

# Indigenous issues in Canada

**AND THE INERTIA OF THE FEDERAL GOVERNMENT**

Presented by

**The Office of the Honourable  
Patrick Brazeau**

Written by

**Sophie Roy**

Political scientist, M.A



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**1**

**The Federal Government  
and Canada's Indigenous  
Peoples: A Complicated  
Relationship, Past and  
Present**

*“History is rarely neutral; it often has the aim of supporting nation building.” [Translation] In Canada, history has above all supported Canadian and Quebec nation building, while scant and rare attention has been paid to the history of Indigenous peoples...*

*(Rodon, p.28)*

## Part I

# The Changing Relations Between Indigenous Peoples and Governments

## From passive subjects to actors in Canadian history

In recent years, a desire has emerged to foreground the contribution Indigenous peoples have made to building and indeed developing North America, reassigning them from their passive role in Canadian history to one of active participants therein.

## Rejection of outside authority

Indigenous peoples' challenge to Canadian authority is often presented as a recent phenomenon. However, it is important to remember that the **Indigenous peoples of Canada have always rejected all external powers** (French, English, Canadian) that attempted to impose their authority on them or exercise any jurisdiction on their lands.

Outside authority has always been rejected. **What has changed is the behaviour of the conqueror.**

## Relations between Indigenous peoples and the authority in “Canada”

There are three distinct historical periods in relations between Indigenous peoples and the authority wielding power over Canada: the period of alliances, the period of subjugation and the period of renegotiation of Indigenous peoples' place within Canada. There are three landmark dates or treaties in the history of relations between Indigenous peoples and the government. They are the Royal Proclamation (1763), Canadian Confederation (1867) and the repatriation of the Constitution and the Charter of Rights and Freedoms (1982).



## **A** THE PERIOD OF ALLIANCES

*(from 1603 to approximately 1815 in the East and 1870 in the West)*

### **ALLIANCES WITH THE FRENCH**

*(mutual need)*

- ▶ The **very founding of Canada came about** because of alliances between Indigenous peoples and the French.
- ▶ The French, **who were too few in number** either to control their territory or to exert authority over Indigenous peoples needed a policy of alliances.
- ▶ In terms of economics, the fur trade—the mainstay of the New France economy—depended on co-operation with Indigenous peoples.
- ▶ At the time, the colonizers looked upon their alliances with Indigenous peoples as **based on principles of equality, peace and mutual exchange**.

### **ALLIANCES WITH THE BRITISH**

*(shift in the balance of power)*

The shift in the balance of power between the British and the Indigenous peoples of Canada can be explained by the following factors:

- ▶ The decline in the Indigenous population, due to the high mortality of the epidemics introduced by the Europeans. The Indigenous population was almost decimated in a matter of centuries, from more than 500,000 in the 15th century to fewer than 200,000 in the 18th century.
- ▶ Meanwhile, the population of the English colonies continued to rise with nearly 1.6 million inhabitants in the American colonies. In competition with France, the British began to enter into alliances of their own.
- ▶ The demographic imbalance, which weighed heavily against the Indigenous peoples.

#### **The Treaty of Paris and the Royal Proclamation of 1763**

- ▶ With the Treaty of Paris (1763) and the end of New France, the King of France surrendered the territory of his Indigenous allies to the King of England, at least on paper; this surrender was not accepted at the outset.
- ▶ The result was what is referred to as one of the last acts of Indigenous resistance, the “rebellion” of 1763 to 1766 by the coalition led by Chief Pontiac to drive the British out of southern Ontario.
- ▶ The rebellion led the British to enact the Royal Proclamation of 1763, which is part of the Canadian Constitution, the founding document of Canada’s Indigenous policies.
- ▶ With this proclamation, the British put in place measures to protect the “Indian” territories and avoid facing another uprising in their new colony.
- ▶ The Royal Proclamation “was intended to secure for Indigenous peoples the



peaceful possession of their traditional lands, with the promise that any surrender of these lands would be contingent on a consultation process involving a special assembly of the Indians concerned.” (Morin, p. 22) [Translation]

The Royal Proclamation reaffirmed two aspects of the relationship between Canada and Indigenous peoples:

1. **The sovereignty of Canada over the territories acquired by the Treaty of Paris;**
2. **The recognition of the territorial rights of Indian nations and Canada’s protection of these rights by stating that only a Crown agent, with the assent of Indians gathered in an assembly, could buy Indian lands.**

**These two aspects are still at the heart of the relationship between Indigenous peoples and the Canadian state.**

It is also worth noting that the core of the Royal Proclamation of 1763 still applies today, in that “should Indigenous peoples wish to surrender their lands, this must be done in a public assembly summoned for the purpose... and this surrender may be made only to the Crown, not to individuals.” (Morin, p. 59) [Translation]

Based on these provisions, the Canadian government entered into many treaties with Indigenous peoples, as the country evolved and developed.

## **B** THE PERIOD OF SUBJUGATION (1815-1951)

Indigenous influence in Canada waned somewhat between the Royal Proclamation and Confederation.

Indigenous weight and “might” held steady until 1812 (until the war between the United States and England) before starting to decline.

Indigenous territory **would be gradually occupied by English settlers**, who arrived in increasing numbers. Indigenous peoples, feeling invaded, began to petition the authorities in the 1830s for land to be reserved for them, land which would not be colonized or developed in any way. Many such petitions are said to have been made.

A commission of inquiry was established in the colony in the mid-1840s to review the situation.

Legislation was passed in the colony in 1851: An Act to authorize the setting apart of Lands for the use of certain Indian Tribes in Lower Canada.

Lands were therefore set aside for several Indigenous groups in Quebec, but none in Upper Canada (Ontario).

For many, Canada’s Confederation (1867) was a dark period in Indigenous history. “At the time of



Canada's Confederation, they were stripped of their lands, and reserves were created under the Indian Act. The Indian question became merely a matter of federal jurisdiction, and Indigenous peoples were not consulted." (Morin, p. 23) [Translation]

### Canada's Confederation

"With the creation of the Canadian federation, a strong **centralization of the Indian question** would again transform policies on Indigenous peoples." (Rodon, p. 38) [Translation]

In the 1867 Constitution, jurisdiction over "Indians" and their lands was assigned to the federal government (British North America Act, section 91, class 24). There are no other, more detailed provisions regarding Indigenous peoples or lands reserved for them. This is a major departure from the Royal Proclamation of 1763.

"During the discussions that led to Confederation on July 1, 1867, the Indian question was scarcely discussed, and the Indigenous peoples themselves were not consulted." (Morin, p. 69) [Translation]

The Indian Act (1880) explicitly established the wardship of "Indians" with a view to their enfranchisement as civilized citizens.

- Over the course of 50 years, the Indigenous peoples of Canada **had gone from being allies to "wards of the state** whom [the government] hoped to transform into worthy citizens through aggressive colonial policies." [Translation]
- In the federation, **Indigenous nations lost their status as allied nations.**
- The Indigenous policies of 1867 therefore had two clear objectives: the protection, civilization and assimilation of the "Indians" AND the **opening of new lands to colonization by putting the Indians in reserves.**

**Clearly, policies of subjugating Indigenous peoples are not a thing of the distant past.**

The period of subjugation was marked by "**a total loss of control over their lives, the scars of which remain evident to this day.** Practices such as the non-consensual sterilization of Indigenous women in Saskatchewan, which persisted until very recently, are a case in point...." (Rodon, p. 49) [Translation]



## **G THE RESISTANCE**

*“Resistance is, by definition, the tool of the most disadvantaged. Indigenous peoples, legally subjugated, have made extensive use of this tool. Indigenous peoples have never stopped resisting, although this resistance has taken different forms, in different eras, to adapt to multiple contexts.” (Rodon, p. 110) [Translation]*

### **“RECOLTURATED” RESISTANCE**

- ▶ “Reculturated” resistance is resistance that uses the legal frameworks of states and is based on knowledge of the Western legal and political system.
- ▶ For example, Canada’s Indigenous peoples demonstrated during the repatriation of the Constitution in 1982 that they could influence Canadian policy and even **obtain major concessions and get the government to backtrack.**
- ▶ In 1982, we saw that Indigenous peoples are major political players.

*“The power of Indigenous peoples therefore stems mainly from their capacity to resist the narrative of the state when it proposed assimilation as a solution to the Indigenous question, or when it subordinates the local interest of Indigenous groups to the general interest of Canadians.” (Rodon, p. 113) [Translation]*

### **INTERNATIONAL RESISTANCE**

Throughout history, Canada’s Indigenous peoples have also taken to the international stage to look for additional support for their claims and attract attention to their cause.

- ▶ Petition to the King of England (1910 and 1913)
- ▶ Leader of Grand River at the League of Nations (1923)





### NEW FORMS OF RESISTANCE: OCCUPYING THE REALM OF PUBLIC POWER

- ▶ In the 2015 federal election, a record 10 Indigenous Members of Parliament were elected to the House of Commons, 2 of whom were appointed ministers.
- ▶ This was a new strategy of resistance, aimed at influencing policy and debate from within. In the past, Indigenous peoples had kept away from political representation.

*“Indigenous peoples are not so much seeking full inclusion in so-called common institutions, which would mean a loss of their identity and independence, but rather recognition of their existence and rights as equal partners with the federal government and the provinces.” (Rodon, pp. 122–123) [Translation]*



## Part II

# The Federal Government's Role in Redefining the Relationship with Indigenous Peoples

The creation of the Canadian federal state (1867) contributed to the subjugation of Indigenous peoples, as they were not recognized as subjects with constitutional rights, but as objects of law. And as “**objects of law**,” it was decided that they would fall under the responsibility of the federal government and a designated department.

## Departments responsible for First Nations

- Previously, a single federal department dealt with matters relating to Indigenous peoples, Indigenous and Northern Affairs Canada (INAC).

Prior to 2015, it was named Aboriginal Affairs and Northern Development Canada (AANDC).

Other previous names include Indian and Northern Affairs Canada (INAC) and Aboriginal Affairs and Northern Development Canada (AANDC).

- Since 2017, INAC has been split into two departments: Crown-Indigenous Relations and Indigenous Services.
- This split was presented by Justin Trudeau's government as “intended to abolish the colonial relationship between Canada and Indigenous peoples,” (Rodon, p. 6) [Translation], thereby implementing, 21 years later, one of the recommendations of the Royal Commission on Aboriginal Peoples.

With respect to reserves, INAC is a “total institution” with a virtual monopoly on the delivery of services to its clientele, Indigenous peoples living on reserves, who in the final analysis are practically captives.

INAC administers programs for Indigenous peoples and can exercise control by placing a band council in trusteeship or by disallowing any by-law passed by a council.

A **significant democratic deficit** is apparent,

especially since the **department's actions are not judged by those who are receiving the services.**

### INAC has implicit aims:

- These aims, such as the pursuit of cost effectiveness and control over Indigenous peoples, do not necessarily align with Indigenous peoples' interests.
- These implicit aims may explain many of INAC's choices.

## The role of the provinces

Although Canadian provinces do not have constitutional jurisdiction over Indigenous peoples, all provinces have a body responsible for relations with them.

In addition, the provinces spend heavily on land claims negotiations and Indigenous economic development.

- The amount of spending varies greatly from province to province, chiefly as a function of the number of claims a province must contend with.
- The province with the most Indigenous residents and the highest spending is Ontario, followed by British Columbia.



## Part III

# The Status of Indigenous Peoples in Canada

## Legal status of Indigenous peoples

- It is widely held that the legal status of Indigenous peoples is one of wardship; they are therefore considered minors under the law and are subject to the legislative authority of the Parliament of Canada.

How, in 2021, can Indigenous people be wards of the state, so different in status from all other Canadians? **The answer is the Indian Act.**

## The Indian Act

It is the Indian Act that formalized the post-federation relationship between Indigenous peoples and the state.

***"It established the federal government's wardship of Indian individuals and communities, and completely ignored the alliances and treaties made before 1867." (Rodon, p. 40)***

***[Translation]***

### What changed under the Indian Act :

- Determined the status of First Nations people and their children, as well as their tax regime
- Established an official register
- Regulated marriage
- Regulated inheritances
- Determined the status of reserve lands
- Replaced Indian "tribe" or "nation" with "band"
- Determined the powers of their governments, i.e. band councils

### The Indian Act becomes more repressive:

- Traditional Indigenous political structures were eliminated and replaced by band councils.
- Direct management by an Indian Agent with full powers over the reserve and Indians living there was established (1876).

- A pass system to limit the mobility of Indians, who needed the Agent's permission to leave the reserve, was established (1885).
- Religious and ceremonial activities were prohibited (1884); attempts were made to limit social and political gatherings. This prohibition was repealed in 1951, under pressure from Calgary Stampede organizers, who wanted to have traditional Indigenous performances.
- Raising funds to make claims and retaining legal counsel was prohibited (1927). The goal was to prevent Indigenous peoples from having their rights recognized by Canadian courts.

### Amendments to the Indian Act:

- 1951: The most repressive provisions were repealed, such as the prohibition on hiring legal counsel and suing the Crown.
- 1960: First Nations people are granted the right to vote.
- 1985: A second wave of amendments occurs **after the United Nations Commission on Human Rights condemned Canada**. Some clauses discriminating against Indian women were removed, including the loss of status for women who marry non-Indian men.

### Why not just repeal the Indian Act?

- Pierre Elliott Trudeau made that very proposal in his 1969 White Paper (see below).
- Some believe that repealing the Act would be



progressive policy, but under the 1969 proposal, the federal government would give up its exclusive jurisdiction over First Nations and thus its financial responsibility too.

- Simply repealing the Indian Act (without replacing it with something else) would therefore have allowed the assimilation of Indigenous peoples since the law would no longer recognize First Nations land or culture.
- Thierry Rodon pointed out this important fact: "It should be noted that assimilation was in fact the goal of all Indian policies since Confederation. This proposal was simply a different method to achieve the same result: **instead of assimilating Indigenous peoples by placing them in reserves, they would be assimilated by abolishing reserves.**" (Rodon, p.55) [Translation]

Without a pre-existing agreement between First Nations and the federal and provincial governments, the Indian Act cannot be repealed.

### P. E. Trudeau's White Paper

- In 1969, Pierre Trudeau proposed eliminating the difference between peoples in his Statement of the Government of Canada on Indian Policy (White Paper).
- Trudeau was attempting to address the social inequalities between Indigenous peoples and other Canadians.
- By eliminating the distinctiveness of Indigenous nations, the White Paper aimed to make Indigenous peoples "equal" to other Canadians.
- However, the White Paper proposed repealing both the Indian Act and Indigenous treaties and thus eliminating Indian status.
- This attempt to obliterate historical legal documents relating to Indigenous peoples met with widespread criticism. The White Paper was withdrawn amid the backlash.
- Many Indigenous people believed that, instead of dealing with the many issues raised in previous consultations, the government was attempting to absolve itself of its historical responsibilities to Indigenous peoples.
- Even though it was never implemented, the Trudeau government's Statement of the Government of Canada on Indian Policy sparked much debate on federalism in Canada and on the very notion of Canadian citizenship.
- **The discontent of Indigenous peoples sparked a wave of activism and lawsuits that would spill into the following decades.**
- In response to the White Paper, Harold Cardinal, a Cree Chief from the Indian Association of Alberta, wrote Citizens Plus, a "Red Paper" to remind the government of the promises made to Indigenous peoples in the Royal Proclamation of 1763. The document was a vigorous defence of the rights of Indigenous peoples to self-determination, public services, lands, etc.
- Another major response to the White Paper came from British Columbia, where 140 bands came together to create the Union of British Columbia Indian Chiefs. This new organization rejected the White Paper and wrote the "Brown Paper," which aimed to protect Indigenous treaty rights and the legal relationship of Indigenous peoples with the Canadian government and promote self-determination.
- White Paper activism sprung up here and there across the country and became known as "Red Power."



## Indigenous peoples' different socio-economic status in Canada (Statistics Canada, 2016)

- ▶ Indigenous populations are young; the median age is 10 years younger than that of the non-Indigenous population.
- ▶ The socio-economic status of the Indigenous population varies.
- ▶ **Economic insecurity** is especially high among those living in remote reserves: living and sanitary conditions are poor, especially in terms of housing, drinking water and child and family services.
- ▶ Per capita incomes for Indigenous individuals are much lower than for the rest of the population, while their unemployment rate is higher.
- ▶ **Indigenous individuals are over-represented in the prison system**: in 2015-2016, they accounted for 26% of admissions to provincial or territorial custody while representing only about 3% of the population. This rate swells to 38% for Indigenous women.

### Why do these discrepancies persist in 2021?

- ▶ These problems have been repeatedly highlighted and condemned.
- ▶ According to Thierry Rodon, "there is a sizeable gap between the socio-economic conditions of Indigenous populations and those of the rest of Canadians." [Translation] Rodon ascribes this gap to systemic discrimination.
- ▶ The Liberal government of Justin Trudeau has now recognized the existence of systemic racism.
- ▶ Systemic inequalities based on ethnicity persist to this day, despite the Canadian state's liberal principles of equality and social justice.
- ▶ Since the 1960s, the federal government has made significant public investments and set up many government programs to narrow those gaps, all to no avail; "this is indicative of a failure of Indigenous policy in this area, and above all, **it shows that a model based solely on playing socio-economic catch-up does not work.**" (Rodon, p. 23) [Translation]



## Part IV

# Canada's Indigenous Policies

The very notion of Indigenous policy is problematic, because it implies a democratic government implementing policies that target only a portion of the population based on ethnicity. This is at odds with the basic principles of democracy and of a supposedly liberal state, namely, equality and universality.

- ▶ In Canada, Indigenous peoples are subject to distinct policies: for example, unlike all other citizens, First Nations peoples are under the sole jurisdiction of the federal government, governed by the Indian Act.

A number of authors argue that Canada's Indigenous policies have always had two objectives: **assimilation and opening up lands.**

## Objective I: Assimilation

### Indian residential schools (main policy of Indigenous assimilation)

- ▶ One of the main elements of Canada's policy of assimilation of Indigenous peoples
- ▶ Created by the federal government, administered by churches

**OBJECTIVE** : to make Indigenous children good Canadian citizens who speak English or French and to "kill the Indian in the child" (an expression of the time).

- ▶ The schools started in New France and became common in the 19th century, but mandatory in 1920 for all children aged 7 to 15.
- ▶ The last residential school closed in 1996.

### **IMPACT** :

- ▶ The toll on the children, who would often be kept away from their families for months or even years, was immeasurably damaging to Indigenous peoples.
- ▶ In 2015, the Truth and Reconciliation Commission and Supreme Court Chief Justice Beverley McLachlin **termed Canadian Indigenous residential schools cultural genocide.**
- ▶ The main repercussions of these schools were loss of cultural connection, loss of parenting skills, and physical and sexual abuse.
- ▶ Together, these effects are referred to as "**residential school syndrome**," affecting not only the children, but also the families from whom the children were forcibly removed.



## Reserves

As regards the goal of assimilation, reserves are a major paradox: "As we have seen, one of the objectives was clearly to civilize the Indians in order to make Canadian citizens out of them." (Rodon, p. 45) [Translation]

To achieve **the goal of assimilation**, Canadian policy moved Indigenous people to reserves. However, **keeping them isolated on reserves had the exact opposite effect and has helped preserve their Indigenous identity**. The Canadian federal government's assimilation policies have therefore not had the intended outcome and can be seen as failures from the government's perspective.

***"Most Canadians believe that the reserve system is anachronistic and should be abandoned. Many people also accuse the federal authorities of having deliberately kept Indians in a state of dependence, which had pernicious economic and social effects."***

*[Translation]*

*(Morin, p.69)*

## Objective II : Expansion

### Land policies

One of the major issues and main sources of conflict is **control over ancestral lands**. This is because placing Indigenous peoples on reserves limited their access to land and Canadian reserves are very small: the total area of all Canadian reserves is less than that of the United States' Navajo reservation alone.

### Different conceptions of land

Among Indigenous peoples, land is often seen as an entity that does not belong to humans; rather, humans belong to the land. They often had no firm conception of land borders, probably because many groups were semi-nomadic, travelling as hunting seasons dictated.

The idea of a piece of land being the private property of an individual is therefore not shared by most Indigenous people, to whom it does not even make sense.

"Indigenous peoples, on the other hand, lay claim to being stewards who protect the land for future generations." [Translation]

However, in land negotiations, it is the Western conception of private ownership of land that dominates.

### Comprehensive land claims

From the 17th century until the 1970s, it was wrongly assumed that Indigenous peoples had no special or treaty rights to Canadian lands.

The 1969 White Paper states the following: "Aboriginal claims... are so general and undefined it is not realistic to think of them as specific claims capable of remedy except through a policy and program that will end injustice to Indians as members of the Canadian community." (INAC, 1969, p. 12, in Rodon, p. 152)

This view was completely overturned by the Calder decision (1973), which stated that the treaty rights of Indigenous peoples still exist and were never extinguished and that the Crown must negotiate the surrender of all Indigenous lands for which it did not sign a treaty.



## The Comprehensive Land Claims Policy

- Established in 1987
- For negotiation to take place, the claim must be accepted by the federal government.
- **If the claim is accepted, it is funded by negotiation loans that have to be repaid from compensation funds. In some cases, they account for more than 50% of compensation.**
- The negotiations are a multistage process, and once an agreement in principle has been signed, there are many steps involved in having the agreement approved. **A number of negotiations have been underway since 1979, but have still not concluded in 2020.** So, it can take 10 to 30 years to reach a final agreement.
- Since the 1982 repatriation, section 35 of the Constitution Act recognizes and protects treaty rights, preventing them from being extinguished.
- Between 1973 and 2016, the federal government signed 27 comprehensive claims agreements.
- In September 2016, there were 93 active comprehensive land claims and self-government negotiation tables.
- However, Indigenous people have harshly criticized this process **because the federal government plays a dual role as judge and party**: it determines whether claims are accepted and selects the groups with which it will negotiate.
- Negotiation funding is also a very important issue. The sluggish pace of negotiations imposes significant costs on Indigenous peoples.

## Objective III: Integration

### Band councils

- Band councils were created from whole cloth by the federal government.
- They are often compared to a “super” municipal model (all the jurisdiction of a municipality, plus education, social services and, for some large communities, police services).
- Band councils’ powers are much broader than those of a municipality, but there are numerous checks on those powers.
- Band councils’ powers can be exercised only over community members who reside within the boundaries of the reserve.
- By-laws adopted by the band council must be consistent with existing federal and provincial legislation.
- The minister responsible for INAC can disallow any by-law passed by a band council within 40 days.
- The minister may also put a band council under third-party financial management; however, since the 1960s, INAC has used these powers very rarely and tried to stay out of band councils’ internal affairs.
- Band councils are elected by the members of the reserve.
- Their revenues come from the federal government.
- Bill C-27, the First Nations Financial Transparency Act (2011) requires First Nations governments to publish their audited consolidated financial statements and schedules of remuneration and expenses online. Although the objective of transparency is laudable, having it imposed by the colonizer meant that it was not perceived as a step toward Indigenous self-determination. Given that band councils were already disclosing financial information voluntarily or on request, this bill sparked

<sup>1</sup>“Section 35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”





mass opposition and even triggered the “Idle No More” movement.

- Justin Trudeau stopped enforcing the requirements of this Act in December 2015.

***“Indigenous peoples in Canada experience what is known as internal colonialism. This concept originated in the 1970s and means that a colonial country such as Canada, despite having obtained independence from its mother country, has “maintained a colonial relationship with the original inhabitants of the land”***

*[Translation] (Rodon, p. 7)*

### Self-government policy

What is the rationale for the self-government policy? Its goal is to address the desire of Canada’s Indigenous peoples for self-determination

- The context is the process of decolonization that began after the creation of the UN.
- However, decolonization as defined by the UN did not affect the Indigenous peoples of the North, who were instead subjected to internal colonialism and therefore had the right to internal self-determination.

***“From the Indigenous perspective, the plight of Indigenous peoples has not really changed with the shift of power from London to Ottawa in the 20th century; the relationship continues to be seen as one of domination from the outside.”*** *[Translation] (Rodon, p. 7)*

***“The issue of self-government must be understood in this context as the desire of Indigenous communities to regain control over their lives and their territory by escaping the colonial logic in which they are trapped.”*** *[Translation] (Rodon, p. 171)*

### CHARACTERISTICS:

- The latest Indigenous policy (adopted in 1995).
- The right to self-government was suggested or recognized a number of times: during the constitutional conferences from 1983 to 1987, recommended in the Penner Report (1983) and recognized explicitly in the Charlottetown Accord (1992). Then the Royal Commission showed that self-government was part of Indigenous peoples’ treaty rights.
- Once this right was demonstrated and recognized, it had to be implemented, taking the form of the federal self-government policy.
- The policy is based on the recognition of the inherent right of Indigenous peoples to self-government, the Charter of Rights and Freedoms and the form of self-government negotiated in treaties, following an approach that varies with the situation.
- Indigenous governments therefore do not have constitutional recognition.
- Justin Trudeau claimed prior to being elected that self-government was a very important component of Canada’s reconciliation policy.



## Integrate and protect Indigenous values and culture

The pursuit of self-government for Indigenous peoples must be about more than simply extending political rights and opportunities to participate in decision-making.

More importantly, it must serve to create a space in which distinct Indigenous societies can survive. If these new mechanisms for self-determination of Indigenous peoples are to meet this goal, they will need to reflect and embody the values and traditions of the Indigenous culture they are intended to serve. (Coyle in Otis and Papillon, p. 142)

### How can we ensure that these new institutions reflect Indigenous values, principles and traditions?

- There is a great risk of recreating institutions that mirror the dominant institutions instead.
- When new political institutions are created, they are often modelled on those of the dominant culture. In the case of Canada, the new Indigenous political structures are being integrated into the existing Euro-Canadian political and legal structures.
- This desire for consistency with the dominant culture inevitably taints the negotiations and adds pressure on Indigenous peoples.
- Moreover, the very way negotiations are conducted takes little account of cultural differences: "The existing federal policy framework that guides governance negotiations neither acknowledges nor addresses either of these risks that Indigenous values will be marginalized by the very process that promises to establish new Indigenous orders of government." (Coyle in Otis and Papillon, p. 142.)

## Criticisms of the Government of Canada's self-government policy

*"If the recognition of Indigenous identities and cultures appears central to the project of developing distinct institutions of Indigenous governance and appropriate linkages to Euro-Canadian governance structures, such considerations are dealt with problematically in Canada's current policy on Aboriginal governance."*  
(Coyle in Otis and Papillon, p. 147.)

One of the main problems seems to be the lack of consideration for the importance of preserving Indigenous culture.

Culture is considered just another subject, not the prime concern.

However, it has already been documented that, in intercultural negotiations, there is a great risk that the values of the dominant group will crowd out the others.



**Part V****Present-Day Indigenous-Government Relations, or the Search for a New Relationship**

In the early 1950s, Indigenous policies were liberalized because all previous ones had failed.

At the time, Indigenous people did not have the right to vote, hire legal counsel or sue the federal government, even though they had fought in both world wars and been conscripted.

The African-American civil rights movement would inspire American Indians.

**The search for a new relationship**

From that era on, three approaches have been taken: assimilation, integration and distinction.

**Assimilation:** Indigenous peoples should blend into the general population and give up their status. This proposal was made in Pierre Elliott Trudeau's 1969 White Paper and by Tom Flanagan, adviser to Stephen Harper (2002).

**Integration:** The focus is integration, but with recognition and acceptance of the need to protect Indigenous distinction. This approach implies a "Citizen Plus" status for Indigenous people.

**Distinction:** This is a nation-to-nation relationship referred to as "institutional parallelism." In this approach, there would be two political, legal and cultural realities that share the same territory, Canada. This route, recommended by the Royal Commission on Aboriginal Peoples, would, however, require a distinct and autonomous order of government.

**Contemporary Indigenous claims****RECOGNITION OF TREATY AND LAND RIGHTS: AT THE ROOT OF INDIGENOUS STRUGGLES****Calder decision**

The Supreme Court recognized that Indigenous peoples' treaty rights exist and have not been extinguished. The government still has a duty to negotiate treaties with Indigenous peoples before it can use their land.

Calder was a watershed decision in that it recognized that Indigenous peoples have land rights and that the federal government cannot extinguish these rights by simply legislating them away.



## REDEFINING INDIGENOUS-GOVERNMENT RELATIONS IN CANADA THROUGH THE CONSTITUTION

### Repatriation of the Constitution (1982)

- The rights of Canada's Indigenous peoples were explicitly recognized in section 35 of the Constitution Act, 1982.
- This recognition almost never happened, as the Western premiers had asked that any reference to the rights of Indigenous peoples be removed from the Constitution.
- The federal government restored the section on Indigenous rights to the Constitution after an outcry from Indigenous peoples and the British.
- Section 35 of the Constitution Act, 1982, laid the foundation for a new relationship.

### The Charlottetown Accord (1992)

This accord followed the failure of the Meech Lake Accord in 1987.

A much more inclusive process was developed as a result. Measures for Indigenous peoples included the inherent right of self-government within Canada, recognition of Indigenous governments as a third order of government and guaranteed representation in the Senate.

This accord, which many people saw as very balanced, had the support of many Aboriginal organizations.

The decision was made to hold a nationwide referendum, and the accord was rejected.

### Royal Commission on Aboriginal Peoples (RCAP) (1992–1996)

The constitutional setbacks of the 1980s and early 1990s created tensions that led to the Oka Crisis of 1990. The government responded by creating the Royal Commission.

The mandate of this commission was to investigate the evolving relationship between Aboriginal peoples, the Canadian government and Canadian society as a whole.

The commission was also required to propose solutions.

This was the most ambitious research program on Indigenous peoples ever conducted.

The five-volume report contained 440 recommendations.

They included the following:

- Create 60 to 70 self-governing Indigenous governments.
- Create an Indigenous Parliament as well as a House of First Peoples that, along with the House of Commons and the Senate, would make up the Parliament of Canada.
- Create an Aboriginal lands tribunal.
- Redistribute lands and resources more fairly.

**For the most part, the commission's recommendations fell on deaf ears.<sup>2</sup>**

### Political management of the Liberal government (1993–2006)

**Jean Chrétien shelved the RCAP report**, but he did announce an unambitious program to meet selected RCAP recommendations.

- For example, Chrétien adopted an Aboriginal self-government policy in 1995, giving limited recognition of the inherent right of self-government.
- In 1998, Chrétien put forward the Gathering Strength action plan in response to the RCAP. For all intents and purposes, this action plan was a rejection of the RCAP recommendations.
- Chrétien undertook a modernization of the Indian Act to make band councils more transparent and accountable. But in the face of resistance from First Nations, the bill was

<sup>2</sup> Read more on the RCAP in Chapter 3



scrapped.

- In 1996, during a period of fiscal restraint, Chrétien imposed a 2% cap on annual increases to Indigenous peoples' budgets, which led to chronic underfunding of health, education, housing and infrastructure.
- The Kelowna Accord: Paul Martin took the same path as Chrétien, except for his willingness to reinvest heavily in Indigenous services through the Kelowna Accord. This was a news release following a meeting between Canadian premiers and Indigenous organizations.
- The Kelowna Accord was never implemented, as Martin's government was defeated in the 2006 election.

### Conservative government (2006–2015)

Stephen Harper made his mark by acknowledging and redressing wrongs done to Indigenous people, particularly those in residential schools.

- While class actions were before the courts, Harper chose the compensation option, and his government approved the Indian Residential Schools Settlement Agreement on May 10, 2006.
- This was a legal approach providing for individual compensation and requiring the release of all other claims, but it did not recognize the collective trauma of past institutional policies.
- The Harper government did, however, set up the Truth and Reconciliation Commission in 2008 to document the allegations of former residents and inform Canadians of them.
- The commission's final report of 2015 concluded that Indian residential schools were a tool of cultural genocide; this conclusion was rejected by the Conservative government, which preferred to speak of forced assimilation.
- In early 2008, when the commission's work was just beginning, **Harper apologized on behalf of the Canadian government** to former residential school students. More than a symbolic event, **it was the first time that Canada officially acknowledged that it had been at fault.**
- Although Canada initially refused to sign the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, **it finally did so in 2010 at the same time as all the other countries with a similar history** (Australia, New Zealand and the United States), realizing that it would be very isolated if it did not. UNDRIP was endorsed as aspirational in 2010 by Prime minister Harper then was officially adopted with a promise to implement it in 2016 under Prime minister Justin Trudeau.
- In 2012, the omnibus Bill C-45, the Jobs and Growth Act, changed how reserve lands are used. Under this Act, **only the band council can agree to surrender land, whereas previously a community referendum was required.** The bill therefore weakened the democratic process on reserves. This bill triggered the Idle No More movement.
- The First Nations Financial Transparency Act of 2013 requires First Nations to make public their financial statements, elected officials' remuneration, their expenses, etc.
- Despite setting up a compensation program, the Harper government **failed to renew the relationship between the Canadian government and First Nations.** In fact, Harper's government appeared to want to place new controls on Indigenous peoples.
- The government's reluctance to set up a public inquiry into missing Indigenous women created bitterness.



**Government of Justin Trudeau (2015–present):**

As soon as he was elected, Trudeau brought in an ambitious agenda regarding Indigenous peoples, including rebuilding their relationship with the federal government, providing new funding for infrastructure and services, and making reconciliation with Indigenous peoples a core policy.

- ▶ Establishing the National Inquiry into Missing and Murdered Indigenous Women and Girls was one of the Trudeau government's first actions in 2016.
- ▶ Canada announced its intention to implement UNDRIP and the calls to action of the Truth and Reconciliation Commission.
- ▶ A policy statement defining 10 principles to guide government action in relations with Indigenous peoples was released in July 2017. It stipulates that government action must be based on the inherent rights of Indigenous peoples and on the principles set out in UNDRIP, including the principle that Indigenous peoples must give free, prior and informed consent to government measures that may affect the exercise of their rights.
- ▶ He provided new funding for Indigenous Services (\$21 billion over eight years).
- ▶ But he brought in a very ambitious Indigenous agenda, making many promises.
- ▶ Trudeau's outstretched hand to Indigenous peoples has inspired much hope, but he has sometimes found it difficult to give reconciliation priority.

*So far, "all efforts to redefine the relationship, whether it be through the Constitution or the creation of a Royal Commission have ended in failure. There have been 35 years of failed attempts to redefine the relationship between Canada and Indigenous peoples." [Translation] (Rodon, p. 84)*



**2**

# **The Supreme Court of Canada and Aboriginal Rights**

## Background

Throughout history and different eras and right across the political spectrum, it is clear that the place and political treatment of Canada's Indigenous peoples have sometimes evolved in a way that has placed them at a disadvantage.

Canada has not always fulfilled its **fiduciary role** in the best way possible, in terms of protecting the cultural, economic and territorial interests of Indigenous peoples.

During the 20th and 21st centuries, **the Supreme Court of Canada reminded Canada's federal government of the importance of its fiduciary role towards Canada's Indigenous peoples.** It even provided the government with a kind of guidance manual, and it was through this court's rulings that Indigenous peoples recovered and regained some of their rights. Ultimately, **the Supreme Court has been one of the staunchest allies of Canada's Indigenous peoples.**

Indeed, many Supreme Court decisions rendered during the last few decades of the 20th and early 21st century have resulted in restructuring the federal government's approach to managing Indigenous issues and negotiating with the various groups. Given its fiduciary role, the federal government should always have had the best interest of Indigenous peoples at heart, but an analysis of the historical facts instead appears to demonstrate that it is Canada's highest court that forced the government to adopt this position.

Indeed, governments [translation] "ended up ignoring and even forgetting the commitments that the British had made to the Indians when they took control of the territory, in 1760, after the capitulation of New France." (Morin, p. 244)

This was demonstrated by several Supreme Court rulings:

The judgments that restored Aboriginal rights

➤ *Van Der Peet, Adams et Côté (1996)*

The judgment that restored Aboriginal title

➤ *Delgamuukw (1997)*

The judgment that restored peace treaties

➤ *Sioui en 1990*

The Court granted status to Aboriginal rights by requiring governments to take these rights into consideration when measures are likely to affect them.

➤ *Sparrow (1990)*

The Court was quite far-reaching in requiring governments to consult Indigenous peoples, even when their rights had yet to be legally proven

➤ *Taku River et Nation Haida (2004)*

The Court clarified federal jurisdiction over Indigenous peoples (dating back to 1867) in specifying that this jurisdiction also included responsibility for the Inuit and Métis peoples

➤ *Eskimos (1939)*

➤ *Daniels (2016)*

The Court also ruled that the Métis people did not exist solely in Western Canada, but may exist right across Canada

➤ *Affaire Powley (2003)*





# WHO ARE THE INDIANS OF CANADA UNDER THE CONSTITUTION PER *ESKIMO*?

*(now Inuit)*

## **When**

1939

## **Who**

The provincial government of Quebec versus the federal government

## **What**

The government of Quebec wanted to know whether Inuit living in Northern Quebec were under its jurisdiction or instead under federal jurisdiction per section 91.24 of the Constitution. Quebec argued that Inuit fell under federal jurisdiction and Ottawa argued the reverse.

## **Decision**

In 1939, the Court responded that the word "Indians" in the constitution of 1867 included "Eskimo."



# THE RESURRECTION OF ABORIGINAL RIGHTS AND *CALDER* OR THE STARTING POINT FOR THE ASSUMPTION OF POWER BY INDIGENOUS PEOPLES THROUGH THE SUPREME COURT OF CANADA

## When

1973

## Who

The Nishga Indians of British Columbia versus the provincial government of British Columbia.

## What

The Nishgas claimed the right of exclusive occupation of a portion of the territory of the province and that this right had not been extinguished. According to the province, the Nishgas could not possess such a right since the Royal Proclamation did not include British Columbia in the notion of "lands reserved for Indians."

## Impact

In areas where a treaty concerning the surrender of territorial rights had not been concluded, like in Quebec, for example, this had very significant impacts. The quasi-immediate effect of the Calder decision was that many Indigenous groups started to claim their rights in regions that were yet to be included in treaties. This judgment also served as the basis of the Nisga'a treaty signed in 2000 in British Columbia, granting them the right to self-government. **It was the first land claim settlement in this province, which occurred 27 years after the decision rendered in Calder.**

## Decision

Three judges maintained that the existence of Aboriginal rights does not rely on the Royal Proclamation as the source of their rights. The presence of an organized Indigenous group, on a given territory, over a very long period of time, could in itself serve as a source of Aboriginal right. This decision is **recognition of Aboriginal rights to occupy** the lands that they occupy, organized like societies, since the arrival of the European settlers. The Nishgas did not win their case as such, but they highlighted an important principle.



# THE SCOPE OF ABORIGINAL RIGHTS AFTER THE CONSTITUTION OF 1982, *SPARROW* AND THE HONOUR PRINCIPLE

## When

1990

## Who

Sparrow, a member of the Indian Musqueam band in British Columbia, versus the federal government.

## What

Sparrow was charged with fishing with a net that was inconsistent with regulations. He claimed that the regulations did not apply to him because he had been exercising his Aboriginal right to fish and that the fishing net restriction was therefore incompatible with his right.

It is important to remember that section 35 of the Constitution Act, 1982 provides that “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” *Sparrow* is the first case to test section 35 of the new constitution of 1982.

This case answered the following question: Does the constitutional protection of Aboriginal and treaty rights shield Indigenous people from federal and provincial laws?

## Decision

The Court does not offer a clear-cut position on this issue, but takes a halfway position whereby section 35 would offer Aboriginal rights relative protection from laws. This means that when laws are adopted, Aboriginal rights should be taken into consideration and the laws should not affect

such rights in an unjustified or unreasonable manner. The Court made it clear that Parliament must provide specific and comprehensive justifications.

Ultimately, Ronald Edward Sparrow was cleared of the charges by the Supreme Court and his Aboriginal right to fish was affirmed.

## Impact

“The Court relied on a guiding principle to assess the conduct of the federal government, which **should have a fiduciary relationship with Indigenous peoples (act in their best interest)**. This means that it must act appropriately in the context of its historical relationship with Indigenous peoples. ... Sparrow adds that the government must act honourably and reasonably towards First Nations.” (Morin, pp. 147-148) [Translation]

The Court thereby established **the honour principle** that would guide its future decisions. This principle goes much further than the fiduciary principle and is more inclusive.

After this case, the Supreme Court also established a set of criteria, known as the “Sparrow test,” in order to facilitate interpretation of section 35.

*Sparrow* was considered **a major victory for Aboriginal rights in Canada**. The judgment confirmed the federal government’s fiduciary duty, affirmed the new protections offered in the Constitution of 1982 and even offered the Crown a guidance manual.



# ABORIGINAL RIGHTS, CONSULTATION OF INDIGENOUS PEOPLES AND *HAIDA NATION*

## When

2004

## Who

Haida Nation versus the provincial government of British Columbia.

## What

For over 100 years, this First Nation claimed Aboriginal rights to the lands and surrounding water of the Haida Gwaii islands. British Columbia issued a concession for a tree farm to a major company without consulting them and despite their opposition, and therefore the Haida Nation decided to mount a challenge.

## Decision

The Court ruled that **Indigenous peoples must be consulted and that accommodations must be offered if Aboriginal rights are affected**, even if these rights are yet to be proven.

“As soon as their claims of Aboriginal rights appear to have merit, governments must consult and accommodate them, **otherwise the development project could be stopped.**” [Translation] (Morin, p. 184)

The Court noted that there must be an intention to actually consider the concerns of Indigenous peoples and that deceptive practices are prohibited.

## Impact

After this decision, the federal and provincial governments were forced to modify their approach; some had to amend legislation and **virtually all of them had to change their Indigenous consultation and accommodation processes.** The impact of this decision even extended to the business world and to companies considering or interested in development initiatives on the territory.



# INCLUSION IN THE CONSTITUTION AT SECTION 91 (24) AND *DANIELS*

## When

2016

## Who

Harry Daniels, a Métis from Saskatchewan, Head of the Native Council of Canada versus the federal government.

## What

“The Daniels case was about obtaining a declaration stating **that Métis and non-status Indians be recognized as Indians under section 91(24) of the Constitution Act, 1982**. Plaintiffs asked the Court to declare that the Queen owes a fiduciary duty to them, and that they have the right to be consulted by the Federal Government on a collective basis, as a show of respect for their rights, interests, and needs as Indigenous People.” [Translation] (The Congress of Aboriginal Peoples, 2021)

## Why

Métis and non-status Indians were placed in a situation of legal uncertainty, caught in the middle of a dispute between the federal and provincial governments over who held legal responsibility for their interests. **This jurisdictional argument led to neither level of government taking responsibility, leading to the needs and interests**

**of Métis and non-status Indians being ignored for many years.**

## Decision

The decision rendered in Daniels defined the level of government responsible for Métis and non-status Indians – the **federal government**.

## Impact

According to the Congress of Aboriginal Peoples: “The greatest opportunity for change in the history of Métis and Non-Status Indians is right in front of us. This means that **for the first time in Métis and Non-Status Indian history, there is someone accountable for handling programs and services**, land claims, self-governance discussions, and the recognition of Métis and Non-Status Indian rights.” [Translation]

For them, the impact is huge; in this decision, they see the end to an eternal game of hide and seek involving the levels of government. The decision rendered in Daniels finally identifies the point of contact for Métis and non-status Indians and that is a major step forward for these groups.



**3**

**The Role of  
Commissions of Inquiry  
in Understanding  
Indigenous Issues in  
Canada**

**From Confederation in 1867 until 1996, when the report of the last royal commission on Indian affairs was published, no fewer than 45 inquiries took place.** (*Lavoie, p.5*)

## Background

In the 1960s and 1970s, several attempts were made to redefine the relationship between Indigenous peoples and the federal government (e.g., right to vote granted to First Nations, the White Paper and the Calder case). In the 1980s and 1990s, a new attempt was made to redefine this relationship, by amending the Constitution. With the patriation of the Constitution in 1982, the rights of Indigenous peoples were recognized in section 35, cited above.

The **constitutional conferences** that were held in the years following patriation did not yield any concrete results. **No agreement was reached on ancestral rights** (it would be the Supreme Court that ruled on this matter years later) or political self-determination.

The primary purpose of **the Meech Lake Accord in 1987** was to reintegrate Quebec in the Canadian Constitution. According to Thierry Rodon, Indigenous leaders had major issues with the Accord, as it not only made no reference to Indigenous peoples, but also had provisions that would make it more difficult for territories to become provinces, a problem for Inuit and Indigenous people in the Northwest Territories. (Rodon, p. 62). The dissension of one Indigenous MLA in Manitoba led to that province not approving the Accord, followed by Newfoundland and Labrador.

The Charlottetown Accord of 1992 attempted to address the difficulty of including Quebec in the

Constitution, but without neglecting Indigenous peoples, as the Meech Lake Accord had done. The Charlottetown Accord included a number of measures for Indigenous peoples, such as:

- The inherent right to self-government within Canada, which would come into effect after five years;
- The recognition of Indigenous governments as a third order of government;
- The definition of self-government as it relates to the land, environment, language and culture;
- Guaranteed Indigenous representation in the Senate and a study on representation in the House of Commons;
- A study on the role of Indigenous peoples in the appointment of Supreme Court justices.

A Canada-wide referendum was held on the Charlottetown Accord, and the referendum campaign quickly revealed divisions within Canada. In the end, 54.8% of the vote opposed the Accord.

**After the failure of constitutional negotiations, relationships became more strained, and conflict broke out in the summer of 1990**, when a dispute involving the construction of a golf course over a Mohawk cemetery in Oka, Quebec, degenerated into an armed conflict.



## 1 Royal Commission on Aboriginal Peoples (RCAP)

### When

1991 to 1996

### What

This Commission was established in the wake of the rejection of the Meech Lake Accord and the Oka crisis in Quebec. Brian Mulroney developed the Commission's mandate.

### Mandate

To study the evolution of the relationship between Indigenous peoples, the government of Canada and Canadian society as a whole. It is the most thorough inquiry into the Aboriginal issue in Canada.

### Report and recommendations

The Commission's report, published in 5 volumes, included 440 recommendations. Most were never fully implemented.

The RCAP issued recommendations to allow the Aboriginal peoples to become partners in Canadian life by recognizing, among other things, **their inherent right to self-government** and by proposing a 20-year plan to reduce disparities between the living conditions of Aboriginal and non-Aboriginal Canadians.

The **idea of reconciliation also represents one of the cornerstones** of the renewal of the relationship between Aboriginal and non-Aboriginal peoples proposed by the Commission.

**Although its recommendations were not, for the most part, implemented, it is clear that the RCAP had an effect: "In the end, a commission of inquiry determines nothing, but it can have significant effects on public philosophy, perceptions, future legislation and, ultimately, individual and collective rights."** [Translation] (*Lavoie, p.5*)

**Specialists in public policy (Graham, Dittburner and Abele) state that "one of the main roles of the royal commissions of Canada is to modify the public's understanding of major national issues."** [Translation] (*Lavoie, p.5*)





## Impact on Supreme Court decisions:

“Comparing the findings of the Report on Aboriginal Rights and Supreme Court decisions, it is indisputable that the Report did not have a substantial influence on judicial thinking on the issue of Aboriginal rights. This may be explained in part by the fact that the majority of landmark decisions on the issue of Aboriginal rights were rendered before or at the same time as its publication, with the exception of *Delgamuukw*.” [Translation] (*Boivin et Morin*, p.30)

**In the 10 years following publication of the RCAP, 13 Supreme Court decisions referred to the Commission's report, be it to refer to data on the status of Canada's Indigenous peoples, to cite historical information or to define the criteria for membership in Métis communities. That being said, reference to the RCAP remained limited.**

## The federal government's response:

### *Gathering Strength*

***“The federal government gave itself eighteen months to respond to the Commission's report, a response that was ultimately quite timid.”*** [Translation] (*Savard*, p.57)

The report, *Gathering Strength*, was intended as a response to one of the RCAP's main recommendations: to renew the relationship between the Aboriginal peoples and the federal government.

***“But the statements of principle and action plan never translated into concrete action. In reality, the actions that the federal government proposed to undertake in *Gathering Strength* were part of a collection of existing projects and initiatives (Forest 1998). For that reason, the federal response seemed rather weak.”*** [Translation] (*Savard* p.61)

### First Nations Governance Act

One of the first concrete proposals inspired by the RCAP that came out of the federal government was the First Nations Governance Act, tabled in 1999.

This bill was presented as **the first real attempt to rework or update the Indian Act since the Trudeau White Paper.**

The Department of Indian Affairs claimed that the bill would provide the First Nations with greater self-governance.

The First Nations Governance Act **did not receive the reception** that the government was hoping for; many saw the bill as a way of controlling bands' finances rather than real autonomy.

“While the federal government had sought to implement some of the RCAP's recommendations, this first attempt at parallel strategy produced a rather maladroit initiative. [...] while seeking to implement some of the RCAP's recommendations, **the federal government developed a project that was antithetical to its main recommendations.**” [Translation] (*Savard*, p.62)



The bill died on the order paper with the prorogation of the 37th Parliament. Had the bill been adopted, Aboriginal chiefs were considering a number of strategies to challenge it, including before the courts.

*“[Translation] The Chief of the Assembly of First Nations (AFN), Matthew Coon Come, even mentioned civil disobedience as a possible pressure tactic, although it was not a method he endorsed.” (Corriveau, 2002).*

**The great relationship renewal project the Commission recommended would be implemented in a piecemeal fashion and over a period of more than twenty years.**

## The main changes brought about by the RCAP

### Departmental reform

Based on a RCAP recommendation, Indian and Northern Affairs Canada was dissolved in 2019 and two new departments were created – Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada.

The Commission pointed out that self-government would mean that responsibility for the provision of services, such as health and education, would be handled by the Aboriginal peoples and not the Government of Canada.

### Reconstituting Indigenous nations

The RCAP recommended that Indigenous groups start rebuilding as nations. While this recommendation was made in 1996, no progress was made in this area for more than 20 years.

In 2007, the United Nations Declaration on the Rights of Indigenous Peoples included an objective to **support Indigenous groups in their rebuilding efforts.**

The government did not implement this recommendation until 2018, with a budget of \$100 million over five years to support the efforts of Indigenous groups to rebuild their **own governance structures and reconstitute their nations.**

### Conclusion

The full effects of the Commission’s recommendations have been slow to materialize, although there is evidence of progress since the report was tabled.

It is difficult to know just how many of the 440 recommendations the federal government implemented, because when the RCAP Report came out, **no follow-up mechanism was developed to ensure that the work conducted over a five-year period was not all for nothing.** This lack of oversight reveals the lack of political will to ensure that the RCAP recommendations were implemented.



## 2 Truth and Reconciliation Commission

### What

*“The Truth and Reconciliation Commission (TRC) provided those directly or indirectly affected by the legacy of the Indian Residential Schools system with an opportunity to share their stories and experiences.” (TRC)*

The Commission was officially created in 2008 as part of the Indian Residential Schools Settlement Agreement (IRSSA).

The Commission’s final report, *Honouring the Truth, Reconciling for the Future*, details the tragic experiences of some 150,000 students who attended residential schools in Canada.

**Recall that the IRSSA “represents the consensus reached between legal counsel for former students, legal counsel for the Churches, the Assembly of First Nations, other Indigenous organizations and the Government of Canada. The implementation of this historic agreement brings a fair and lasting resolution to the legacy of Indian Residential Schools.” One of the elements of the settlement was the establishment of the TRC.** (*Crown-Indigenous Relations and Northern Affairs Canada*)

### Conclusion of the TRC

The Commission revealed that:

- ▶ many students were sexually assaulted in residential schools;
- ▶ at least 3200 children died from malnutrition or illnesses related to poor living conditions (the true figure would undoubtedly be higher); and
- ▶ the residential school system was cultural genocide.

### Recommendations

The Report issued **94 calls to action** that Prime Minister Justin Trudeau promised to act on.

One of these recommendations was the establishment of the *National Inquiry into Missing and Murdered Aboriginal Women and Girls*, which was launched in December 2015 and wrapped up in June 2019.



**Implementation of recommendations:**

As of May 2021, implementation of the 94 calls to action from the Truth and Reconciliation Commission continues.

According to an analysis from CBC News Beyond 94 (a web site that tracks the implementation of the recommendations):

**Completed actions:**

**No.13** We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal **language rights**.

**No.39** We call upon the federal government to develop a **national plan to collect and publish data on the criminal victimization of Aboriginal people**, including data related to homicide and family violence victimization.

**No.41** We call upon the federal government, in consultation with Aboriginal organizations, to appoint a **public inquiry** into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls.

**No.59** We call upon **church parties to the Settlement Agreement** to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.

**No.83** We call upon the **Canada Council for the Arts to establish, as a funding priority**, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.



**No. 84** We call upon the federal government to restore and increase funding to the CBC/ Radio-Canada, to enable Canada's national public broadcaster **to support reconciliation, and be properly reflective of the diverse cultures**, languages, and perspectives of Aboriginal peoples.

**No.85** We call upon the **Aboriginal Peoples Television Network**, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, **to support reconciliation**.

**No.87** We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, **to provide public education that tells the national story of Aboriginal athletes in history**.

**No.88** We call upon all levels of government to take action **to ensure long-term Aboriginal athlete development and growth**, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.

**No.90** We call upon the federal government to ensure that national **sports policies**, programs, and initiatives **are inclusive of Aboriginal peoples**.

## Synthesis

While some actions are already complete and this inquiry's report does seem to have had a greater impact than the royal commission did at the time, we must still recognize that **the major changes proposed by the TRC have not yet materialized**. The most important action taken to date has been the establishment of the public inquiry into missing and murdered Aboriginal women and girls. The other actions taken are desirable changes but will not have a major impact on their own. We must still wait for future developments to fully gauge the depth of the political will to make the changes that were called for and promised ... yet one more time.



4

**Analysis of the Changing  
Relationship Between  
Indigenous Peoples  
and the Government of  
Canada Based on Federal  
Election Platforms**

## Background

To understand the recurring issues, themes and debates involving Canada's Indigenous peoples, every election platform since 1867 was analyzed for the two parties that have been in power—that is, the Liberal Party of Canada and the Conservative Party of Canada (sometimes the Progressive-Conservative Party of Canada). The appendices at the end of this document provide the breakdown of these election promises by political party, as well as the political action taken over the years.

The analysis revealed that most election promises on Indigenous issues were made over and over, and can be grouped by theme. These themes have not changed over time because these issues have never been resolved: they end up back on the table in the next election, and a new promise is made that the issue will be dealt with.

## Recurring themes

### Equality among citizens

This theme appears for the first time in the Liberal Party of Canada's election platform in **1962**:

*“Through educational and economic opportunity, enable Indians and Eskimos to achieve genuine equality with other Canadians. Voluntarily integration must be achieved without infringement of the special rights guaranteed to Indians.”*

In **1968** by the Conservatives: the Conservative Party recognized that “the Indians, Metis and Eskimos” were disadvantaged relative to other Canadians and proposed a series of measures to address the issue (see Appendix A).

In **1972**, the Liberals once again mentioned equality, but in terms of legal equality under the Citizenship Act. They also talked about the importance of focusing on the problems of the less privileged members of the Métis communities of Canada.

In **1974**, the Conservatives proposed funding a number of projects to improve the living conditions of Indigenous peoples on reserves (including housing) and eliminating the double

standard of justice. (See Appendix A for more details.)

In **1980**, the Conservatives promised to create a system where men, women and Indigenous people were equal partners in society, because it recognized that native people are prevented from pursuing their goals and are kept in a state of onerous dependence on the government.

In **2004**, the Liberal Party promised to secure the place of Indigenous peoples in Canada, by increasing its funding for the human resources development strategy, by increasing funding for housing, etc.

In 2008, the Liberal Party and the Conservative Party promised to make sure that “the gap between Aboriginal Canadians and others disappears” and “Aboriginals have the opportunity to fully participate in Canada's economy and society,” respectively.

*(see Appendix A and B)*



### Reform of the Indian Act

In **1968**, the Liberal Party and the Conservative Party proposed reviewing the Indian Act.

In **1974**, the Conservative Party committed to endorsing the efforts of Indigenous organizations to tackle the task of reviewing the Indian Act to eliminate discriminatory clauses.

In **1979**, the Liberal Party mentioned proposals to amend the Indian Act, on the basis of a policy of continuation, not assimilation.

In **2006**, the Conservative Party promised to replace the Indian Act and related legislation with a modern legislative framework.

### Improving housing quality

In **1972**, the Conservative Party promised to provide improved living conditions for First Nations and Inuit communities, including for housing and health care.

In **1974**, the Conservative Party noted that 80% of First Nations housing was sub-standard (toilets, running water, etc.) and committed to making funding available to address this problem.

In **2004**, the Liberal Party promised to increase its housing assistance, including Aboriginal housing on- and off-reserve.

In **2006**, the Liberal Party said it would create a 10-year action plan covering education, health care, housing and infrastructure. The plan had been agreed to by Indigenous leaders in November 2005. The goal was to close the housing gap on First Nations reserves by 40% within five years.

In **2019**, the Liberal Party promised to address major Indigenous infrastructure needs, which would close the housing gap by 2030.

### Clean water

In **2006**, the Liberal Party promised to continue building clean water facilities.

In **2019**, the Liberal Party again promised access to safe drinking water for all reserves. That same year, the Conservative Party promised to support efforts to end long-term boil-water advisories.

As of February **2021**, there were still 38 Indigenous communities in Canada without access to clean water.

*(see Appendix A and B)*





**5**

# **Conclusion**

## Conclusion

This research shows that the relationship between Canada's first peoples and the federal government has evolved very slowly since 1867. The Indian Act, which has been amended many times previously, prevented Canada's Indigenous peoples from claiming their ancestral rights. The Government of Canada seems to have been reluctant to fulfill its fiduciary role, and it was the Supreme Court that issued rulings in favour of the common good of Indigenous peoples and their land, starting in the 1950s.

In fact, this research demonstrates that the Supreme Court cases, starting with *Calder*, each advanced Indigenous rights. When section 35 was added to the Constitution Act, 1982, the first peoples of Canada had more opportunities to have their rights recognized. The Supreme Court of Canada has perhaps been the staunchest ally of first peoples as regards the recognition of their rights, even reminding the federal government that it must uphold the honour of the Crown in its dealings with Indigenous peoples. Ultimately, it was the Court that had to remind the government of the consideration it should have been showing, throughout the process, in its fiduciary role as regards section 91(24) of the Canadian Constitution. It is important to recognize Indigenous peoples' patience and perseverance in their fight to have their rights affirmed and to reclaim the political independence they had before the Conquest of New France. This period, marked with claims and court actions, was beneficial for Indigenous peoples, but it also highlighted the isolation experienced by many first peoples. The fact that they were scattered on reserves and sometimes even displaced from their traditional lands led some nations to experience utter isolation. That is why the UN and the RCAP recommend giving Indigenous peoples the means (which is what is done elsewhere in the world as well) to gather as nations to break the sense of isolation and create a sense of community and strength in numbers. This matter should continue to be monitored, as the federal government's program for rebuilding Indigenous nations has only just begun.

Analysing the election platforms from 1867 to today reveals a significant shortcoming in Canada's political system: a lack of continuity in policy files and bills. That holds true for many issues, but for Indigenous matters it becomes clear that concerning, even urgent, issues should have been given top priority, putting partisanship aside. Because bills die on the Order Paper when a government changes, changes that have been promised over and over (improvements to housing, water quality, education, etc.) never end up happening, or progress very slowly. In examining election platforms, it becomes apparent that many initiatives and projects that would certainly have improved the social and economic conditions of Indigenous peoples in Canada were proposed, but these projects failed when the government changed.



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# **Appendix A**

## **Liberal Party Election Promises**

In order to analyze the evolution of Crown–Indigenous relations in Canada, the election platforms of the only two political parties to ever be elected, the Liberal Party of Canada and the Conservative Party of Canada (formerly the Progressive Conservative Party of Canada), were examined. Transcripts of some election speeches were used in lieu of platforms in the early years of Canada’s history, and the information for some years is incomplete. This analysis is therefore more about revealing the evolution of the issue than performing a comprehensive documentary study.

The first column indicates the election year, the name of the party that won the election and the last name of the prime minister. The second column contains a summary of the party’s election promises concerning Indigenous peoples. The third column indicates what the party did during that period, which reveals whether or not the party kept its promises. Only the actions of the party in power are listed.

✓ A checkmark and green highlighting indicates that the election promise was fully implemented.

## Liberal Party Election Promises

<b>Election(year) + Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<b>1887</b> <b>Conservatives</b> <i>MacDonald</i>	The only statement referring to Indigenous peoples in the platform: “Indians and half-breeds in North-West must be treated well.”	The party was not in power during this period.
Election platforms from <b>1872 to 1957</b> were reviewed, but neither party mentioned Indigenous people.		
<b>1958</b> <b>Progressive-Conservative</b> <i>Diefenbaker</i>	<b>On “Canadianism”</b> “The liberal party, which sponsored the Canadian Citizenship Act, stands for the absolute equality of all Canadians, whether born in Canada or naturalized. The Liberal party endorses the policy of voluntary integration of the Canadian Indians into our national life as full citizens.”	The party was not in power during this period.



<b>Election(year) + Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<b>1962</b> <b>Progressive-Conservative</b> <i>Diefenbaker</i>	<b>Equality among Canadians</b> “Through educational and economic opportunity, enable Indians and Eskimos to achieve genuine equality with other Canadians. Voluntary integration must be achieved without infringement of the special rights guaranteed to Indians.”	The party was not in power during this period.
<b>1963</b> <b>Liberal</b> <i>Pearson</i>	Nothing found.	Nothing found.
<b>1965</b> <b>Liberal</b> <i>Pearson</i>	<b>Integration of Indigenous people</b> The Liberal government would like “Indians” to become more engaged in Canadian life and would like to address or resolve their communities’ grievances. For this reason, <u>a study has been commissioned</u> to better understand the participation of Indians in Canada’s economic and social life.  Moreover, the Liberal government <u>proposed a commission</u> to hear and resolve Indians’ claims against the federal government.	The Pearson government set up the <u>Hawthorn-Tremblay Commission</u> , whose mandate was to study the condition of Indigenous Canadians.
<b>1968</b> <b>Liberal</b> <i>Trudeau</i>	<b>Crown-Indigenous relations</b> The Liberal party is concerned about the Indians and Eskimos. It wants to find some new basis of relationship by which the government shall seek, not only to do more for them, but to support them while they do more for themselves and for Canada. To achieve these objects, your new Liberal government will: <ol style="list-style-type: none"> <li>1. Consult with individual Indians and Eskimos and those who have come together in voluntary organizations, in order to build a new structure with no preconceived ideas about the future.</li> <li>2. Promote full participation of Indians in the determination of their own affairs.</li> <li>3. <u>Revise the Indian Act.</u></li> </ol>	White paper released in 1969 in an attempt to revise or abolish the Indian Act.



<b>Election(year) + Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>1968</b> <b>Liberal</b> <i>Trudeau</i></p>	<p>4. Emphasize the development of valuable Indian land and natural resources. 5. Reintroduce the Indian Claims Bill, to settle many long-standing claims, such as the B.C. Indian land question. 6. Settle outstanding commitments in Treaties 8 and 11 in the Yukon Territory and the North-West Territories. 7. Conclude agreements with the provinces to extend their services to Indians at the same standards enjoyed by all other citizens. Priority will be given to social services, particularly child care and education. Indians are citizens of the province in which they reside and are entitled to all provincial services.</p>	
<p><b>1972</b> <b>Liberal</b> <i>Trudeau</i></p>	<p><b>Equality among Canadians</b> The Liberals revive the 1958 proposal of the Citizenship Act. This new law “will ensure that all residents of Canada, no matter what their national origin, will receive equality of treatment in terms of gaining the advantage of Canadian citizenship.”</p> <p><b>The Liberals also proposed new initiatives for “Indians and Eskimos”</b> The Liberal government recognized that it had made considerable progress in its last mandate “in a dialogue with Indian and Eskimo citizens and has assisted them in developing an effective leadership to speak for them and their needs. The government will take the initiative necessary to ensure that each group will develop at a pace and in a direction of its choosing.”</p> <p><b>The Métis</b> “In addition the Government wants to focus on the problems of the less privileged members of the Métis communities of Canada.”</p>	<p>In 1973, the government reacted to the Calder case by creating the <b>Office of Native Claims.</b></p>



<b>Election(year) + Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>1974</b> <b>Liberal</b> <i>Trudeau</i></p>	<p>Only a digest of the Liberal party's 1974 election platform could be found, and it contained no mention of First Nations or Indigenous people.</p>	<p>In 1974, the Office of Native Claims (ONC) was created. Part of the Department of Indian Affairs, the ONC was charged with reviewing claims in order to determine whether legal obligations had been met and developing policies on the claims process and negotiations.</p>
<p><b>1979</b> <b>Progressive-Conservative</b> <i>Clark</i></p>	<p>The thrust of the [Liberal] government's approach has been to promote self-government and self-sufficiency on Indian reserves through policies and programs that reflect the views of Indian people themselves.</p> <p><b>Policy of continuation</b></p> <p>The government seeks to safeguard Indian status and encourage a distinct and viable Indian identity while allowing for political change, social and economic improvement in their situation as a group, and personal fulfilment for Indians as individuals.</p> <p>It is a policy of continuation, not assimilation, and is based on jointly agreed objectives and methods. Major proposals to amend the Indian Act, and to meet Indian people's aspirations for greater self-determination, were distributed to Indian people for discussion in the fall of 1978.</p>	<p>The party was not in power during this period.</p>





<b>Election(year) + Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<b>1980</b> <b>Liberal</b> <i>Trudeau</i>	<p>The Election platform of 1980 contained no mention of First Nations or Indigenous people.</p>	<p>When the Constitution was patriated in 1982, two groups made important cultural claims: Quebec and Indigenous peoples. Indigenous peoples succeeded or were given priority, and a provision (section 35) of the Constitution Act, 1982, was written for them.</p>
<b>1984</b> <b>Progressive-Conservative</b> <i>Mulroney</i>	<p>The recently established Native Economic Development Fund must be made to work.</p> <p>We must expedite the process of settling land and mineral claims for the Native Peoples in order to give them financial freedom, more self reliance and more autonomy.</p>	<p>The party was not in power during this period.</p>
<b>1988</b> <b>Progressive-Conservative</b> <i>Mulroney</i>	<p><b>Self-government</b></p> <p>A Liberal government will vigorously pursue a constitutional amendment to recognize the right to self-government of aboriginal peoples.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>1993</b> <b>Liberal</b> <i>Chrétien</i></p>	<p><b>Self-sufficiency</b></p> <p>The priority of a Liberal government will be to assist Aboriginal communities in their efforts to address the obstacles to their development and to help them marshal the human and physical resources necessary to build and sustain vibrant communities.</p> <p>A Liberal government will provide greater certainty by settling Aboriginal land claims, and resolving the delays and uncertainties in current regulatory processes.</p> <p>A Liberal government will promote co-management agreements between Aboriginal peoples and federal, provincial, and territorial governments.</p> <p>We will help Aboriginal communities to give their children a head start in school by supporting their early education and development, in an atmosphere of respect for their cultures and languages.</p> <p>[We must help Aboriginal preschool-age children.] Aboriginal peoples want to break the cycle of poverty, and a Liberal government will help through an Aboriginal Head Start program that would be designed and controlled by Aboriginal people at the community level. Various social initiatives undertaken by governments in the United States and in Canada have shown that early inter-vention can help children from disadvantaged families to overcome some of the debilitating effects of poverty.</p> <p>A Liberal government will begin an Aboriginal Head Start program on a pilot project basis, with commitments of up to \$10 million in the first year of its mandate, up to \$20 million in the second year, up to \$30 million in the third year, and up to \$40 million in the fourth year. The program will be directed initially at Aboriginal families living in urban centres and large Northern communities. We will work together with Aboriginal representatives to design the program and identify the communities with the greatest need.</p> <p>A successful urban Aboriginal Head Start program could be a model for a program that could be expanded.</p>	<p>In May 1995, the government launched the Aboriginal Head Start program. This program is still in effect under the name Aboriginal Head Start in urban and Northern communities.</p>



Election(year) + Winner Party	Liberal Party Election Promises	Actions
<p><b>1997</b> <b>Liberal</b> <i>Chrétien</i></p>	<p>Economic development, health care, programs for healthy child development, alternative community-based justice initiatives, youth employment opportunities, and many other services are critical elements of our efforts to ensure that Aboriginal peoples can participate fully and equally in Canadian society.</p> <p>Promise :</p> <p>In finding ways to support the aspirations of Canada’s Aboriginal peoples, a new Liberal government will draw from the valuable work of the Royal Commission on Aboriginal Peoples and from its report, tabled in November 1996. This five volume, 4,000 page report has been called the most comprehensive examination ever of the realities facing Aboriginal peoples in Canada.</p> <p>The commission’s 440 recommendations call for the involvement of federal, provincial, territorial, and Aboriginal governments and local communities. While we are already implementing a number of the report’s recommendations, a full analysis of the commission’s findings and the opportunities they offer for broader action is needed. A new Liberal government will review all recommendations of the Royal Commission on Aboriginal Peoples and will develop a plan, in partnership with Aboriginal peoples and provincial and territorial governments, to respond effectively to the report’s findings and proposals.</p> <p>Promise: A new Liberal government will expand the mandate of the Specific Claims Commission to render binding decisions on the acceptance or rejection of claims for negotiation.</p> <p>Promise: A new Liberal government will consolidate Aboriginal business investment programs, currently spread across a variety of federal departments, into a single program focused on more long-term, strategic regional investment opportunities for First Nations, Inuit, and Metis business people.</p> <p>✓ <b>Promise: A new Liberal government will expand the current Aboriginal Head Start program ,,, [which will] cost \$25 million annually.</b></p>	<p>“The federal government took 18 months to respond to the Commission’s report, and its response was fairly timid overall.” [translation] (Savard, p. 57)</p> <p>The document it released, <i>Gathering Strength</i>, was meant to address one of the RCAP’s primary recommendations: to renew the relationship between Indigenous peoples and the federal government.</p> <p>“But the policy statements and action plan never translated into real action. The actions the federal government put forward in <i>Gathering Strength</i> were just a combination of pre-existing initiatives and proposals.” [translation] (Forest, 1998)</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>1997</b>  <b>Liberal</b>  <i>Chrétien</i></p>	<p>Promise:  The Liberal government's Youth Employment Strategy includes an investment of \$50 million over the next two years to help about 23,500 on-reserve First Nations and Inuit youth <b>secure jobs with a future</b>.. Young Aboriginal people living in cities will also receive assistance in making this transition.</p> <p>Promise:  A new Liberal government will establish a network of urban multipurpose Aboriginal youth centres, linked to Friendship Centres or other Aboriginal community organizations and focusing on encouraging youth to stay in school and complete their education. When fully implemented, these centres will be granted \$25 million annually. Programs offering career planning [and] employment opportunities will also be provided.</p> <p>Promise:  A new Liberal government will establish an <u>Aboriginal Health Institute</u>. This institute will conduct health research focused on the needs of Aboriginal peoples, gather and disseminate information on the practice and efficacy of culturally appropriate medicines and treatments, support basic and advanced training of Aboriginal health workers, and serve as a support system for health workers in Aboriginal communities.</p> <p>Promise:  A new Liberal government will work with Aboriginal peoples to establish a program to preserve, protect, and teach <b>Aboriginal languages</b>, and will help to ensure that these languages, which are a vital component of Aboriginal culture and Canada's heritage, are kept alive.</p> <p>Summary:  Aboriginal Health Institute (\$20 million)  Expansion of the Aboriginal Head Start program (\$100 million)  Aboriginal youth centres (\$100 million)  Preservation and teaching of Aboriginal languages (\$20 million)</p>	<p>The Aboriginal Health Institute was created in 2001 and is still in operation.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2000</b> <b>Liberal</b> <i>Chrétien</i></p>	<p>Help Aboriginal youth take full advantage of opportunities.</p> <p>✓ <b>Continue the Aboriginal Head Start initiative and increase funding to the program.</b></p> <p>In addition, create a program for Aboriginal children with special needs.</p> <p><b>Preserve Aboriginal languages</b>, support language learning for Aboriginal children and youth in a more natural setting.</p> <p>Summary of promises:            Indigenous languages: \$20 + \$3 +\$3 + \$3 million            Aboriginal Head Start: \$200 million            Aboriginal children with special needs: \$140 million</p>	<p>2001: First monument commemorating Canada’s Aboriginal veterans. the National Aboriginal Veterans Monument was unveiled in Ottawa in 2001 to pay tribute to the contributions of Canada’s Indigenous peoples in World War I, World War II and the Korean War.</p>
<p><b>2004</b> <b>Liberal</b> <i>Martin</i></p>	<p>Promise to <b>secure the place of Aboriginal</b> Peoples in Canada.</p> <p>Allocate an additional \$125 million over five years for the Aboriginal Skills and Employment Training Strategy to help Aboriginal people develop skills.</p> <p>Fund organizations such as the Aboriginal Sport Circle.</p> <p>A Liberal government will increase its housing assistance, including Aboriginal <b>housing</b> on and off-reserve.</p>	<p>The Liberal government <b>compensated Aboriginal veterans and members of the merchant marine</b> for their service during the two world wars and the Korean War.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2006</b>  <b>Conservatives</b>  <i>Harper</i></p>	<p>A Liberal government will:</p> <p>Create greater opportunities for Aboriginal peoples – now the fastest growing component of Canada’s population, but facing a significant gap in life chances compared with other Canadians.</p> <p>Canada’s First Ministers and Aboriginal leaders agreed in November 2005 on a 10-year plan of action with respect to education, health care, housing and infrastructure, and economic opportunities. A Liberal government will do its part to implement this action plan to close the gap in the life chances of Aboriginal Canadians. Our plan recognizes the needs of Aboriginal women.</p> <p>Closing the gap in education – giving young Aboriginal Canadians the chance to realize their potential will be the foundation for everything else we do.</p> <p>The goals:</p> <p>Increase the annual number of high school graduates by a cumulative 22,000 in five years and by 110,000 in 10 years.</p> <p>Increase the number of post-secondary graduates by 14,800 over the next five years, and by 37,000 within 10 years. This will reduce the participation gap relative to the non-Aboriginal population by 50%.</p> <p>Promote education innovation on-reserve and establish a network of First Nations school systems.</p> <p><b>Health</b></p> <p>Double the number of Aboriginal health professionals in 10 years from the present level of 150 physicians and 1,200 nurses.</p> <p>Improve access to the full range of public health services that non-Aboriginal Canadians currently enjoy.</p> <p>Work to close the gap between Aboriginal and non-Aboriginal Canadians in key areas such as infant mortality, youth suicide, childhood obesity and diabetes.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2006</b>  <b>Conservatives</b>  <i>Harper</i></p>	<p><b>Housing</b></p> <p>Close the housing gap on First Nations reserves by 40% within five years and by 80% in ten. We will take similar action in the far north and off reserve.</p> <p>Improve the capacity of First Nations for water treatment training, and accelerate the certification of water systems and operators.</p> <p><b>Water</b></p> <p>Continue to build new clean water facilities. The Liberal government established a comprehensive program in 2003 to bring clean drinking water to all reserves by 2008 and has allocated \$1.6 billion toward achieving that goal. The capital installation is proceeding well. The larger challenge has been to train sufficient numbers of Aboriginal water technicians to operate and maintain the facilities.</p> <p>While we have significantly increased the number of certified technicians, more and better training will be a priority going forward.</p> <p>A Paul Martin government will commit more than \$5 billion over the next five years to achieve the foregoing targets in education, health, housing and clean water, and economic opportunity. By so doing, we will go far to bring about positive change in the lives of Aboriginal Canadians.</p> <p><b>Healing and reconciliation:</b></p> <p>Building upon earlier initiatives to heal these wounds, a Liberal government will implement the recently concluded agreement in principle to provide compensation to eligible former students. Broader efforts – including commemoration activities and healing programs – will be taken to promote public education and awareness of the experiences of those who attended residential schools. A Liberal government will commit more than \$2 billion toward a fair and lasting resolution of the legacy of Indian residential schools.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2008</b>  <b>Conservatives</b>  <i>Harper</i></p>	<p>The gap between Aboriginal Canadians and others [must] disappear.</p> <p>We will also work with the provinces to design new student loan programs that will increase access for under-represented groups such as Aboriginal Canadians.</p> <p>We will build a new partnership with Aboriginal Canadians, starting with a return to the commitments of the Kelowna Accord.</p> <p>To work towards achievement of health equity, we will: work with aboriginal communities to close the unacceptable gap in health status of our Aboriginal Peoples.</p> <p>Since Aboriginal women are more than three times as likely to report being victims of domestic violence as non-aboriginal women, we will create a nation-wide Violence Prevention Strategy for Aboriginal Peoples, to ensure a culturally appropriate, holistic approach to helping the victims, their families and their communities.</p> <p>Over the course of our mandate, a Liberal government will bring back the Kelowna Accord killed by the Conservative government. We will also fulfill the commitments within the First Nations-Crown Political Accord, the Inuit Partnership Accord, the Métis Nation Framework Agreement, and the Accords on Cooperative Development between the federal government and the Congress of Aboriginal Peoples and Native Women’s Association of Canada.</p> <p>Premiers and territorial Leaders have also committed to build a new relationship and have called for Prime Minister Harper to hold a First Ministers’ Meeting on Aboriginal issues. Regrettably, Stephen Harper has not called such a meeting after nearly three years in office. A Liberal government will hold such a meeting within the first six months of coming into office.</p> <p>On the international stage, the Conservatives demonstrated their lack of concern and respect for Canada’s Aboriginal population by being one of only four governments in the world to vote against the United Nations Declaration on the Rights of Indigenous Peoples. This marked the first time in its history that Canada has failed to commit to a major international human rights treaty. A Liberal government will reverse this historical disgrace, sign and ratify the Declaration and show the world that Canada can be a leader in its treatment of its Aboriginal population.</p>	<p>The party was not in power during this period.</p>





<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2008</b>  <b>Conservatives</b>  <i>Harper</i></p>	<p>A Liberal government will be committed to renewing the Métis Nation's partnership in Confederation.</p> <p>A Liberal government will also work jointly with First Nations, Inuit and Métis to establish an open and transparent process for the joint development of a federal policy for consultation and accommodation.</p> <p>A Liberal government will ensure that the Aboriginal Human Resources Development Strategy is renewed and that the national Aboriginal organizations involved in this strategy continue to be its main stakeholders.</p> <p>A Liberal government will enhance the Aboriginal Languages Initiative to support the preservation, revitalization and promotion of Aboriginal languages and restore the unjustifiable cuts to this initiative by the Conservatives.</p> <p>[\$2.1 billion is earmarked in the future Liberal budget for Aboriginal people.]</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2011</b>  <b>Conservatives</b>  <i>Harper</i></p>	<p><b>Education</b></p> <p>A Liberal government will commit to working with Aboriginal leaders toward the goal of ensuring that Aboriginal Canadians have the same quality of opportunities to learn as other Canadians.</p> <p>A Liberal government will invest an additional \$200 million in its first two years to lift the cap on post-secondary education funding.</p> <p>Consistent with the approach of the Learning Passport, we will explore with Aboriginal leaders ways to deliver resources more directly to students and their families. A key objective will be to increase the retention of Aboriginal students in Canada's post secondary institutions.</p> <p>A Liberal government will work with Aboriginal leadership to address inadequate funding over the medium term, starting with \$300 million in new investment in its second year. We will support efforts to improve administration.</p> <p>First Nations University in Saskatchewan, an important institution, will be re-financed under a Liberal government.</p> <p>We will create a Canada Métis Scholarship program, with a \$5 million annual investment in Métis students.</p> <p>A Liberal government will also commit to ongoing support for the Aboriginal Head Start Program (AHSP).</p> <p><b>Missing and murdered women</b></p> <p>A Liberal government will mandate a national task force to examine the systemic causes of this problem, with an emphasis on preventing its continuation in the future. It will build on the work of provinces and Aboriginal women, and report to the Minister of Justice with an analysis and recommendations.</p>	<p>The party was not in power during this period.</p>



Election(year) + Winner Party	Liberal Party Election Promises	Actions
<p><b>2015</b> <b>Liberal</b> <i>Trudeau</i></p>	<p>We will build a government as diverse as Canada :</p> <p>We will also adopt a federal government-wide open and merit-based appointments process, which will ensure gender parity and that more Indigenous Peoples and minority groups are reflected in positions of leadership.</p> <p>More jobs and better opportunities for young Canadians:</p> <p>We will more than double the almost 11,000 Canadians who access Skills Link each year. This program helps young Canadians – including Aboriginal and disabled youth – make a more successful transition to the workplace.</p> <p><b>Job training</b></p> <p>✓ We will also invest \$50 million to renew and expand funding to the Aboriginal Skills and Employment Training Strategy.</p> <p><b>Education</b></p> <p>We will invest \$50 million in additional annual support to the Post-Secondary Student Support Program, which supports Indigenous students attending post-secondary education, and will allow the program to grow in line with increasing demand.</p> <p>✓ To help close the funding gap and improve outcomes for First Nations students, we will invest new funding each year in core funding for kindergarten through grade 12 programs.</p> <p>This will include money committed by Stephen Harper that has yet to flow, plus an additional \$300 million per year in incremental funding, totalling \$750 million per year by the end of our first mandate. Over the next four years, this represents a \$2.6 billion new investment in helping First Nations students learn and succeed.</p> <p>✓ We will provide new funding to help Indigenous communities promote and preserve Indigenous languages and cultures.</p>	<p>In respect to children:</p> <p>“The Government of Canada has co-developed, with Indigenous peoples, provinces and territories, new legislation to reduce the number of Indigenous children and youth in care and improve child and family services.</p> <p>“The Act respecting First Nations, Inuit and Métis children, youth and families came into force on January 1, 2020.</p> <p>“On July 7 the Assembly of First Nations and Government of Canada signed a protocol co developed by both organizations to establish a new structure to support discussions on the implementation of the Act respecting First Nations, Inuit and Métis children, youth and families.”</p>



Election(year) + Winner Party	Liberal Party Election Promises	Actions
<p><b>2015</b> <b>Liberal</b> <i>Trudeau</i></p>	<p>We will also invest an additional \$500 million over the next three years for building and refurbishing First Nations schools.</p> <p><b>Consultation</b></p> <p>We will undertake, in full partnership and consultation with First Nations, Inuit and the Métis Nation, a full review of laws, policies and operational practices. This will ensure that, on project reviews and assessments, the Crown is fully executing its consultation, accommodation and consent obligations, in accordance with its constitutional and international human rights obligations, including Aboriginal and Treaty rights and the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>We recognize the relationship between Indigenous peoples and the land, and will respect legal traditions and perspectives on environmental stewardship.</p> <p><b>Crown-Indigenous relations</b></p> <p>It is time for a renewed relationship based on trust, respect, and a true spirit of cooperation.</p> <p>✓ <b>As Prime Minister, Justin Trudeau will meet with First Nations, Métis Nation and Inuit leaders each and every year of a Liberal government mandate.</b></p> <p>Finally, we will ensure that the Kelowna Accord – and the spirit of reconciliation that drove it – is embraced, and its objectives implemented in a manner that meets today’s challenges.</p> <p>✓ <b>We will expand investment in First Nations communities and work toward forging a new fiscal relationship with First Nations.</b></p>	<p>Through Budget 2018, funding was made available for five years starting in fiscal year 2018–2019 to support activities that would facilitate Aboriginal communities’ path to reconstituting their nations. This initiative, a key <u>recommendation of the Royal Commission on Aboriginal Peoples</u>, is one of the objectives in the United Nations Declaration on the Rights of Indigenous Peoples.</p>



Election(year) + Winner Party	Liberal Party Election Promises	Actions
<p><b>2015</b> (cont.) <b>Liberal</b> <i>Trudeau</i></p>	<p>(cont.)</p> <p><b>Fiscal relationship</b></p> <ul style="list-style-type: none"> <li>✓ For nearly 20 years, investments in First Nations programs have been subject to a two percent cap on annual funding increases. As a result, federal funding has not kept up with population growth and inflation in First Nations communities.</li> <li>✓ We will immediately lift the two percent cap on funding for First Nations programs and work to establish a new fiscal relationship that gives First Nations communities sufficient, predictable and sustained funding.</li> </ul> <p>Increasing First Nations’ own source revenues, whether through revenue sharing or other mechanisms, will be a priority. As part of this new fiscal relationship, we will also make sure that all First Nations receive equitable funding for child and family services provided on reserves.</p> <p><b>Métis Nation:</b></p> <p>We will work with Métis people, as well as the provinces and territories, to establish a federal claims process that recognizes Métis self-government and resolves outstanding claims.</p> <p>We will also make permanent the funding available to provincial Métis communities for Métis identification and registration, instead of it being available year to year.</p> <ul style="list-style-type: none"> <li>✓ We will review, in partnership with Métis communities, the existing federal programs and services available to the Métis Nation, to identify gaps and areas where strategic investments can be made to improve Métis quality of life.</li> <li>✓ To expand the economic opportunities for Métis, we will develop a Métis Economic Development Strategy in partnership with Métis communities and existing Métis financial institutions, and will invest \$25 million over five years to implement this new strategy.</li> </ul>	



Election(year) + Winner Party	Liberal Party Election Promises	Actions
<p><b>2015</b> (cont.) <b>Liberal</b> <i>Trudeau</i></p>	<p>(cont.)</p> <p><b>Missing and murdered Indigenous women and girls:</b></p> <p>✓ We will immediately launch a national public inquiry into missing and murdered Indigenous women and girls in Canada, to seek recommendations on concrete actions that governments, law enforcement and others can take to solve these crimes and prevent future ones.</p> <p>We will enact the recommendations of the Truth and Reconciliation Commission.</p> <p>To support the work of reconciliation and continue the necessary process of truth telling and healing, we will work alongside provinces and territories, and with First Nations, the Métis Nation and Inuit, to enact the recommendations of the Truth and Reconciliation Commission, starting with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.</p>	<p>As of Feb. 2020: Implementation of the 94 calls to action of the Truth and Reconciliation Commission continues. Bill C-6, An Act to amend the Citizenship Act, addresses one of the calls to action. The bill would include a solemn promise to faithfully observe the laws of Canada, including the treaties with Indigenous peoples, in the Oath of Citizenship. Bill C-5, which made September 30 the National Day for Truth and Reconciliation and a statutory holiday, is implementing another call to action. According to a CBC News Beyond 94 analysis, <u>10 calls to action are complete, 21 are under way, 29 are the subject of proposed projects and 24 are not started.</u></p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2019</b> <b>Liberal</b> <i>Trudeau</i></p>	<p>Building a better future with Indigenous Peoples</p> <p><b>Clean water</b></p> <p>We will eliminate all long-term drinking water advisories on reserve by 2021, and continue to take steps to ensure water stays safe to drink.</p> <p><b>Health</b></p> <p>We will ensure that Indigenous Peoples have access to the high-quality, culturally relevant health care and mental health services they need.</p> <p>To move forward with making high-quality health care a reality for all Indigenous peoples, we will co-develop distinctions-based Indigenous Health legislation – backed with the investments needed to deliver this care – and will continue to work with Indigenous communities to ensure Indigenous control over the development and delivery of services.</p> <p><b>Infrastructures :</b> Address all major infrastructure needs by 2030.</p> <p>✓ <b>To address this infrastructure deficit, we will co-develop and invest in distinctions-based community infrastructure plans.</b></p> <p>We will move forward with addressing critical infrastructure needs – such as <u>housing</u>, all-weather roads, high-speed internet, health facilities, treatment centres, and schools – in First Nations, Inuit and Métis communities by 2030. We will also move forward with new investments to support the ongoing operation and maintenance of this infrastructure.</p>	<p>“Today [2020], the Honourable Marc Miller, Minister of Indigenous Services, congratulated 24 Indigenous innovators on moving forward in developing their ideas under the Indigenous Homes Innovation Initiative (IHII).”</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2019</b> (cont.)  <b>Liberal</b>  <i>Trudeau</i></p>	<p>(cont.)</p> <p><b>Indigenous children</b></p> <p>To reduce the number of Indigenous children in care, and affirm the inherent rights of First Nations, Inuit and Métis communities to care for their kids, we will ensure that the <u>Act Respecting First Nations, Inuit and Métis Children, Youth and Families</u> is fully implemented. We will also move forward with long-term, predictable and sufficient funding to support the full implementation of the Act.</p> <p><b>Indigenous languages</b></p> <p>We will ensure that the <u>Indigenous Languages Act</u> is fully implemented, in order to preserve, promote and revitalize Indigenous languages in Canada. We will also move forward with long-term, predictable, and sufficient funding to support the full implementation of the Act.</p> <p><b>Economy</b></p> <p>We will make sure that Indigenous communities directly benefit from major resource projects.</p> <p>We will create more opportunities for Indigenous-led businesses to succeed.</p> <p>To create more opportunities for these businesses to succeed and grow, we will move forward with a new target to have at least five percent of federal contracts awarded to businesses led by Indigenous peoples.</p>	<p>The 2021–2022 federal budget allocates \$73.6 million over four years to support the implementation of the Act respecting First Nations, Inuit and Métis children, youth and families.</p> <p>“Budget 2019 provided an investment of \$333.7 million over five years and \$115.7 million annually thereafter to implement the Act and for the preservation, promotion and revitalization of Indigenous languages. This investment is welcome but falls short of what is required to reclaim, preserve, revitalize, maintain and ultimately normalize First Nations languages. The Assembly of First Nations (AFN) continues to advocate for funding to be based on need.” (Assembly of First Nations position reported by Radio-Canada International)</p>





<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Liberal Party Election Promises</b>	<b>Actions</b>
<p><b>2019</b> (cont.)  <b>Liberal</b>  <i>Trudeau</i></p>	<p>(cont.)</p> <p><b>Reconciliation</b></p> <p>We will take action to implement the United Nations Declaration on the Rights of Indigenous Peoples in the first year of a new mandate.</p> <p>We will live up to the spirit and intent of Treaties, agreements and other constructive arrangements. In the past, Canada routinely failed to live up to the spirit and intent of the Treaties agreements, and constructive arrangements it had entered into with Indigenous peoples.</p> <p>To ensure that Canada implements the spirit and intent of Treaties, agreements and other constructive arrangements, we will move forward with a new co-developed distinctions-based process for the ongoing review, maintenance and enforcement of Canada’s treaty obligations between the Crown and Indigenous communities. This work will be supported by a new National Treaty Commissioner’s Office, which will be designed and established with Indigenous partners.</p> <p>We will develop a framework for the repatriation of Aboriginal cultural property and ancestral remains.</p> <p><b>First Nations policing</b></p> <p>To move forward with First Nations policing that serves First Nations communities well, we will co-develop a legislative framework for First Nations policing which recognizes First Nations policing as an essential service. We will also work with interested First Nations communities to expand the number of communities served by First Nations policing.</p>	<p>Bill C-15, An Act respecting the United Nations Declaration of the Rights of Indigenous Peoples, has been adopted by the Senate.</p> <p>The 2021–2022 federal budget allocates \$31.5 million over two years to support the co-development of an action plan with Indigenous peoples to implement this bill.</p>



**Appendix B**  
**Conservative Party Election Promises**

In order to analyze the evolution of Crown–Indigenous relations in Canada, the election platforms of the only two political parties to ever be elected, the Liberal Party of Canada and the Conservative Party of Canada (formerly the Progressive Conservative Party of Canada), were examined. Transcripts of some election speeches were used in lieu of platforms in the early years of Canada’s history, and the information for some years is incomplete. This analysis is therefore more about revealing the evolution of the issue than performing a comprehensive documentary study.

The first column indicates the election year, the name of the party that won the election and the last name of the prime minister. The second column contains a summary of the party’s election promises concerning Indigenous peoples. The third column indicates what the party did during that period, which reveals whether or not the party kept its promises. Only the actions of the party in power are listed.

✓ A checkmark and green highlighting indicates that the election promise was fully implemented.

## Conservative Party Electoral Promises

<b>Election(year)</b> + <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<b>1887</b> <b>Conservative</b> <i>MacDonald</i>	Nothing found.	
Election platforms from 1872 to 1957 were reviewed, but neither party mentioned Indigenous people.		
<b>1958</b> <b>Progressive-Conservative</b> <i>Diefenbaker</i>	Nothing found.	1959: A Senate and House of Commons joint committee is created to study issues related to the specific claims of First Nations. The committee emphasizes the importance of creating a Specific Claims Commission.



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<b>1962</b> <b>Progressive-Conservative</b> <i>Diefenbaker</i>	Nothing found.	Bill C-130, An Act to provide for the disposition of Indian Claims, proposes the creation of an Indian Special Claims Commission. Although approved by Cabinet in March 1962, the bill was never introduced in the House because an election was called shortly thereafter. The Liberals revived the bill with some amendments, but it died on the Order Paper in 1965.
<b>1963</b> <b>Liberal</b> <i>Pearson</i>	Nothing found.	The party was not in power during this period.
<b>1965</b> <b>Liberal</b> <i>Pearson</i>	Nothing found.	The party was not in power during this period.



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>1968</b> <b>Liberal</b> <i>Trudeau</i></p>	<p><b>Equality among Canadians</b></p> <p>The Conservative Party recognized that “the Indians, Metis and Eskimos” were disadvantaged relative to other Canadians. Accordingly, it committed to the following:</p> <ol style="list-style-type: none"> <li>1. “A Progressive Conservative government would move speedily to get at the roots of this problem. We would undertake an immediate reassessment and reorganization of the Indian Affairs Branch, to revitalize its functions and to replace a spirit of caretaking with a progressive spirit of compassion and development.”</li> <li>2. “A Progressive Conservative government would appoint a task force to conduct an immediate examination of the community development program which the government has all but abandoned.”</li> <li>3. “We would promote a continuing series of discussions between federal and provincial ministers and Indian representatives aimed at a wider use of full range of services and developmental programs which could be made available with the cooperation of the provinces.”</li> <li>4. “We would expand the program designed to recognize, encourage and develop Indian cultural expression. To do so we would modify the existing educational services and establish an Indian college. We would recommend that departments of Indian culture and research be instituted at selected Canadian universities. All of this would tend to elevate and encourage the aspirations of the Indian people.”</li> <li>5. “We must find a more effective means to ensure that the resources of both federal and provincial governments are made available to the Native Peoples.”</li> </ol>	<p>The party was not in power during this period.</p>
<p><b>1972</b> <b>Liberal</b> <i>Trudeau</i></p>	<p><b>Crown-Indigenous relations</b></p> <p>In their 1972 platform, the Conservatives noted the then government’s failed Crown-Indigenous relations: “In an approach characterized by insensitivity and a basic indifference, his government [Pierre E. Trudeau] has attempted to impose policies upon the native peoples which do not meet their real needs or their legitimate aspirations.”</p>	<p>The party was not in power during this period.</p>



<b>Election(year) + Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>1972</b> (cont.) <b>Liberal</b> <i>Trudeau</i></p>	<p>(cont.)</p> <p>In their opinion, the main problems faced by Indigenous people were poverty and the denial of their cultural practices: “The impact of white civilization has made it impossible for the native communities to continue their traditional way of life, with its heavy reliance on hunting and fishing, without providing them with alternative means of livelihood.”</p> <p>The Conservatives recognized that the following: “The Canadian government and the Canadian people either have largely ignored the problems of the native peoples or have responded to them by demanding that the native people give up their cultural identity and be totally absorbed into white society.”</p> <p>They proposed that government policy respect First Nations’ heritage and traditions.</p> <p>They promised the following:</p> <ol style="list-style-type: none"> <li>1. We accept as a basic premise the urgent need to identify and to settle fairly and systematically all claims based on these aboriginal rights.</li> <li>2. Ways must be found to assist the native peoples to make their lands economically productive.</li> <li>3. The standard of housing and of health care in most Indian and Inuit communities of Canada is a national disgrace. [Improving] housing and health care is a high priority of the Progressive Conservative Party.</li> <li>4. Ninety-four per cent of the Indian and Inuit children drop out of school before they reach grade 12. The Progressive Conservative Party strongly supports [the development of] teaching programmes which are relevant to the needs and sensitive to the way of life of the native peoples and would greatly contribute to making their education more relevant and attractive to them. The Progressive Conservative Party also supports the establishment of school boards composed entirely of the native peoples, which would involve [them] in their own education programs.</li> </ol>	<p>The party was not in power during this period.</p>
<p><b>1974</b> <b>Liberal</b> <i>Trudeau</i></p>	<p><b>Culture</b></p> <p>Action is needed—and now! Action to correct these injustices so that the native people can maintain their culture in dignity and economic independence.</p> <p>The Progressive Conservative Party is committed to the implementation of a program that will ensure that native people are no longer second class citizens in their own land.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>1974</b> (cont.)  <b>Liberal</b>  <i>Trudeau</i></p>	<p>(cont.)</p> <p><b>Agreements and disputes about land</b></p> <p>“The Progressive Conservative Party recognizes that the preservation of native culture is inextricably bound to their concept of land. The most immediate, and at the same time the most complex and far-reaching problem confronting us, is the just settlement of outstanding aboriginal land claims.</p> <p>The response of government to aboriginal claims must involve comprehensive settlements designed to ensure the continuing economic, social and cultural viability of native communities.</p> <p>A Progressive Conservative government would give wholehearted support to the recognition of aboriginal rights as an integral part of native policy and to the place of native people in Canadian society.”</p> <p><b>Collaboration with First Nations</b></p> <p>“The Progressive Conservative Party is committed to the formulation of policy in consultation with the native people who are concerned and affected.</p> <p>To increase native leadership, they will : increase the range of responsibilities available to Indian councils, improve and stabilize the resources available to band councils and continue the support of organizations representing Indians, non-status Indians, Inuit, native women and native youth.”</p> <p>Over 80% of native housing is sub-standard – houses without indoor toilets, baths or running water. A Progressive Conservative government would make funding available to [address this problem].</p> <p>The standard of education available to most native people continues to be clearly inadequate. A Progressive Conservative government would give priority to innovation in native education, special programs to train native teachers, grants and programs to develop teaching materials and curricula, and demonstration schools to break new ground in teaching methods and school design.</p> <p>Health care of native people is woefully inadequate. The Progressive Conservative Party will take immediate steps to provide native peoples with a treatment and public health program comparable to that enjoyed by residents elsewhere in Canada.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>1974</b> (cont.)  <b>Liberal</b>  <i>Trudeau</i></p>	<p>(cont.)</p> <p><b>Equality before the law</b>                  Twenty-five per cent of the inmate population in federal institutions in western Canada is native. Yet the native people comprise less than 10% of the total population in western Canada. Native people are incarcerated more frequently, receive longer sentences and have less opportunity for full or temporary parole, than their white counterparts. The Progressive Conservative Party is committed to eliminating this double standard of justice.</p> <p><b>The Indian Act</b>                  The Indian Act includes clauses that are discriminatory. Progressive Conservatives endorse current efforts by the Indian organizations to tackle the task of drafting new legislation [and] would guarantee adequate financial support to enable the work to be done.</p> <p><b>Métis and non-status Indians</b>                  A Progressive Conservative government would ensure the development of basic programs to recognize and respond to the rights and problems of Metis and non-status Indians.</p>	<p>The party was not in power during this period.</p>
<p><b>1979</b>  <b>Progressive-Conservative</b>  <i>Clark</i></p>	<p>A Progressive Conservative government will effectively address the issue of the status of Indian women under Canadian law. It will put an end to legal discrimination against Indian women. [translation]</p>	<p>This promise was fulfilled in 1985.</p>





<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<b>1980</b> <b>Liberal</b> <i>Trudeau</i>	<p>The Progressive Conservative Party promises to create a system in which men, women and native people are equal partners in society, because it recognizes that native people are prevented from pursuing their goals and are kept in a state of onerous dependence on the government. [translation]</p>	<p>The party was not in power during this period.</p>
<b>1984</b> <b>Progressive-Conservative</b> <i>Mulroney</i>	<p>Measure on fisheries: fair sharing of responsibility for salmon conservation among all fishers (commercial, sport, native). [translation]</p> <p>We will establish an Indian reserve forestry development program that will enable Indian bands to manage their own forestry programs, creating thousands of local jobs for Canada's native people. [translation]</p> <p>A Progressive Conservative government would reduce native people's dependence on the government by allocating economic resources to native communities with a view to fostering their economic self-sufficiency. [translation]</p> <p>Work to quickly reach fair agreements to settle land claims. [translation]</p> <p>Enshrine native rights in the Constitution. [translation]</p> <p>Justice reform measures to reduce the excessive proportion of native people in prison. [translation]</p>	<p>After lengthy consultations with Indigenous groups, the government announced major changes to the federal comprehensive land claim settlement policy. One of these changes was the development of alternative solutions to the total elimination of Aboriginal rights.</p>



<b>Election(year) + Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>1984</b> <b>Progressive-Conservative</b> <i>Mulroney</i></p>	<p>Legislative measures to ensure equal rights for native women. [translation]</p>	<p>Parliament passed Bill C-31 in 1985. This law amended the Indian Act to remove discriminatory provisions, abolish the link between marriage and status, give individual bands greater control over their own membership and define two new categories of Indian status. Following these changes, some 60,000 people regained their lost status. In addition, Bill C-31 distinguished between band membership and Indian status. While the government would continue to determine status, bands were given complete control over their membership.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<b>1988</b> <b>Progressive-Conservative</b> <i>Mulroney</i>	<p>The Progressive Conservatives promise to make sustained efforts to reach an agreement on the constitutional amendments necessary to recognize the right of native communities to self-government. [translation]</p>	<p>Creation of the Indian Claims Commission (1991 to 2009).</p> <p>In May 1993, the Mulroney government signed the <u>Nunavut Land Claims Agreement</u>, a major step forward in Indigenous land claims that led to the creation of a third territory.</p>
<b>1993</b> <b>Liberal</b> <i>Chrétien</i>	<p>[We] have to address the fundamental concerns of Canadians regarding our justice system. Canadians have a right to look at their system of justice and feel their reality is understood whether they are women, Aboriginal people, ethnic, cultural or racial minorities.</p> <p>However, this election platform contained no promises relating to Indigenous people.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>1997</b> <b>Liberal</b> <i>Chrétien</i></p>	<p>Jean Charest's Progressive Conservative Party proposed a reform of Indigenous affairs. "As Canada's Aboriginal people become more responsible for their own affairs, their dependency upon the federal government will decline. We anticipate a reduction through administrative savings from the effective elimination of the Department [of Indian and Northern Affairs] We do expect to save over \$850 million by finally addressing the flawed approach past governments have taken in this area."</p> <p>"We believe it is time once and for all for Canada to come to grips with the centuries-old questions surrounding Aboriginal people. We believe the issue is about more than money. In direct contrast with the current government, we believe funding in this area should fall at least proportionately with reductions in other areas. Accordingly, the reforms we propose will see substantial reductions in direct federal funding over the period of our plan. Today, Canadian taxpayers spend \$6.2 billion a year on Native programs and infrastructure through several departments. We anticipate savings through increased administrative efficiencies from the effective elimination of the Department, as well as some downward adjustments in operating grants to Native bands. It is important to note that at the end of our first term, this plan projects funding for Native people to be precisely the same proportion of total Departmental spending as it is today.</p> <p>We are convinced that as we finally move to recognize Canada's Aboriginal people as true equals in our society, it is not unreasonable to ask them to accept their fair share of the costs associated with returning Canada's fiscal state to balance."</p>	<p>The party was not in power during this period.</p>
<p><b>2000</b> <b>Liberal</b> <i>Chrétien</i></p>	<p>A Progressive Conservative government would work with Aboriginal people to define and express Aboriginal rights as a matter of public policy in non-confrontational, balanced and interest-based negotiations.</p> <p><b>Self-government</b></p> <p>The Progressive Conservative Party believes that, in order to ensure fairness and equality, the Charter must apply to Aboriginal self-government.</p> <p>The Progressive Conservative Party believes that Aboriginal self-government must occur within the context of the Constitution of Canada.</p> <p>The Progressive Conservative Party believes that the performance and accountability of Aboriginal self-government is enhanced when those who are receiving services contribute to the cost of those services. Giving Aboriginal people the power to raise their own revenues will also reduce the cycle of dependency.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<b>2004</b> <b>Liberal</b> <i>Martin</i>	<p>To improve economic and social conditions for aboriginal Canadians.</p> <p>To support the development of a property regime on reserves to allow individual property ownership that will encourage lending for private housing and businesses.</p> <p>To create a matrimonial property code to protect spouses and children in cases of marriage breakdown.</p>	<p>The party was not in power during this period.</p>
<b>2006</b> <b>Conservative</b> <i>Harper</i>	<p>Support the development of individual property ownership on reserves, to encourage lending for private housing and businesses.</p> <p>Let aboriginal parents choose the schooling they want for their children, with funding following the students.</p> <p>Replace the Indian Act (and related legislation) with a modern legislative framework which provides for the devolution of full legal and democratic responsibility to aboriginal Canadians for their own affairs within the Constitution, including the Charter of Rights and Freedoms.</p> <p>Pursue settlement of all outstanding “comprehensive claims” within a clear framework that balances the rights of aboriginal claimants with those of Canada.</p> <p>Adopt measures to resolve the existing backlog of “specific” claims so as to provide justice for aboriginal claimants, together with certainty for government, industry, and non-aboriginal Canadians.</p>	<p>An independent Specific Claims Tribunal was established in 2008.</p>



<b>Election(year) + Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>2006</b> (cont.) <b>Conservative</b> <i>Harper</i></p>	<p>(cont.)</p> <p>Implement all of the recommendations of the House of Commons Standing Committee on Aboriginal Affairs and Northern Development contained in its fourth report on Resolving Indian Residential School Claims, to expedite the settlement of claims and save money.</p> <p>Recognize the contribution of Aboriginal veterans, and redress 60 years of inequity by implementing the resolution of the House of Commons to acknowledge the historic inequality of treatment and compensation for First Nations, Métis, and Inuit war veterans, and take action immediately to give real compensation to these veterans in a way that truly respects their service sacrifice.</p>	<p>The IRSSA, which came into effect in September 2007, had five main components: the Common Experience Payment, the Independent Assessment Process, the Truth and Reconciliation Commission, Commemoration, and Health and Healing Services.</p> <p>According to Indigenous and Northern Affairs Canada (INAC, 2020), 98% of eligible former students (an estimated 80,000 in all) had received their payment by the end of December 2012. More than \$1.6 billion was approved for this purpose.</p> <p>In June 2008, Prime Minister Harper offered a historic full apology on behalf of Canadians for the Indian residential school system.</p> <p>In 2009, the Indian Residential Schools Resolution Health Support Program was established. This program is intended for Indian residential school survivors and their families, and offers emotional and cultural support services.</p> <p>In 2007, the Harper government created the Mental Health Commission with a broad 10-year mandate to improve Canada's mental health system and raise awareness of related issues.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>2008</b> <b>Conservative</b> <i>Harper</i></p>	<p>A re-elected Conservative Government led by Stephen Harper will ensure that Aboriginals have the opportunity to fully participate in Canada's economy and society.</p> <p>Improving Aboriginal education is crucial to giving young members of the Aboriginal community the opportunity to succeed.</p> <p>We will work to complete tripartite educational agreements, modelled after the successful agreements in British Columbia and New Brunswick, with provinces and First Nations organizations across the country.</p> <p>A re-elected, Conservative Government will also commit to pursuing bilateral agreements with provinces to address the wrongs of the residential schools era for Aboriginals attending similar schools not covered by the Indian Residential Schools Settlement Agreement.</p>	<p>The Specific Claims Tribunal Act, adopted in 2008, <u>created an independent tribunal</u> to make binding decisions on the validity of claims and compensation.</p> <p><u>Repeal of Section 67 of the Canadian Human Rights Act.</u> For several decades, the Canadian Human Rights Act did not fully protect First Nations members. This was because of section 67, which stated the following:</p> <p>"Nothing in this Act affects any provision of the Indian Act or any provision made under or pursuant to that Act."</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>2011</b> <b>Conservative</b> <i>Harper</i></p>	<p>Supporting Aboriginal entrepreneurship and skills development (\$20 million per year).</p> <p>We will build on these actions by :</p> <ol style="list-style-type: none"> <li>1. Providing new investments in First Nations Land Management, allowing First Nations to promote the development of their reserve lands and resources;</li> <li>2. expanding adult basic education programming in the territories, which will help increase education and employment levels among Aboriginals in the North;</li> <li>3. supporting environmental safety upgrades to the fuel tanks that power essential community infrastructure in many remote and rural First Nations communities;</li> <li>4. promoting the deployment of clean energy technologies in Aboriginal and Northern communities.</li> </ol>	<p>Launched the Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls in September 2014.</p> <p>In spring 2014, the Conservative government introduced Bill C-33, the First Nations Control of First Nations Education Act. This reform was heavily criticized, and the government did not pursue it.</p> <p>The Harper record: “Many Indigenous groups were critical of the Harper government for cutting funding to a number of Indigenous organizations and programs, and for refusing to release records related to residential schools to the Truth and Reconciliation Commission. Anger over the Jobs and Growth Act of 2012 also directly inspired the Idle No More movement.” (McIntosh, 2020)</p>





<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>2015</b> <b>Liberal</b> <i>Trudeau</i></p>	<p>Supporting economic and social development for Aboriginal Canadians.</p> <p>Continuing to support skills-training programming such as the Aboriginal Skills and Employment Training Strategy and the Skills and Partnership Fund to help First Nations participate fully in the economy and find high-paying, high-quality jobs.</p> <p>Our sealing industry is of vital importance to many coastal communities, in particular among Canada's Aboriginal peoples. A re-elected Conservative Government will continue to pursue new and expanded markets for these products, including establishing a system of certification to demonstrate that products resulting from Aboriginal hunting meet European Union standards.</p> <p>Our Government is committed to renewing [the Mental Health Commission's] mandate in 2017.</p> <p>The Mental Health Commission of Canada will study community suicide-prevention programs, including in First Nations communities , to test their effectiveness.</p> <p>Our Conservative Government has taken significant action to promote the economic and social well-being of Canada's First Nations. This includes:</p> <ul style="list-style-type: none"> <li>Increasing investment in Aboriginal education by 25 percent.</li> <li>Constructing 41 new schools and funding over 500 schools.</li> <li>Increasing health funding by 31 percent.</li> <li>Enacting the First Nations Financial Transparency Act to increase accountability and transparency of First Nations governance.</li> </ul>	<p>The party was not in power during this period.</p>



<i>Election(year)</i> + <i>Winner Party</i>	<i>Conservative Party Election Promises</i>	<i>Actions</i>
<p><b>2015</b> (cont.) <b>Liberal</b> <i>Trudeau</i></p>	<p>(cont.)</p> <p>While we don't yet have the [Truth and Reconciliation Commission] final report, a reelected Conservative Government will take immediate action.</p> <p>Mandating the Mental Health Commission of Canada to focus on addiction and suicide prevention with particular attention on Canada's First Nations communities.</p> <p>Targeting palliative care research funding to focus on services in First Nations communities.</p> <p>Supporting rural broadband expansion with a particular focus on First Nations communities to promote economic development.</p> <p>NG anti-gang programming to help at-risk youth who are drawn to urban gangs.</p> <p>Increasing funding to support the preservation and promotion of traditional Aboriginal languages.</p> <p>New funding for Aboriginal labour market programs such as the Skills and Partnership</p> <p>Ongoing support for Aboriginal post-secondary bursaries in partnership with Indspire, an Aboriginal-led national charity dedicated to helping First Nations students receive post-secondary education.</p> <p>Aboriginal language programming = \$2.5 million per year.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>2019</b> <b>Liberal</b> <i>Trudeau</i></p>	<p>A National Energy Corridor could provide economic opportunities for Indigenous communities in British Columbia.</p> <p>Facilitate Engagement Between Indigenous Communities and Resource Development Companies.</p> <p>To promote mutually beneficial conversations between Indigenous communities and resource project proponents, we will provide \$10 million per year to the organizations that foster collaboration and encourage strong partnerships between these two groups. Including Indigenous communities in major project development can lead to life-changing opportunities and more certainty for companies.</p> <p>Appoint a Minister for Consulting Indigenous Rights Holders.</p> <p>To make sure that the voices of Indigenous rights holders are heard by Cabinet ministers, we will create a dedicated ministerial portfolio to be responsible for this engagement. Indigenous communities have a strong interest in what goes on within their traditional territories, and Canada's constitution requires the government to consult with them on major projects to identify and address concerns. Unfortunately, too often this has not happened, leading to project delays and frustration among Indigenous peoples. It is time for the government to change its approach.</p> <p><b>Environment</b></p> <p>To better understand the effects of climate change and the environment, we will incorporate the knowledge of the land and the history of Indigenous groups. Canada's Indigenous peoples have a wealth of knowledge that can help Canada understand the changes taking place in our environment as we continue to manage our air, land, water, and wildlife.</p> <p>A changing climate disproportionately impacts Canada's Indigenous peoples – especially those living in remote and Northern communities and working in industries such as mining and forestry. We will make sure that Indigenous communities are included as we plan mitigation and adaptation activities.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>2019</b> (cont.)  <b>Liberal</b>  <i>Trudeau</i></p>	<p>(cont.)  Remove Barriers to Prosperity</p> <p>To ensure that Indigenous peoples share fully in the prosperity of our country, a new Conservative government will work collaboratively with Indigenous communities and leaders to review the Indian Act and other government policies and procedures to remove barriers to prosperity. Many Indigenous people face a significant socio-economic gap compared with other Canadians. We will work with Indigenous communities and leaders to identify these barriers and provide solutions.</p> <p><b>Governance</b></p> <p>We will work towards modernizing Indigenous governance so that accountability shifts from the federal bureaucracy to the people served by Indigenous leaders.</p> <p>We will also work to reduce unnecessary red tape that burdens and takes valuable resources away from Indigenous communities. All government reporting should serve the community – not the bureaucracy.</p> <p>To make sure Indigenous groups can participate in the economic benefit of major projects and other economic development opportunities, we will pursue opportunities to assist Indigenous rights holders in accessing capital for equity agreements and economic development.</p> <p>We will also increase support for organizations that facilitate engagement between Indigenous groups and resource development companies. Indigenous communities want to benefit from development of resources within their traditional territory, but they want to do this in a way that is respectful of the environment and of their traditions.</p> <p><b>Consultation</b></p> <p>We will create a dedicated ministerial portfolio for consulting with Indigenous rights holders on major projects. The courts have been clear that the Crown’s duty to consult must be a genuine two-way communication and that there must be an effort on the part of the Crown to understand and accommodate impacts on Indigenous rights. We will make sure there is responsible oversight and engagement with involved Indigenous groups.</p>	<p>The party was not in power during this period.</p>



<b>Election(year)</b> <b>+</b> <b>Winner Party</b>	<b>Conservative Party Election Promises</b>	<b>Actions</b>
<p><b>2019</b> (cont.) <b>Liberal</b> <i>Trudeau</i></p>	<p>(cont.)</p> <p><b>Water</b></p> <p>We will continue to support efforts to end long-term boil-water advisories, which were first started by the previous Conservative government. As we work with Indigenous communities to find a path to prosperity, we cannot ignore the very real problems associated with poverty or Canada's constitutional obligations to Indigenous people.</p> <p><b>Reconciliation</b></p> <p>We will also develop a National Action Plan to address the ongoing tragedy of missing and murdered Indigenous women and girls.</p>	<p>The party was not in power during this period.</p>

