

The Demise of the Charlottetown Accord

The demise of the Charlottetown Accord in October 1992 transformed the First Nations agenda for change in Canada. People have reassured me since then that there is support for the inherent right of self-government, despite the rejection of the Accord, but I do not really see it. No doubt there is general political support from the public. In practical terms, however, there will be no progress on the right of self-government until positive changes in national policies and laws are made. This takes more than public support. It takes political change. If the law does not explicitly recognize our inherent right of self-government, and our peoples try to assert it, as they will do, they will be told by governments and bureaucrats that they have no existing rights. Positive public sentiment is nice, but we need actual changes in the legal and political structure of this country.

In practical terms, we are back to where we were before the Charlottetown Accord was negotiated. We must now look outside the constitutional reform agenda for new vehicles for change. Whatever opinions you may have had, whether you were for or against the Accord, it outlined a process that would have resulted in the orderly implementation, over a period of years, of the right of our peoples to govern themselves. It would have made it possible for First Nations peoples to begin to peacefully implement our forms of government, whether on a community, regional or national basis, according to our own values and priorities. It would not have been easy, but it would have been possible.

So what are our options now? This is what I ask the Canadian people. What options have you given us? The only option I see is for my peoples to assert the right to govern ourselves unilaterally, whether the law recognizes it or not. How long can we wait for change? Constitutional change has been a disappointment to us again. Will the next federal government return to the table? Will it be inclined to carry on comprehensive discussions for constitutional reform with our people? These are the questions and the consequences for First Nations. It is not as easy as just taking the Charlottetown Accord's proposals on self-government and putting them in place without the other parts of that Accord. The Referendum has been interpreted by the politicians as a "no" to everything, including our peoples' rights.

Who will form the next government? What will its positions be on our issues? Where does the new leader stand? The personalities in federal politics are changing. Those whom we've

educated about our situation are leaving politics. We will have to start again. What process will be available to carry on this dialogue with Canada? Will it remedy the injustices of the people I represent? Will there be social peace between Canada and the First Nations, or will there be more confrontation? I do not know the answers to those questions. We have to ask the political parties what their positions are on our issues. How do they propose to deal with the unfinished First Nations agenda? We want a process that would not result in confrontation, that would not mean barricades. What are their ideas? We must closely examine their approaches and answers.

What do the people I represent do now? Do we wait for several years, and allow the status quo to prevail? What would that mean for the status of our rights? Can we afford to wait while our rights are trampled, or must we do something to assert those rights now, in order to protect them for future enjoyment by our peoples? How much more can our people suffer? These are not rhetorical questions; they are practical and pressing. For example, in the provinces of Manitoba and Saskatchewan, reserves are developing gaming establishments to create employment and wealth for their people. Some bands are tired of government intransigence and they are just going ahead and doing it. This has meant confrontations, raids, and rising hostilities. Without a process to talk things through and find solutions, we will have conflict.

First Nations see gaming as a part of our inherent right of self-government, as part of our jurisdiction and our economic future. If there is no way to negotiate self-government, we will just do it. We will not accept that only two levels of government, the federal and provincial governments, can exercise jurisdiction over gaming. The people I represent see many non-Aboriginal governments setting up gaming institutions in restaurants and the province of Manitoba creating its own casino. Everybody else seems to be taking the opportunity to raise revenue for public services, but our people are told, "No, you cannot do likewise."

First Nations peoples are not inclined to wait for our rights to be recognized in light of this double standard. Bands are going ahead and asserting their jurisdiction over gaming, and finding investors to help them set up operations. This is happening not only in the province of Manitoba but in New Brunswick, too. It is going to happen in Ontario and across the country. So for the next two years, Canadians and their governments and Aboriginal leaders are going to be faced with the reality of de facto self-government, in which our people will simply assert their

jurisdiction. They will do it without discussion and they will not wait for permission from the federal or provincial governments. What will happen when they assert their power? Our experience in Canada shows us that when people take power, it usually means a confrontation.

Is direct action the only strategy our peoples have available? What are the alternatives? We made these agreements in our treaties with Canada in good faith. We have satisfied our side of the bargain, but the government has not satisfied its side. It takes the benefits readily but forgets its obligations. We will not sit by and see our peoples and resources exploited.

So there are problems with waiting for a better day.

We cannot afford to bide our time. If we wait for the inherent right of self-government to be recognized in the Constitution at some uncertain future point, or if we wait for the courts to define it, what will we have left when they get around to it? And we do not have a say in the courts. We are not part of the Supreme Court of Canada. When the courts look at the inherent right, they will see it only through their eyes and training. They do not know our history and our peoples and they do not even know much about our rights. We cannot afford the expense of court battles against a highly powerful government. So why should we look forward to a court process when our experiences over the past 125 years lead us to predict, with some certainty, that it will result in a one-sided vision?

For the sake of social peace in Canada, we have to find some new political pathways in the wake of Charlottetown. We need a political process to resolve the disputes that have been there for a long, long time or we will face confrontations and blockades, or continual run-ins with the RCMP.

What are the alternatives? I repeat myself because I am genuinely asking the question and I do not know the answer. I need ideas, opinions and direction—not just from the people I represent, although I am gathering their direction and their insight, but from other Canadians as well. Your opinions on how to change this political situation are important and will help shape the next government's position on treaty and aboriginal rights in Canada.

Our peoples will assert our rights; it is just a question of how we direct our energy. We must be careful as a country because if we adopt an approach other than kindness, we will go down the

path of violence. This is a real issue and one I worry about. The leadership I want to provide in the Assembly of First Nations is one of social peace, and this is the message I want to send to the rest of Canada as well. But the support of Canadians is needed for me to be able to take this position because my people cannot continue to be left out in the cold. If the government backs away from accepting our rights, there will be confrontations. Canada has an obligation, just as we do, to maintain social peace. But things can go very wrong. We saw that happen not too long ago. We do not want to repeat the cycle of denial of rights and confrontation.

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