues facing Métis people in Saskatchewan. The Province looks to the federal government for leadership, given its primary fiduciary, jurisdictional, constitutional and financial responsibilities to Métis people.

In 1993, Saskatchewan signed a *Tripartite Process Framework Agreement* with the MNS and Canada. This Tripartite process has been a vehicle to bring the federal government to the table to address Métis issues, implement practical initiatives and explore governance. Currently, activities include governance-related initiatives involving research, consultations and planning for Métis governance in the north, urban, rural and provincially, and how these governance initiatives may intersect.

While recognizing and acknowledging Métis aspirations and the central role the federal government must play in this process, the Province seeks to maximize Métis governance and self-reliance where possible. Increased empowerment and capacity building through service delivery agreements for social, justice and housing programs, exploration of Métis governance models in Saskatchewan communities and the negotiation of a program to jointly manage hunting and fishing resources in Saskatchewan's northwest are directions the Province and Métis people are pursuing.

Conclusion

The Government of Saskatchewan believes that the future of the province includes vibrant and successful Métis people and communities. The Province, in collaboration with the federal government and the MNS through the Tripartite process, serves to develop workable Métis governance models and agreements for Métis communities and institutions. Under the Bilateral process, the province fosters and maintains a positive, working relationship with the MNS through a variety of policy fora. Clearly, the future of Métis people will define a large part of the future of Saskatchewan as a whole.

4. THE MÉTIS AND OFF-RESERVE FIRST NATIONS STRATEGY

Context

As part of the provincial review of RCAP in 1997, the Province also undertook a statistical profile of Aboriginal people using the 1996 Census data as well as a review of existing programs and services for Aboriginal people. It was determined that a focused approach was required in working with Aboriginal people in Saskatchewan. This led to the Métis and Off-Reserve First Nations Strategy (MOR). The MOR Strategy is a

practical and comprehensive response to address the pressing needs of Aboriginal people in the province, in spite of the provincial view that responsibility for Aboriginal people, both on and off of the reserve lies with the federal government.

Aboriginal Participation

The strategy has been based on advice of Aboriginal people in our communities through two extensive sets of province-wide consultations – truly building from the outside-in.

For the first time in Saskatchewan, the provincial government engaged Aboriginal and non-Aboriginal people in a comprehensive way in the development of Aboriginal policy. This involved reaching and obtaining the support of provincial and regional Aboriginal political organizations, most notably the Métis Nation - Saskatchewan, the Federation of Saskatchewan Indian Nations, and most importantly, Aboriginal people living in urban centres.

Consultations took place throughout 1999 and early 2000. People told the Province what their needs were -- what their expectations were -- and what they thought the government could do to help. The priorities advocated by communities were for job creation, work preparation, keeping children in school, engaging Aboriginal youth in culture and sports, and improving the well-being of Aboriginal people.

Twelve government departments were involved in considering the outcomes of community discussions, crafting a policy framework and integrating the initiatives in a comprehensive action plan.

Vision, Goals and Priorities

The Strategy sets out a vision -- *meaningful change in the lives of aboriginal people over a period of one generation*. That means taking new innovative approaches both short-term and long-term to have a chance of meeting this goal.

Based on community feedback, priorities were identified and distilled into four goals which became the framework for the Strategy:

- Enhance success in education for Métis and off-reserve First Nations people.
- Prepare Métis and off-reserve First Nations people to participate in a representative provincial workforce.
- Ensure representative workforce participation and increase their participation in the economic life of the province.
- Improve individual and community well-being of Métis and off-reserve First Nations people.

This strategy is our practical agenda for strengthening Aboriginal people and communities in our province. It complements and supports a parallel strategy related to the negotiation of Aboriginal self-government in Saskatchewan. Together the two strategies constitute the four pillars of our objectives with and for Aboriginal people:

- Social health
- Economic prosperity
- Greater autonomy
- Greater fiscal and political accountability

Concrete Action and Performance Measures

The MOR translates into concrete action with the Province spending over one hundred million dollars annually for a broad range of programs, services and other initiatives in support of Aboriginal people. This includes Aboriginal-specific programs and services or specific components of general programs where Aboriginal people are the major recipients of the service. Aboriginal expenditures in programs of general applications such as insured health services, education grants, etc. are excluded from the Strategy.

This Strategy includes a comprehensive set of performance measures to track progress towards achieving goals and objectives and ultimately the Strategy's vision within one generation, or 20 years. Data sources to track progress include the Statistics Canada Population Census (every 5 years), Aboriginal Peoples Survey (every 10 years), annual program-based information, and institutional reports. Specific examples of performance measures follow for each Goal of the Strategy. Every year, the MOR Strategy's action plan is reviewed from a critical perspective by the interdepartmental team to impose discipline, and ensure initiatives fit with the Strategy's challenging targets and timelines. This process is key to ensuring the Strategy remains on target and on track.

With respect to education, our objective is to increase the success of Métis and off-reserve First Nations students in the provincial school system in 10 years.

Some of the performance measures include:

- Increase high school retention,
- Reduce the gap between Aboriginal and non-Aboriginal high school completion rates, and,
- Reduce the gap between Aboriginal and non-Aboriginal students in the number of course credits attained.

The Province's second goal is to prepare Aboriginal people for work. A key objective of which is to ensure Aboriginal youth make the transition from school to employment and training at rates similar to those for other people in the province in 10 years. Our performance measures include:

- Increase transition rates to post-secondary education for Aboriginal youth, and,
- Increase the employment rate by 20%.

The third goal is to enhance employment of Aboriginal people and encourage economic development. A key objective is to increase the proportion of Métis and off-reserve First Nations people in the labour market to a representative level in 20 years. This means the proportion of Aboriginal people who are of working age. In 2001, the representative

level is 13.6%. This figure adjusts as new population information becomes known, and the target changes correspondingly.

Some of the performance measures include:

- Increase the proportion of employment income
- Increase Aboriginal labour force participation
- Increase business involvement

Goal Four encompasses a wide array of areas to improve well-being including: culturally-sensitive social services; sport, culture and recreation; health; restorative justice services; and housing. The timelines for the supporting objectives are 20 years. A key objective of which is to better meet the health needs of Métis and off-reserve First Nations people such that their health status approximates that of the non-Aboriginal population in 20 years. Measures include diabetes prevalence rates and disability-free life expectancy among Métis and off-reserve First Nations people.

Another important objective is to increase the proportion of Métis and off-reserve First Nations people living in adequate, affordable housing to the provincial average in 20 years. Some of the performance measures:

- Reduce the proportion of households with multiple problems (affordability, suitability, adequacy)
- Reduce the proportion spending more than 30% of income on housing
- Increase home ownership
- Reduce the proportion of households that rent

Conclusion

It will take a generation to fulfill the vision of the Strategy given the complexities and magnitude of the issues and challenges faced by Aboriginal people. However, there are indications that the Strategy is on the right track. Progress has been reported in reducing the reliance on social services among Métis families due to government's focus on increasing opportunities for Aboriginal people. Feedback from Aboriginal political and community leaders indicate the chances for at-risk children to finish high school are improved through initiatives such as increased support to community schools.

One of the best indicators of an early shift in circumstances is the increased participation of Aboriginal people in post-secondary education. Aboriginal enrolment in post-secondary institutions overall is estimated to be nearly representative of the number of Aboriginal people in the population (13.5%). Aboriginal enrolment at our two universities is also on the rise. This is a significant achievement in support of our objectives. Retention continues to be a challenge, but 80% of graduates from technical institutions are finding jobs.

The labour force participation rate is the percentage of working age people in the population who have paid work. For Aboriginal people, labour force participation still

lags well behind non-Aboriginal people, however it is beginning to rise. The participation rate for Métis people is almost the same as non-Aboriginal people.

The MOR strategy represents an unprecedented approach in Saskatchewan and is unique in the country. Most importantly, MOR is a blueprint that will produce solid results in improving the quality of life of Aboriginal people, and indeed, the social and economic fabric of Saskatchewan. The Government is committed to this work and, most importantly, Aboriginal people have the tools to be authors of their own success. In Saskatchewan, our very future depends on our ability to ensure the participation of Aboriginal people in the economic and social life of the Province.

5. LANDS AND RESOURCES

Introduction

The Royal Commission on Aboriginal Peoples made numerous recommendations respecting lands and resources. The recommendations are directed primarily to Canada which is appropriate in view of the special relationship between the Government of Canada and Aboriginal people. However, recommendation 2.4.26 does state that provincial governments should establish policies parallel to the processes and reforms proposed in the recommendations directed to the Government of Canada.

While it is difficult for a provincial government to 'establish policies parallel to processes' that have not in fact been undertaken by Canada, Saskatchewan has been very active in dealing with issues that do arise and involve Aboriginal people and lands and resources. Also, because of the unique relationship between the Crown and First Nations in Saskatchewan flowing from the Treaties, a number of the recommendations have less relevance here than they would in a province such as British Columbia where Aboriginal title has not been dealt with fully. What follows is a summary of some of the key areas where the province is actively involved in lands and resources issues with the Aboriginal people of this province.

Treaty Land Entitlement

Under the *Natural Resources Transfer Agreement* Saskatchewan is obligated to provide provincial Crown land to Canada for the purpose of enabling Canada to satisfy its Treaty obligations. The Treaties promise 128 acres per person but in many cases the full allotment was not received by a First Nation because of an inaccurate determination of the population of that First Nation. Satisfying these claims with vacant Crown land proved difficult because of the extensive settlement that has taken place in southern Saskatchewan since the time of the Treaties. There simply was not enough Crown land in the right locations to adequately resolve the issue.

Through a unique 'made in Saskatchewan' approach, Saskatchewan, Canada and Treaty Land Entitlement First Nations were able to come up with a solution that enables

Saskatchewan to meet its constitutional obligations to Canada, Canada to fulfill the terms of the Treaties and First Nations to obtain land that satisfies their needs. The approach has resulted in the payment of money to First Nations, cost shared by Saskatchewan and Canada, so that the First Nation may purchase private land or provincial or federal Crown land.

These Treaty Land Entitlement Agreements deal with many of the issues raised by the RCAP recommendations dealing with lands and resources. These issues include third parties, water, minerals, roads, urban reserves, tax loss compensation and land quantum. By agreement, all land purchased pursuant to these agreements is done on a willing seller/willing buyer basis. Notwithstanding the challenges that arise from time to time, the agreements have been very successful. They foster self-reliance and economic development. When a First Nation has achieved its minimum acreage required under the agreements, it is able to use its funds for band projects of its choosing or it may continue to purchase more land. An important feature of the Agreements is that when the surface of the land obtains reserve status, any undisposed minerals under the land are transferred by Saskatchewan to Canada for the benefit of the First Nation at no cost to the First Nation.

Since the agreements were first entered into in 1992, almost 600,000 additional acres have attained reserve status in Saskatchewan. The majority of the land that has attained reserve status was purchased from private individuals. Of the 26 First Nations that signed Agreements in 1992, 20 have achieved the minimum number of reserve acres they are required to obtain. A number of selections in urban municipalities have also attained reserve status. This enables First Nations to actively participate in the provincial economy in urban centres. Saskatchewan will continue to devote adequate resources to the fulfillment of these agreements and will co-operate with First Nations and Canada on new Treaty Land Entitlement claims that arise in the future.

Specific Claims

The majority of specific claims result from a First Nation's grievance with the Government of Canada not fulfilling its lawful obligations pursuant to the Treaties or other formal agreements, or breaching its statutory responsibilities such as obtaining the surrender of reserve lands without the proper consent of a First Nation. Saskatchewan is not a party to the agreements that address these wrongs as they are the complete responsibility of Canada. Nevertheless, the province does co-operate with both Canada and Specific Claims First Nations to enable those First Nations to purchase land and have that land attain reserve status.

Land Exchanges

From time to time a First Nation may determine that it does not have adequate land at an existing reserve to provide adequate housing for its citizens or to provide proper facilities for matters such as education. Often the province will be approached to see if it is prepared to trade Crown land that may be located next to the reserve for other reserve

land that may be located away from where the First Nation wishes to expand. In these instances the province co-operates fully with the First Nation to assist it in obtaining land in the appropriate location that suits its needs.

Other Land-related Matters

The Province is involved in numerous other land or resource related matters with the Aboriginal people of Saskatchewan. These include assisting First Nations in negotiating with federal agencies on road related matters, discussing issues where boundaries may be in dispute, assisting First Nations in understanding how water resources are managed, and ensuring the right of access to land for hunting and fishing for food for all Aboriginal Peoples who may possess those rights.

6. EXAMPLES OTHER INITIATIVES

The following are examples of other initiatives where the Province is involved in support of Aboriginal people. This is not an exhaustive listing of examples. Nor is it an exhaustive listing of provincial initiatives within a given example.

(a) Employment and Training

In 1992, the Province established the Aboriginal Employment Development Program to increase Aboriginal employment in the province with a goal of building a representative workforce in Saskatchewan. This led to the development of the Aboriginal Representative Workforce Strategy in 1995 with the objective of building partnerships that enable parties to work together to identify employment needs and opportunities, and communicating this information to the Aboriginal community. With this information, Aboriginal people can focus their training and compete for jobs on an even basis. Employers prepare their workplaces for Aboriginal employees by breaking down barriers and providing cultural awareness education to their staff (the cultural awareness education deals with the misconceptions about the Aboriginal community). As of February 2004, fifty partnerships have been signed with large public and private sector employers, organized labour, government departments, Aboriginal organizations, post-secondary institutions and community based organizations.

The Province has also redesigned its employment and income assistance programs and services to help individuals and families address problems that affect their ability to participate fully in the economic and social life of the province by creating financial, employment and family supports. Program planning, development, training and community awareness is done through mechanisms such as local labour market planning networks that encompass relevant stakeholders, including Aboriginal people. The Jobs First Program assist individuals who are at risk of becoming reliant on social assistance help to secure employment.

The Centennial Student Employment Program is an employment subsidy with the objective of placing university and high school students into term employment that allows them to learn about career opportunities and evolve employable skills. Aboriginal youth are able to take advantage of this program to make the transition from traditional to urban worlds.

(b) Education

The Province actively promotes and engages in partnerships with First Nations and Métis peoples at all levels of the education system. It is working closely with First Nations to implement a student tracking system that will not only track student movement within and between education systems but also provide information to support decision-making and future planning.

School^{PLUS} is a new and innovative approach to the education system in Saskatchewan. It ensures schools provide learning excellence for all students and provides supports to learning and well-being through effective partnerships with families, communities, business and human service agencies. This new role of the schools complements provincial education initiatives in support of Aboriginal people. In this regard, the Province has made a concerted effort to address issues of Aboriginal student success and retention in provincial schools. This includes Community Education Programs such as the Community Schools Program, Pre-kindergarten Program, the Indian and Métis Education Development (IMED) Program, the Elders/Outreach Program and Integrated School-Linked Services.

A number of partnerships are in place at the school division/ Tribal Council/ First Nations level, including the one among File Hills Qu'Appelle, a Métis Nation Regina local, and the Regina Public School Board to establish an Urban First Nations /Métis Education Model in the City of Regina. The Saskatoon Public School Division and the Saskatoon Tribal Council signed a Memorandum of Understanding in 2003 to create an equitable governance council that oversees the design of sustainable education supports, programs and services for Aboriginal education from Kindergarten to Grade 12.

The Province has entered into co-management arrangements with the Meadow Lake Tribal Council to ensure shared decision-making and involvement with respect to operation of the public school in Meadow Lake, where many First Nations students attend. This is one of the first such arrangements in Saskatchewan. Other opportunities for co-management of provincial schools are also under discussion.

The Province works with the Office of the Treaty Commissioner to teach Treaties in the classrooms across Saskatchewan. The Province also established CommunityNet, a high speed internet connectivity and a wide-area network for online learning opportunities in all Saskatchewan communities. First Nations Schools are part of CommunityNet giving the teachers and students equal access to online, interactive, distance education.

Partnership agreements such as the Northern Health Science Access Program and the Northern Education Program of Saskatchewan, both which started in fall 2002, enable students to achieve their education and career aspirations with the following special features: The Northern Teacher Education Program (NORTEP) was designed to increase the number of Aboriginal teachers in northern Saskatchewan. The Saskatchewan Urban Native Teacher Education Program (SUNTEP) provides teacher training for Aboriginal residents in three locations: Regina, Saskatoon and Prince Albert.

(c) Health

Saskatchewan Health affirms that health is essential to the life, welfare, identity and culture of all peoples. The health care services provided by Saskatchewan's Regional Health Authorities (RHA) are available to all Aboriginal people in Saskatchewan, including those residing on-reserve, on an equitable basis. Saskatchewan Health also has focused on ways to better meet the health needs of Métis and off-reserve First Nations people such that their health status will approximate that of the non-Aboriginal population in 20 years. The strategy includes initiatives in the area of diabetes, health education, representative workforce, access to primary health care services, Fetal Alcohol Spectrum Disorder prevention and treatment, HIV/AIDS prevention services, Alcohol and Drug services, and a Successful Mothers Support Program.

Responsibility for the planning of delivery of health services on a regional basis resides with the Regional Health Authorities in Saskatchewan. The RHAs work with Tribal Council and other regional Aboriginal groups to ensure that processes are in place to ensure equitable access to appropriate services for all residents of the province, including Aboriginal residents. Examples of RHA-sponsored Aboriginal-specific projects include the White Buffalo Youth Lodge in Saskatoon, and the Four Directions Community Health Centre in north central Regina.

The Northern Health Strategy, currently being developed by leaders from the three northern Regional Health Authorities and the Northern Inter-Tribal Health Authority, is built on principles developed by and for northern residents. The basis for a Northern Health Strategy identifies health promotion and illness prevention as cornerstones of the Aboriginal health, and considers the North's unique languages, and the cultural and socio-economic situation.

The Athabasca Health Centre, on the Chicken Indian reserve near the Town of Stony Rapids, was officially opened in July 2003. The Athabasca Health Centre is a joint federal/provincial/local community project. As well, construction of a new Fort Qu'Appelle Indian Hospital, a joint project of Saskatchewan Health, Indian and Northern Affairs Canada, and Treaty Four First Nations, is underway. For the first time ever, a health center and a school will be integrated into one facility in the northern community of Ile a la Crosse.

(d) Economic Development

The Province has participated in a number of initiatives to encourage increased Aboriginal participation in the economy. The Province and Canada renewed the Western Economic Partnership Agreement (WEPA), which will continue to fund projects that emphasize Aboriginal development that are also consistent with the Province's priority economic sectors. As well, the Canada/Saskatchewan Business Service Centre's Aboriginal Network is a venue where Aboriginal entrepreneurs can access information about business start-up or expansion.

Significant gaming revenues flow to First Nations communities from the First Nations Fund for economic development and other initiatives at the community level. Similarly, gaming revenue flows through the Clarence Campeau Development Fund (CCDF) to provide access to equity for Métis economic development initiatives.

In 1999, the Saskatchewan government introduced its major forestry sector expansion strategy. A key objective is to directly vest term supply licenses (and eventually long-term forest management agreements) with northern Saskatchewan First Nations and Métis communities. This includes the negotiation of suitable business partnerships to ensure Saskatchewan Aboriginal peoples have an equity position in the long-term development of the sector. It also provides First Nations and Métis further capacity building opportunities through investment and development in the resource management and related services sector.

In October 2002, Saskatchewan signed the Canada-Saskatchewan Northern Development Agreement (NDA) and Northern Development Accord with the federal government and Northern Development Board Corporation (NDBC). The Accord is a Memorandum of Understanding between the federal and provincial governments to increase cooperation and coordination of activities, as well as to develop a long-term strategic plan for Northern Saskatchewan (over 80% of northern residents are Aboriginal).

(e) Resource Management and Opportunities

In Saskatchewan, co-management (co-operative resource management) is a tool to achieve sustainable, integrated resource management. It is a process that involves all resource users, interests and Aboriginal representatives who have stake in how the environment and renewable resources are managed on provincial Crown lands. Co-management provides these people with the opportunity to have meaningful input into decisions that affect them, to undertake joint projects and programs and to generate resource-based benefits. One of the key principles of co-management is that it respects Aboriginal and Treaty rights.

Saskatchewan has approximately 20 multi-stakeholder co-management boards, all of which include Métis and First Nations representatives. Traditional/local knowledge is used in decision-making, along with scientific knowledge. A good example of a successful co-management partnership is the one between the Province and Montreal

Lake Cree Nation that has worked successfully on elk management off of reserve, fisheries management on reserve and joint capacity building to train First Nation resource officers.

The Province is currently moving toward a Forest Management Agreement with Peter Ballantyne Cree Nation (PBCN) over an area that includes their traditional lands in northeast Saskatchewan. NorSask Forest Products, owned by the Meadow Lake First Nations, holds the forest management licence for the central-north-west side of the province. The Province also signed an agreement with seven First Nations to pursue forest development in the island forests, which are blocks of forest that lay south of northern provincial forest.

The Province has entered into Services Agreements with the Federation of Saskatchewan Indian Nations (FSIN) and the Métis Nation–Saskatchewan (MNS), the purposes of which are three-fold: to assist in building capacity of the organization to provide sound environment and resource management assistance to their communities; to include First Nation and Métis knowledge in Saskatchewan Environment’s policies and plans; and to build a productive and lasting relationship in order to co-operatively achieve mutual goals.

(f) Hunting, Fishing, and Trapping

The Province affirms and respects the Treaty/Aboriginal right to hunt, fish and trap for food on Crown lands as set out in the *Natural Resources Transfer Agreement (NRTA)* and reflected in provincial policies and practices through co-operative means. First Nations and Métis are given priority in allocation of fish and game for food, over commercial, recreational and other users.

The *NRTA* provides Treaty Indians with access to hunting on unoccupied Crown and other lands to which they have a right of access. Most of the land in the northern half of the province is not restricted. Occupied Crown lands, such as provincial parks, are also open to First Nation hunting for subsistence year round if hunting seasons are established for licensed hunting. The Province also respects Métis Aboriginal rights as set out in the Supreme Court of Canada decision in *R. V. Powley*, 2003, and working with affected government Departments and the Métis Nation – Saskatchewan (MNS) on how the decision will be recognized in Saskatchewan.

With respect to commercial fishing, most of it occurs in the north where most fishers are Aboriginal and they have 90 per cent of the commercial allocation. When a license or a lake becomes available for use, it is provincial policy to offer it first within the local northern communities, which are comprised primarily of Aboriginal people. Commercial fishing is not a Treaty or Aboriginal right in Saskatchewan.

With respect to trapping, most of it occurs in the north. Trapline management in northern Saskatchewan has been undertaken in Saskatchewan by Fur Conservation Area Councils since 1946. Councils are made up of local trappers who advise Saskatchewan

Environment on all aspects of fur and trap line management, including quotas and new members for vacant trap lines. Most trappers are Aboriginal people.

With respect to gathering, subsistence gathering of medicinal or ceremonial plants without a license is enabled through *The Forest Management Resources Act*.

(g) Heritage

Provincial legislation and policies provide for heritage resource impact assessment, impact mitigation, and other regulatory and conservation measures where proposed land developments may adversely affect Aboriginal heritage sites. Outright protection is afforded to heritage “sites of a special nature” including burial places, spiritual sites, and other locations of traditional and cultural importance. Funding to conduct heritage site inventories or other research in partnership with Aboriginal governments is available through the Saskatchewan Heritage Foundation. Land developers are routinely required to carry out mitigation measures at sites threatened by development and to consult with local First Nations wherever “sites of a special nature” are involved. Aboriginal people are involved in all aspects of heritage projects that involve or may adversely affect “sacred sites” or other sites of a special nature.

(h) First Nations Children and Families

There are currently seventeen operational First Nations Child and Family Services (FNCFS) Agencies in Saskatchewan and all have signed agreements with the Province to provide mandated services under authority of the provincial *Child and Family Services Act*. Authority is delegated under Section 61 of the Act. The Province provides a comprehensive child welfare training curriculum to First Nations Child and Family Services (FNCFS) Agency staff who provide services on reserve as well as department staff.

(i) Aboriginal Youth and Recreation

The Provincial Aboriginal Participation Initiative is in place to improve Aboriginal access to sport, culture and recreation opportunities in urban and northern communities. The Province is also working with major sport, culture and recreation organizations in Saskatchewan to improve Aboriginal access to sport and recreation activities in urban centres and the North through the provincial Lotteries program. Opportunities for youth to be involved in the design, development and delivery of youth services come in the form of feedback through the Saskyouth.net web site, attendance on department committees, hiring practices that place Aboriginal youth program creation and management roles and requesting the guidance of the Provincial Youth Advisory Council. The adequate representation of Aboriginal youth in all these involvement opportunities is pursued.

(j) Aboriginal Women

The Province currently works with Métis women through the Métis Nation – Saskatchewan (MNS) Tripartite Process, and First Nations women through the Saskatchewan First Nations Women’s Council (SFNWC), an arm of the Federation of Saskatchewan Indian Nations (FSIN), to address priority issues. These issues are also priorities to be addressed through the *Action Plan for Saskatchewan Women*. It has four goal areas that address economic equality and security, safety, health and well-being and equitable participation of women in leadership and decision-making.



Federation of Saskatchewan Indian Nations

FSIN OFFICES

December 15, 2003

Mr. Wilton Littlechild
Chairperson, Commission on First Nations and Métis Peoples and Justice Reform
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Dear Mr. Littlechild:

This is in response to recommendation 3.1 of the third interim report *Working Together* released by the Commission on November 20, 2003. Recommendation 3.1 relates to the actions taken in response to the recommendations of the Royal Commission on Aboriginal Peoples. The FSIN Indian Justice Commission met today and briefly discussed the RCAP report and some of its recommendations. Commission members expressed the following:

1. It is fair to say that FSIN has not fully explored the overall potential impact of implementing the RCAP recommendations. This type of exercise requires a coordinated approach; this becomes a challenge when First Nations' time and energy is expended on developing proposals and responding to the different reporting requirements of government funding bodies.
2. The RCAP report is a complex document that requires a coordinated planned approach to effectively implement its recommendations; this has not occurred. Individual First Nations have been proactive in designing and implementing specific justice initiatives to address issues of addictions, violent behaviors and inter-generational effects from residential schools. Some of these initiatives have been funded through the *Aboriginal Healing Foundation* in the short term with no identified resources for continued funding. The Federal Government's response to RCAP through *Gathering Strength* has assisted in funding some First Nations governance initiatives. Overall though, the effort has been fragmented.
3. The Chiefs of Saskatchewan mandated the FSIN in 1996 to initiate discussions with the Government of Canada about Treaty rights, Treaty implementation and the recognition of First Nation jurisdiction. In July of 2003, the FSIN and Canada negotiated an Agreement-in-Principle, together with a Tripartite Agreement-in-Principle that included FSIN, Canada and Saskatchewan. The FSIN and Canada have come to the Table to discuss the Treaty issues of

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*Protecting and
enhancing
Treaty Rights for
First Nations of
Saskatchewan*

education, child welfare, health, shelter, hunting/fishing/trapping/gathering, annuities, justice, and lands and resources. FSIN, Canada and Saskatchewan are negotiating new governance and fiscal arrangements based on a government-to-government relationship.

These comments reflect in part the experiences of First Nations history and the Federal Government's effort to assist First Nations in addressing the intergenerational effects of colonialism.

Sincerely,

A handwritten signature in black ink, appearing to read 'Guy Lonechild', written over a faint grid background.

Second Vice Chief Guy Lonechild
THE FEDERATION OF SASKATCHEWAN INDIAN NATIONS
Indian Governments of Saskatchewan

Cc: Doris Greyeyes, FSIN Justice



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February 20, 2004

Ms. Sherrie Bodnarchuk
#802 – 119 Fourth Avenue South
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Dear Ms. Bodnarchuk:

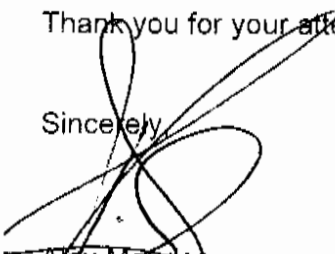
This letter is in response to your letter to Clem Chartier dated February 9, 2004. Métis Family & Community Justice Services, has attempted to develop a response on recommendation 3.1. In terms of implementing recommendations from the Royal Commission on Aboriginal People, we cannot comment, as we were not involved with any form of implementation of these recommendations.

At this time, it is my understanding that there was very little, if any resources afforded to the Métis Nation – Saskatchewan, to develop any formal response or implementation strategy in response to the RCAP reports. However, it is also my understanding that the Office of the Registrar is an initiative that came out of the RCAP report and the Gathering Strength Initiative. The federal and provincial government cost-shared this initiative and participated in the development of an enumeration proposal with the MN –S. The Office of the Registrar is a very important initiative which has strengthened our governance structure through the development of a Citizenship Act for our Nation. As well, many of the initiatives we currently participate in are a result of the RCAP Report such as the Justice Development Initiative for example.

I feel that it is time to focus on the future and the task at hand by ensuring that the Commission on First Nations and Meets Peoples and Justice Reform's recommendations are implemented through the creation of an Aboriginal Justice Commission.

Thank you for your attention in this matter.

Sincerely,


Alex Maurice
Minister of MFCJS