

CONGRESS OF ABORIGINAL PEOPLES

This year is set to be one of great historical significance for the Aboriginal Peoples of Canada. Here, **Betty Ann Lavallée**, National Chief of the Congress of Aboriginal Peoples, highlights key upcoming events and their important implications

What are the central objectives of the Congress of Aboriginal Peoples (CAP)?

CAP's principal objective is to advocate for the rights and interests of Aboriginal Peoples, particularly non-status and status Indians living off-reserve, such as the Métis and Southern Inuit of Labrador. This constituency represents over 1 million of the 1.4 million people in Canada who identified as having an Aboriginal identity according to the 2011 National Household Survey.

The Congress campaigns for the full acceptance and implementation of the constitutionally recognised Aboriginal rights of its constituents, as well as for improvements to the policies and programmes of the Government of Canada pertaining to Aboriginal Peoples more generally.

As National Chief of the organisation, what responsibilities do you assume? How have your previous experiences affected your approach to this role?

I am the principal spokesperson for CAP – I lead its Executive Committee and Chair the Board of Directors, which is made up of our provincial and territorial affiliates. My prior experience as President of the New Brunswick Aboriginal Peoples Congress, which is one of CAP's provincial affiliates, provided me with a strong background in the workings of the organisation and the issues we pursue on behalf of Aboriginal Peoples. In addition, my own history as a status Indian living off-reserve has informed my personal understanding of the challenges facing CAP's constituency.



A HEALTHIER PEOPLE

CAP has placed the health of Aboriginal Peoples at the top of its agenda in its overarching struggle for equality within Canada, working to influence policy and change the situations for communities across the nation. Betty Ann Lavallée discusses their current priorities for Aboriginal health and the challenges they are up against

What challenges must the Congress confront in order to ensure the equality of healthcare treatment and wellbeing for Aboriginal and non-Aboriginal Peoples?

Many Aboriginal people in Canada live in remote or isolated communities where facilities are difficult to access, so that is a significant challenge in a country of this size. But even in our cities, many Aboriginal citizens face discrimination in the provision of services, a situation that needs immediate and direct action. For example, a disabled and homeless Aboriginal man in Winnipeg was left untreated in the emergency room of a hospital for 34 hours, leading to his death. This entirely preventable tragedy highlighted the need to address discrimination toward Aboriginal people in Canadian society in order to bring about equal treatment.

Specifically, how does CAP work to ensure the health of the Aboriginal Peoples that you represent?

The Congress takes a holistic approach, as we believe that addressing social determinants such as housing, poverty, clean water and food security are the keys to improving the health of Aboriginal Peoples in Canada. This approach contributes to greater overall wellbeing and prevention of disease in the most effective fashion, and is more economically efficient in the middle- to long-term. For example, our

advocacy for a national housing strategy that includes affordable housing for Aboriginal people is an element of that approach, as providing a healthy home environment can do more for ensuring good health and preventing disease among the population than treatment can after illness has set in.

In what ways has CAP been working with government agencies and other organisations to implement the Congress' experience in terms of public health and working with Aboriginal communities?

Wherever possible, we bring our own expertise and the experience of our affiliate organisations to bear in providing advice to the Government of Canada policy makers at Health Canada and Aboriginal Affairs and Northern Development Canada. Regrettably, the Federal Government chose not to provide any funding to CAP to carry on dialogue regarding health issues in 2014-15, diminishing our capacity to investigate, collate and communicate this advice. However, the Congress continues to do what it can to participate in this dialogue, despite the reduced resources for such activities. For example, in May of 2014, CAP published *A Study Examining Three Significant Health Determinants Affecting Today's Métis Peoples: Smoking, Drinking & Drug Use*, using data provided by Statistics Canada to contribute to the understanding of how some behaviours affect the health of Métis Peoples.



How important is CAP's work with young people to its core goals?

Aboriginal people are the youngest and fastest growing demographic in Canada. As such, the role that youth play in how we understand Aboriginal issues will only continue to increase in significance for the foreseeable future.

CAP has recognised the importance of youth in shaping the policy, programmes and leadership of the Congress by creating a National Youth Council, and including a representative from that Council on its Board of Directors, as well as through a resolution of its membership to provide a youth perspective in each of its project proposals. The National Youth Council is currently focused on strengthening relationships with culture through our elders and looking at strategies for off-reserve Aboriginal youth to address bullying.

What role does the organisation play in addressing the educational and workplace inequalities between Aboriginal and non-Aboriginal communities?

Educational attainment and employment are significantly lower for Aboriginal citizens compared with the Canadian populace as a whole. CAP is involved in promoting better access and a more culturally sensitive environment for Aboriginal students as well as improvements to educational curricula in order to promote higher graduation rates and greater understanding of Aboriginal Peoples and their issues among the Canadian public. We are also very active in programmes such as the Aboriginal Skills Employment Training Strategy, which connects Aboriginal workers with employers in order to increase employment levels. However, progress has been slow and there is still much more to do to reach economic parity with non-Aboriginal communities in Canada.

CAP participates in the Aboriginal Affairs Working Group with Canada's provincial and territorial governments to identify ways to improve graduation rates and get young people ready to take their place in the labour market by developing better data and indicators, new curricula and teacher training, and by addressing student risk factors. In addition, CAP's provincial and territorial affiliate organisations are involved in delivering programmes and scholarships to help young people stay in school to finish their diplomas and degrees or to upgrade their learning to qualify for Graduation Equivalency Diplomas.

CAP's 2014 Annual General Assembly took place recently. In your opinion, which were the most significant resolutions formed during this meeting?

The most important was the commitment from all of the elements of the organisation, from our executive, affiliates, youth and elders' councils, to develop a strategy to address the Government of Canada's continued policy of dispossession and subjugation. From an organisation that has tried to implement a cooperative and constructive approach in its dealings with every federal government regardless of party in the past, this resolution stands as a marker concerning the relationship between Aboriginal Peoples and the current federal government. It is my hope and belief that we will be able to find a way to address this underlying situation – and it is certainly my priority.





A CRUCIAL CASE: Daniels v Canada

Harry Daniels was a prominent Métis leader and former President of the Native Council of Canada that later became the Congress of Aboriginal Peoples (CAP). In 1999, he launched an action before the federal court to ensure the numerous Métis and non-status Indians living in Canada had the same recognition and rights as those provided to status Indians.

The Plaintiffs, including CAP, asked the Court to declare that:

1. Métis and non-status Indians are 'Indians' as the term is used in section 91(24) of the Constitution Act, 1867
2. The Crown owes a fiduciary duty to them as such
3. They have the right to be consulted by the Federal Government on a collective basis, respecting their rights, interests and needs as Aboriginal people

A landmark court ruling in 2013 decided that Métis and non-status Indians were indeed Indians under the Constitution – essentially doubling the size of Canada's Aboriginal population.

Following an appeal by the Government of Canada in 2014, part of the decision was upheld – declaring that Métis are indeed covered under the Constitution Act. The Federal Government also conceded that non-status Indians fall under federal jurisdiction.

This case has been a long one, and it is still ongoing. CAP will play a key role in any further legal proceedings, and in ensuring that the decisions of the Court translate into real benefits for the groups in question.



Could you give some insight into the activities that CAP has planned in 2015?

The Congress will be in front of the Supreme Court of Canada in the Daniels case, our most important activity for 2015. Additionally, we will be continuing our ongoing work on housing, education and employment issues. In a federal election year, our advocacy will take on new meaning as we try to position Aboriginal issues in the election campaign and guide our work to be as effective as possible regardless of the eventual outcome.

More broadly, there has been a real upsurge in activism and engagement from Aboriginal Peoples across the country over the past two years that we feel is a very positive development. This increased activity is raising awareness among Aboriginal and non-Aboriginal people in Canada alike and is having an influence on Aboriginal organisations such as CAP. We will be seeking to engage with all interested parties in order to ensure the most effective representation possible for all Aboriginal Peoples. It is an important and volatile time for our constituency and we are enthusiastic about the opportunities for transformational change over the next few years.



The Daniels case is perhaps the most important issue in which CAP is involved. The Supreme Court of Canada has agreed to hear an appeal on the case and we expect a decision in 2015. Recognition of non-status Indians and Métis as a federal responsibility under section 91(24) of the Constitution will put an end to the game of political hot potato played by both the federal and provincial levels of government in Canada and compel the federal side to accept its responsibility for almost 700,000 citizens for the first time in the history of this country. These people require and deserve a concerted effort to address longstanding disparities in equality and wellbeing and we will continue to press for a coherent policy and programme response to the conditions they face.

In addition, a win at the Supreme Court in this case will lead to recognition of the Aboriginal rights of non-status communities under section 35 of Canada's constitution, changing the map for land title claims, identifying that the duties of consultation and accommodation regarding resource development decisions also apply to those communities, and confirming the rights of non-status communities over the harvesting of game, fish and forestry products. There is no more important issue for CAP and its constituency.

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