

### NSR Comment, by Richard Price

In his recent book Village Journey, Thomas Berger makes a statement that sets the tone for this commentary:

If governments continue in their efforts to force Native societies into molds we have cast, I believe they will continue to fail. No tidy bureaucratic plan of action for Native people can have any chance of success unless it takes into account the determination of native people to remain themselves. Their determination to retain their own cultures and their own lands does not mean that they wish to return to the past, it means they refuse to let their future be dictated by others. Because Native peoples have accepted a dominant society's technology does not mean they should learn in school no language except that of the dominant society, learn no history but that of the dominant society, and be governed by no institutions but those of the dominant society. The right of Native peoples to their own distinct place in the contemporary life of the larger nation must be affirmed (Berger 1985:182).

Sally Weaver has provided us with a solid piece of Indian policy analysis in her two part article--"Indian Policy in the New Conservative Government, Part I: The Nielsen Task Force of 1985," and Part II: "The Nielsen Task Force in the Context of Recent Policy Initiatives." I am pleased that the Native Studies Review editors have decided to request a number of responses to the Weaver article as a way of reflecting collectively on these recent events. My purpose in this commentary will be to bring some of my own perspectives and analysis to bear on the questions concerning Indian policy and in so doing to comment on the Weaver paper.

Sally Weaver's paper combines a meticulous attention to detail with the development of a number of overriding themes. The themes that are most effectively developed in her paper are: the Nielsen policy as a "foundation" policy; the Nielsen ideology of cultural supremacy; the competing policy paradigms of Nielsen and Crombie; the situation of policy confusion; and the conflicting values of Crombie and Rawson, his deputy.

In this commentary, I will examine the historical context for Indian policy in the 1980s; review the roles of the Prime Minister and Crombie in relation to the Nielsen event; and reflect upon the issues of definition and resources of Indian

self-government. These points represent either differences of emphasis or differences of perspective with Sally Weaver, or simply my own perspectives based on additional information and hindsight.

It puzzles me why Weaver did not more clearly set her article dealing with "Indian Policy in the Conservative Government" in the historical context of the fundamental break with the past that was represented in the constitutional changes of 1982 (sections 25, 35 and 37) regarding Indian rights and the subsequent amendments of the 1983 conference. The constitutional conferences that flowed from these changes and amendments would clearly impact on the Mulroney government and simply could not be ignored. Weaver writes that "The 'ongoing' constitutional process on aboriginal rights has yet to prove itself as a legitimate political arena capable of advancing any substantive item on its agenda to conclusion ... I think this process is unlikely to prove to be a productive forum for advancing clarification and support for Indian self-government." (Weaver 1984:220). Does this mean, however, that we ignore the constitution and the constitutional conferences, or worse fall prey to the cynicism that tends to pervade governmental circles when these constitutional conferences are discussed? Surely the constitutional amendments agreed upon at the historic 1983 conference--including the changes on land rights, equality and future conferences, as well as their subsequent endorsement by Parliament and by the requisite number of provincial governments--requires some recognition in terms of their impact on future governments as well as the substantively new situation that the 1983 amendments represented for Indian and other Native peoples. Does not this constitutional program on land rights and equality also represent progress in putting together several of the building blocks of self-government? Granted, the progress on the overall issue of Indian self-government has not been what many had hoped would be possible. This does not, however, negate the radical break with the past and the fundamentally new situation for aboriginal peoples and their rights that developed in the early 1980s.

Weaver does seem willing to acknowledge, in an earlier 1984 article, the importance of the all-party Parliamentary committee Penner Report on "Indian Self-Government in Canada":

The Penner Report has advanced the issue in a more pragmatic and provocative way. It challenges any government to think in new ways about reform, and it is timely given the forthcoming federal election. It provides a fresh government with an immediate tool for detailed deliberations and it has the rare advantage of having the endorsement in principle of the AFN ... (Weaver 1984:220).

However, this excellent point on the Penner Report (a comprehensive policy document) as well as the constitutional changes of 1982 seem to be lost when Weaver devotes only one paragraph to the Trudeau Liberal era (1968-1984). She tends to trivialize the policy developments to that point with the comment that, "Few would disagree with the view that a reappraisal of policies and programs was needed" (Weaver, part 1, p. 1). This conclusion is based on the fact that the Trudeau cabinet at the end of the era was incapable of generating Indian policy decisions. This may well have been true of most policy areas due to the Liberal leadership campaign in the spring of 1984.

Historian John L. Taylor, in a short article written in 1985, notes the ongoing negotiations between Indian communities and the federal government in reference to the recommendations of the Penner report and suggests that

A third stage of Indian-government relations appears to be emerging from the developments of the recent past. Present policy aims to replace paternalism with self-determination, assimilation with cultural development, and destitution with community well-being (Taylor 1985:1215).

However, with the emergence of Mr. Nielsen on the stage of Indian policy development, history did not unfold quite the way or perhaps quite as quickly as Taylor seems to have anticipated. But for Weaver to fail to acknowledge adequately the impact of these fundamental constitutional and policy developments of the early 1980s on subsequent governments as well as on the aspirations of Native peoples, remains for me a puzzling omission and shortcoming of her paper. They were fundamental factors that shaped the policy environment of the mid-1980s in which both Nielsen and Crombie found themselves. The fact that Nielsen and his task force chose to ignore, for the most part, this policy

environment was a good part of their undoing when it came to Native and public reactions to their report. (Nielsen 1986:225).

Millions of Canadians watched Indian, Metis and Inuit leaders on television forcefully articulate their positions on land and self-government rights at the constitutional conferences from 1983 onwards. For the first time in Canadian history, governments at both the federal and provincial level were called upon in the constitutional conferences to state where they stood on such thorny issues as aboriginal and treaty rights, including land and self-government. The fact that two conferences were held before the Conservatives took power (1983 and 1984) and two conferences were scheduled to take place during the period of their four-year mandate effectively meant that these matters could not be ignored or swept under the carpet.

A more informed public wants to know where its governments are headed on these issues. As we approach the 1987 conference, one is reminded that there have been a number of changes in provincial governments since the last First Ministers Conference, and more changes are still possible. Is it not likely that all of the politicians at the table next year will be under pressure to salvage some more concrete results from this difficult yet vital process?

Similarly, the so-called Penner Report on Indian self-government produced a broad consensus among Native leaders and the three federal political parties that a common, mutually acceptable direction had been found. For many Indian leaders, such as the former national Chief of the Assembly of First Nations (AFN), David Ahenakew, and Albertan Harold Cardinal, the Penner Report seemed to represent a pivotal point or watershed in Indian policy development. Likewise, church groups, such as the ecumenical group Project North, and church leaders, like the former Anglican Archbishop Ted Scott, threw their support behind this self-government report. Support for the report also came from the academic community and to a certain extent from governmental officials. All of this is not meant to imply that

the Penner report was without its critics but simply that its historical impact could not be ignored. While Weaver does acknowledge the historical impact of the constitutional changes and of the Penner report on Crombie, both of which Crombie himself acknowledged in his speech to the Standing Committee three months after taking office, (Weaver, part 2, p. 9) her historical reflections are buried in the paper and come through to the reader as an afterthought.

Moreover, I think as we look back on this period of history we are more likely to characterize the two dominant policy patterns as "assimilation versus self-determination" rather than Nielsen versus Crombie. I view Crombie with his community-based approach as being a variation of the Penner Committee's self-government/self-determination policy proposals. In so doing I do not mean to minimize the legacy of Crombie's community-based thrust but to suggest simply that it is part of a longer historical development for self-determination. On the other hand, Nielsen follows the assimilationist position of many previous administrations (see Tobias 1983:39-55), with his own variation of economic assimilation--the "let them move to the cities and find work" approach. Alternatively, in terms of more clearly articulated and widely known positions both inside and outside of government, it seems to me that the differing "Nielsen" versus "Penner" policy approaches over self-government and Aboriginality (among other things) are better policy juxtapositions if one is to attach names of key political figures to the divergent policy approaches likely to dominate the mid-1980s. Within the more narrow time frame of about two years when Nielsen and Crombie jostled for Indian policy supremacy, the conflicting Nielsen and Crombie "paradigms" (reflecting personal philosophies and values) do seem to fit as Weaver has described them. Is it not more important, however, to try to discern the broader policy patterns and approaches that will likely have a lasting historical impact?

I would like to turn to the questions surrounding the Prime Minister's apparent role in reconciling the tug of war over Indian policy between Crombie and Nielsen.

The week of 15 April 1985 proved to be an eventful one for the development of Indian policy in Canada. On Tuesday, 16 April, a number of DIAND officials, including myself, were called to a morning meeting by people from the Assistant Deputy Minister's office, and we were briefed on an urgent situation that was developing, a situation that had our Minister, Crombie, very concerned. The Minister had received a copy of the draft Cabinet memorandum "Report of the Ministerial Task Force on Native Programs" (12 April, 1985) from the Deputy Minister. We were told that Crombie was incensed about the report and that he was writing a long letter to the Prime Minister protesting a number of elements contained in the document, the process that produced it, and the fact that the government could expect another type of massive, negative Indian reaction similar to the reaction to the 1969 White Paper of the previous Liberal government. Crombie had met with the Deputy Minister, Mr. Bruce Rawson, the previous day and had instructed Rawson to put together a team of officials to write a clause by clause critique of the document. Rawson in turn had asked his Assistant Deputy Minister to follow through on the request. As a group of officials, we were asked to do these critiques according to our areas of expertise and to have them in to the Assistant Deputy Minister by the close of business that day. Our task had a real sense of urgency in an atmosphere of near desperation because we were informed that a meeting of the Priorities and Planning Committee of Cabinet had been scheduled to discuss the Nielsen document on Thursday, 18 April, and there was some question whether Crombie would be permitted to appear to plead his case using the critique and his own more political argumentation.

In order for us to do our work we were provided with a copy of the April 12th Nielsen document and given access to the larger Nielsen Task Force report itself. I completed my work that day and then headed off that evening for a conference that I was scheduled to attend in Vancouver the following day. In the context of this commentary on Indian policy, I see no useful purpose in providing details about my personal reflections and actions regarding that document. It is sufficient to say that

it is now known that someone else gave a copy of the larger Nielsen Task Force Report to a Canadian Press reporter in Toronto and that that story hit the C.B.C. on the evening news at 10:00 p.m., Wednesday 17 April and the following day in most newspapers. As Sally Weaver has described, the Prime Minister's office then flew into action and issued the press release on Indian policy on Thursday 18 April, 1985.

Readers may recall that television cameras succinctly captured ministerial differences when Crombie surprisingly claimed never to have seen Nielsen's report, and Nielsen chuckled over Crombie's problems! Of fundamental importance to these differences was the question of the Prime Minister's involvement, if any, in the preparation of the Nielsen April 12th draft Cabinet document. In the document we find that "The Prime Minister has been consulted regarding his prerogatives on mandates." (Nielsen 1985:8). I take this to mean that the Prime Minister was consulted on the traditional prerogatives of any Prime Minister regarding the program mandates of his ministries. That is, he was consulted on the so-called machinery of government concerning the Nielsen proposal, namely whether or not he had strong objections to the devolution of DIAND programs to other government departments. I assume he had no objections and therefore the statement was included in the document as noted above. I am also aware that the Prime Minister specifically denied any involvement when questioned about the statement in the House of Commons. Readers will have to make their own judgements about the veracity of his comments.

Also at issue is the question of how far the Prime Minister was prepared to go in support of his Deputy Prime Minister and of the high profile, high priority Nielsen task force, especially in the face of immediate objections by Native leaders. When reflecting on this subject, I think that the Prime Minister had so much of his own credibility on the line, both in terms of the Native people in his own riding and the statements he had made at the First Ministers conference several weeks earlier, that he had no choice but to back away from Nielsen and thus support Crombie. This represents, in my view, Mulroney's own political

instincts coming to the forefront, regardless of how they might conflict with the policy priorities of his Deputy Prime Minister, Nielsen, or other members of the Cabinet. Nielsen's pride may have been somewhat assuaged by later comments from the Prime Minister that, if there are any good recommendations in the report to benefit Native people, they would be implemented "in the spirit of fairness and decency." (Globe and Mail 19 April, 1985:2).

Peter Aucoin suggests that Mulroney's philosophy of accommodation, or "brokerage politics," "... can lead to compromises of the policy of neo-conservatism. The experience to date confirms this tendency ... but his philosophy of governance is certainly more populist than that of his more conservative neo-conservative contemporaries." (Aucoin 1986:26-27). Fortunately for aboriginal peoples, the Prime Minister made a strong policy statement in support of, among other things, aboriginal rights and consultation, with the result that any Nielsen-inspired plans for cuts to Indian programs in the spring budget of 1985 had to be put on hold. Fortunate also was Mulroney's choice of Crombie, and not Nielsen, to head up the government's Native policy thrust by having him chair the Cabinet's new Native Policy Committee.

In my estimation, from that point on the battle lines were drawn between Crombie and Nielsen, with Nielsen continually trying to thwart Crombie's efforts to bring forward Native policy proposals to the Cabinet. From what I can understand, practically every time that Crombie brought forward proposals to Cabinet, whether on self-government or a spending matter, Nielsen was there trying to shoot down or derail Crombie's proposals.<sup>1</sup> Georges Erasmus of the AFN brought this fight to the attention of the Native media in the spring of 1986, calling it a battle between the progressive and the reactionaries.

Undoubtedly, Nielsen, by virtue of his position and his close association with the governmental mandate to "cut back spending in order to reduce the national deficit" (Weaver, Part 1, p. 2), had a powerful hand in dealing with his cabinet colleagues when it came to Crombie's proposals. As Nielsen's



credibility problem caught up with him over his stonewalling approach on a number of issues, particularly the Sinclair Stevens affair in the spring of 1986, his influence in Cabinet waned. Nevertheless, there was a period, from April 1985 to April 1986, when Nielsen was able to force modification of many of Crombie's key personal initiatives. In the end, the last word on this tug of war went to Mulroney, who moved both Nielsen and Crombie out of the Indian Policy fray.

Remaining is the question of the role and accomplishments of David Crombie. While I think Weaver has effectively analyzed his policy values and paradigms, many Indian leaders in the West are asking, what did he really deliver for Indian people when he was Minister?<sup>2</sup> Certainly for many Indian organizations and leaders, several of Crombie's policy task forces (Coolican on Aboriginal Rights, Oberle on Treaty 8 Renovation) were positive and their conclusions were on the right track, but how much new policy was Crombie actually able to get through Cabinet? Unfortunately there was not too much. Opposition politicians questioned whether Crombie was perhaps spending so much time on the road visiting Indian communities that he never had time to cultivate better relations with his Cabinet colleagues.<sup>3</sup>

One of Crombie's goals was to move the Indian self-government issue forward. His "Policy Statement on Indian Self-Government in Canada," of 18 April 1986, does represent a positive if tentative step forward. The legislation for the Sechelt Indian Band Self-Government Act that was passed by Parliament also is indicative of progress, although many bands elsewhere do not support certain terms of the new legislation. As Weaver notes, there was certainly some backsliding from earlier policy positions by Crombie, most notably when it came to the section of the Indian Government policy statement dealing with enhanced by-law capacity under the Indian Act. In regards to Sechelt, the Sechelt Chief was quite bitter in mid-July, 1986, about Crombie's failure to get more resources for the Band to implement their concept of self-government. Given the likelihood of Nielsen's opposition within Cabinet, the government priority to cut the deficit, and his own deputy minister's differing and

more cautious views, perhaps Crombie achieved all that he could in an uphill fight. Perhaps he was not quite the "white knight" for whom so many had hoped. It is a pity that Mulroney did not allow Crombie to continue as Minister of Indian and Northern Affairs, for the Indian people felt they had educated him as to their aspirations, and he certainly seemed to have the potential to accomplish much more in the last two years of this government's mandate, given a Cabinet minus Mr. Nielsen. For most Indians on the prairies, I believe Crombie represents something of a disappointment in that they had so many hopes tied up in the results they hoped this man could deliver.

With Crombie moving on to a new ministry and the new Minister of Indian and Northern Affairs, William McKnight, placing more emphasis on reading the departmental briefing books than on visiting Indian people at the community level (Windspeaker 25 July, 1986), there is reason for concern that Deputy Minister Rawson will tend to have a greater influence on policy in the days ahead. Only time will tell whether McKnight will take this aloof approach in the long term and how much scope he will be given by the Prime Minister to respond to outstanding policy issues left hanging by Crombie. The Native media in Alberta as well as Georges Erasmus of the AFN have already expressed their concerns at losing an able minister like Crombie and their misgivings about McKnight (Windspeaker 1 August, 1986:6). Indeed the new Minister already has had his hands full dealing with a sit-in and protest of Manitoba Indians in the late summer of 1986.

Finally, I would like to move to definitions of self-government and the resources question. I think the terminology of the Nielsen report bears closer scrutiny when it comes to discussions on matters of self-government. The publicly released Nielsen report refers at several points to Indian "local government" while the April 12th Nielsen document flippantly refers to "devolution of native problems to native communities" (Nielsen 1985:8). This concept contrasts with the "distinct order of government in Canada, with its jurisdiction defined" as a constitutional right and with a broad scope of powers as

outlined in Penner's Report (Penner 1983:44). This is an important distinction given the propensity of many politicians and senior officials to speak quite glibly about self-government without any clear definitions of the extent of Indian jurisdiction and authority. Weaver is quite aware of these differences between Nielsen and Penner, but I must admit I get a bit uneasy when Nielsen's approach is characterized as "self-government by fiat" in contrast to Crombie's "self-government by negotiation" (Weaver, Part II, p. 31). Do we not run the risk of losing the essence of the principles that underly constitutional Indian self-government as defined by the all-party committee when the term self-government is used in the same breath with Nielsen?

Another related issue is that of resources to support Indian self-government. The Sechelt Band recently voted in a referendum to accept the new legislation (September, 1986). Interestingly, the Band will receive \$24,000 less under the new self-government legislation than it did in the previous fiscal year (Globe and Mail, 22 September, 1986:A4). While this may be financially feasible for a band like Sechelt that has other means of generating revenue, it hardly augurs well for most of the poorer bands in Canada who want to move into self-governing legislation but would require new resources.

Crombie seemed to believe that, as the department "downsized," he could get the salaries formerly paid to civil servants turned over to the bands. However, this would likely involve case-by-case arguments with Treasury Board officials who would prefer instead to hang on to the saved salaries for government coffers. The negative experiences of the Sechelt Chief in dealing with the Treasury Board on behalf of his band are likely indicative of the kinds of political directions Treasury Board officials are given these days.

Sally Weaver closes her policy review with the question "... of whether the First Nations will be provided with adequate resources and control to sustain their new self-governed communities" (Weaver, Part II, pp. 32-33). Thus far the Mulroney government has not provided many concrete indications that the answers will be affirmative on resources or control. I am

confident, however, that the Indian people will not give up their quest for truly self-governing communities. It remains for many of us to strive for a more effective means both of supporting Native peoples, and of articulating a vision of society that has a greater measure of tolerance for differences, democracy and justice, as a legacy for all of our children and the generations to come.

## NOTES

- 1  
Conversations with federal officials during 1985-86 at both the Ottawa and regional levels of the civil service.
- 2  
Conversations with Indian leaders in 1986.
- 3  
Conversations with an Opposition M.P. in Ottawa on November 22, 1985.

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