

Saving Canada's marriage

Originally published in the Winnipeg Free Press – 17 September 2014

Anthony Speca and Christopher Alcantara

anthony.speca@polaraspect.com

calcantara@wlu.ca

Aboriginal leaders often quip that modern treaties are like a marriage, but that Ottawa treats them like a divorce.

Recently, a new constellation of respected aboriginal leaders, politicians, judges of the highest rank, experienced civil servants, philanthropists and others came together to try to help save the marriage. Its brightest stars include two former prime ministers and several high-profile First Nations, Inuit and Métis leaders.

Calling themselves Canadians for a New Partnership (CFNP), they declared in their founding declaration they would “bring a new energy and reconciliation to the project of building a better Canada.” In their view, government and civil society have so far failed to “embrace the notion of partnership fully and place it at the very heart” of the relationship between aboriginal and non-aboriginal Canadians.

Pragmatists have already scoffed at the CFNP's idealism. What could this high-minded talk of nation-building and partnership possibly mean in practice? As Hayden King, director of the Centre for Indigenous Governance at Ryerson University, put it, “People are concerned that we are going to be led down a path by this group which we've been led down before, and which has not produced results.”

King's scepticism may well be justified. The CFNP produced no concrete plan to realize its vision, nor indicated that one is coming. But at the group's launch event, former prime minister Joe Clark confidently told reporters that, “there may be disagreements about particular policies, but we believe that among the people who we can influence . . . are members of the present government.”

And for all their idealism, the CFNP do seem to be onto something. Canadian governments, both liberal and conservative, have for many decades stressed the

importance of nation-building and partnership with aboriginal peoples, yet their actions have fallen short of their rhetoric.

Take comprehensive land-claims agreements, otherwise known as modern treaties, for example. Policy-makers and politicians have long argued modern treaties are powerful tools for completing the national project of Canada. These documents are supposed to forge new and evolving partnerships between the Crown and aboriginal peoples. But a close reading of these agreements suggests otherwise. Instead, they are mainly designed to achieve certainty and finality with respect to land ownership and rights.

Similarly, Ottawa devalues partnership when it comes to sharing royalties from traditional aboriginal land. For instance, as part of the ongoing process of devolving governance in the North, Ottawa has consistently capped the share of royalties granted to aboriginal and territorial governments at just a small fraction of what's needed to afford public services, let alone to promote social and economic development. Rather than treat northern peoples and governments as partners in building the nation, Ottawa wants to be certain its own costs are limited.

Certainty and finality are what you get when people come apart, not when they come together. The divorce and not the marriage. But a bit like the marriage counsellor, the CFNP encourages us to “stop the cycle of negativity” and “remedy a broken relationship.”

Now, putting partnership before certainty in modern treaties and royalty-sharing agreements isn't going to save the marriage by itself. As former Assembly of First Nations national chief Ovide Mercredi has said, “the treaties and the Constitution aren't the only part of reconciliation that needs to happen.” But it would be a good place to start.

Anthony Speca consults on Arctic and northern issues as managing principal of Polar Aspect. Follow him at www.arcticpoliticaleconomy.com. Christopher Alcantara is associate professor of political science at Wilfred Laurier University.