

# **CHAPLEAU CREE FIRST NATION**

**Community Development Strategy**

**A Blueprint for the Future**

**Revised May, 2010.**

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## 1.0 INTRODUCTION

In early 2007, the leadership of Chapleau Cree First Nation (CCFN) identified the need to come up with new ways to advance community objectives. Chief and Council noted that efforts to date were not producing the desired results. The community leadership recognized that significant change would need to take place both within and outside of the community. Specifically, it was recognized that the governments of Canada and Ontario were not living up to their constitutional, fiduciary and court instructed responsibilities towards First Nations and this was adversely affecting community progress. The need to investigate the impact that Christian values have had on the cultural and spiritual well-being of community members was also identified, a fair observation particularly in light of the current focus on the effects caused by the residential school system.

At a special Council meeting held later in 2007, the CCFN leadership noted that the community was not healthy from a number of perspectives and that this in turn was limiting community progress. Council recognized that a number of community objectives would need to be advanced simultaneously given that it was determined that overall community well-being is only as strong as its weakest link. A comprehensive and integrated approach was therefore required. Council further recognized that contemporary western approaches to community development were not working and identified the need to advance a strategic blueprint from a traditional Aboriginal perspective. Council commissioned a community development discussion paper in support of better understanding the merits of a traditional approach as well as to provide community members with input to the community development process. A community survey was undertaken and, although feedback was limited, strong support was given to advancing a traditional approach. This initial leadership/community direction provided the foundation to the content of this strategic blueprint.

**As identified within numerous sections of this strategic blueprint, fear-based decision-making is not part of the traditional Aboriginal worldview.** In fact one of the most fundamental conclusions reached as part of this strategic development process is the need to purge the fear that currently exists in the hearts and minds of the citizens of CCFN. Council concluded that the most powerful tool available to assist the community in moving away from this fear was that of reconciliation - with one's self, one's family, one's community, with neighbouring First Nations and municipalities, with the Crown, with industry and with the Church. As an extension of this decision, the leadership agreed that it would be prepared to advance more collaborative approaches in resolving issues with the federal and provincial governments, as long as the Crown was willing to park its interest-based, "command and control" and "divide and conquer" approaches that have marginalized Aboriginal people for over 100 years. Council concluded that if CCFN's potential new partners seemed indifferent to Aboriginal and treaty rights out of ignorance, time would be taken to educate them. If, on the other hand, the potential new partners seemed indifferent to Aboriginal and treaty rights out of arrogance, the approach of reconciliation would be revoked and replaced with one that would be more aggressive and adversarial.

**Conclusion #1: The CCFN community development approach will be based on the concepts of reconciliation and partnership, falling back on aggressive adversarial approaches as a last resort.1**

## 2.0 THE WORLD WE LIVE IN

### 2.1 Government

#### 2.1.1 Overview

As outlined in Kate Kempton's paper *Canadian Law on Aboriginal Water Rights*, the relationship between Europeans and Aboriginal people in Canada from a governance context, and by extension from a government-to-government relationship context, can be summarized as follows:

- **Stage One** -- Prior to European contact (time immemorial to perhaps 1600s): indigenous rights were based on inherency (living in organized self-governing societies in defined territories) wherein Aboriginal people lived in and of the land for thousands of years.
- **Stage Two** -- First contact between settlers and indigenous peoples (1600s to 1763): equal relationship of mutual protection and assistance, with the sovereign status of indigenous peoples recognized. Treaties of peace and cooperation were signed during this era.
- **Stage Three** -- Assertion of British sovereignty began in 1763 with the issuance of King George's Royal Proclamation: Sovereignty purported to be asserted, but not over self-governing, territorial and related rights of Aboriginal people in their territories. Indigenous societies were seen as distinct self-governing units with their own distinct local-custom laws within the British Empire, and in this way, Aboriginal rights were recognized by British common law. For Britain to assume any jurisdiction over Indian lands, they first had to be surrendered to the Crown (ceded through treaties and agreements).
- **Stage Four** -- (Earlier) treaty-making (1763 to 1812): As demand for land increased with the arrival of more settlers, the British (then Canadian) Crown entered into treaties to acquire legal title to and over land. Not all indigenous peoples entered into treaty. In most cases in Ontario, certain traditional territorial lands were ceded to the Crown, but Aboriginal rights, including to hunt and fish, and to self-govern, were not affected because they were not referenced in the treaty at all, or were explicitly reserved/retained in such lands.
- **Stage Five** -- Assertion of Canadian sovereignty and control (1812 to 1982): The Crown entered into new treaties to assume title to a large part of Canada. Settlers now outnumbered and overpowered Aboriginal people, so Aboriginal rights were conveniently seen as fully defined and subsumed by Canadian common law. Aboriginal peoples were seen not as distinct Aboriginal societies, but as subjects of Canada. Furthermore, Aboriginal rights and interests could be extinguished. The Canadian Crown purported to assert sovereignty over many aspects of Aboriginal peoples' lives, by fully regulating them (*Indian Act*), by abrogating and extinguishing Aboriginal rights, and by taking more lands, even with no legal basis to do so.

- **Stage Six** -- Section 35 of the Constitution (1982 to present): Aboriginal rights become recognized as having the status of constitutional rights (greater than common law rights), and the unilateral extinguishment of Aboriginal and treaty rights is no longer allowed. However, rights can be infringed, as long as government can justify the infringement. This model still assumes that Aboriginal people are full subjects to, and under, Canadian law, but with some special or different status.
- **Stage Seven** – Respect for Sovereign and Equal Status (future): It is hoped that the Crown and courts will come to respect First Nation Treaty rights, including the right to determine the nature of their own sovereignty.

**Conclusion #2: One of the main strategic objectives of the CCFN community development process is to move its relationship with the Crown beyond its current state and towards the ultimate goal of respect for CCFN’s sovereign and equal status.**

### 2.1.2 Treaty Rights

Our ancestors believed, and the courts have subsequently supported, that a treaty represents an exchange of solemn promises whose nature is sacred. Canadian treaties with First Nations were negotiated in an arena of cross-cultural confusion. The Crown’s cultural context was greatly influenced by its Rule of Law, whereas that of First Nations’ was greatly influenced by universal and natural laws. The Crown’s world focussed on the written word - the First Nations’ on oral tradition. Each side completed the treaty process with completely different understandings. As time went by, the Crown became more powerful and forced its cultural perspective onto the First Nations, starting a process of assimilation that First Nations are only now beginning to deal with.

According to Kate Kempton, the above cultural bias has caused Canadian courts to have often misunderstood and misapplied both facts and law that existed at the times of arrival of Europeans in North America and throughout the assertion of British sovereignty including during treaty-making. Yet, courts today rely on the law and facts from these past dates to determine and define the rights of Aboriginal peoples today. To the extent they get the past law and facts wrong, courts today render judgments that are wrong in law. Recent court rulings, particularly by the Supreme Court of Canada, are making in-roads in correcting these past mistakes, but the process is very slow. As Kempton points out, Courts are grappling with how to **reconcile** the assertion of British sovereignty over Aboriginal peoples and lands with the fact that self-governing Aboriginal peoples never ceded their sovereignty, and in some cases never ceded any of their lands.

Perhaps concepts of Aboriginal sovereignty and-self determination are less challenging than what they may seem. In *Recovering Canada: The Resurgence of Indigenous Law*, Dr. John Borrows argues that Canada’s constitutional framework is sufficiently flexible to allow First Nations to co-exist with the other two levels of government. His argument is based in part on the fact that Quebec provincial law is based on the French Civil Code and the rest of Canada on British Rule of Law.

**Conclusion #3: Building on recent court rulings, the CCFN community development approach will assist the Crown in developing a practical and peaceful approach to restoring CCFN sovereignty and self-determination.**

### 2.1.3 Aboriginal Rights

Once again from Kempton, Aboriginal rights are properly seen as derived from two inalienable facts: that indigenous peoples have been living for thousands of years in what has become Canada, with their own societies, ways of life and governments; and the special relationship that indigenous peoples have with the land which in turn defines their identity, rights and responsibilities. The basis of virtually all Aboriginal rights is inherency. This is also true of treaty rights, as treaties, properly understood, are affirmations and modifications of pre-existing inherent rights. They are a grant from indigenous peoples to the Crown of certain rights - **not the other way around**. For this reversal of rights to be corrected, all land rights would need to be reverted back to First Nations and other Aboriginal groups, with certain specific rights being granted to the Crown.

Inherent indigenous rights are derived from existence (being here) and custom (adaptation of a way of life to perpetuate existence or survival as peoples). Custom, or customary law, is in turn derived from the relationship with the Creator and the understanding of why, and for what purposes, the Creator put people on Mother Earth (in their own place in the universe). Neither the British nor Canadian Crowns granted such rights – they exist because of the fact of indigenous peoples’ inherent status as peoples. Aboriginal rights are not dependent on acts of government; they are inherent rights. This is the basis of the rights. However, as outlined earlier, the understanding and treatment of these rights by the Crown has followed its own path – which began with respect, was followed by complete disrespect as settler interests grew and began to compete with such rights, and has resulted today in quasi-respect. Quasi-respect is seen in the attempts of the courts and governments to grapple with gross injustices of the past (which continue to oppress in the present) such as public apologies, efforts to reconcile residential school matters, and Crown duty to consult obligations.

**Conclusion #4: The CCFN community development process will fully recognize that Aboriginal rights are a grant from the Aboriginal people of Canada to the Crown, and not the other way around.**

### 2.1.4 Summary

Courts and the Crown have recognized the right of self-government as an inherent right of Aboriginal peoples, as protected by s. 35 of the *Constitution Act, 1982*. Further, self-determination includes the right to determine one’s own culture, economy and society. This means that the government needs to give back what it once stole from the people of CCFN. For Aboriginal peoples, culture, economy and society are inter-related, and all are intrinsically interwoven with the environment and a special relationship with the lands and waters. Practices that manifest this relationship, such as fishing, hunting and other harvesting activities have been historically central to Aboriginal peoples’ self-determination and survival. The people of CCFN therefore hold significant Aboriginal and treaty rights that are not being honoured. Canadian governments and courts have a legal duty to recognize these rights and to counteract the threats to Aboriginal peoples and their survival and viability that would be caused by further depletion of the resources and any regime that permits this.

## 2.2 Religion

### 2.2.1 Overview

There is a tremendous amount of religious and spiritual confusion within our Aboriginal communities and this issue needs to be addressed if CCFN is to get stronger. This is a complex and sensitive issue these days particularly given the focus on **reconciling** residential school issues. Further complicating this issue is the fact that religion means different things to different people and society has a tendency to look for differences rather than elements that tie us together as a human race. In reality, all religions have a common foundation that is generally defined as a system of beliefs and practices by which a group of people interprets and responds to what they feel is sacred and supernatural. In his book *Religion in Society: A Sociology of Religion*, Ronald Johnstone outlines that religion is comprised of the following six characteristics:

1. **It is a Group Phenomenon.** There are at least four types of levels of religiousness:
  - the secret, which people keep to themselves
  - the private, which is discussed with only a few carefully chosen intimates
  - the denominational, which is shared with many others in a large group
  - the societal, which is shared with the members of society at large
2. **It is concerned with the Sacred and Supernatural.** The Old Testament Jews removed their sandals upon entering the temple, many Christians make the sign of the cross when praying to God, Hindus give cows the right of way, Muslims undertake pilgrimages to Mecca and North American Aboriginals avoid disturbing holy plots of ground. All such behaviour expresses the recognition of a sacred place or situation, and involves a power or being not subject to the laws of the observable universe.
3. **It Involves a Body of Beliefs.** Every major religion has its sacred book or books that spell out or at least provide the basis for determining the beliefs the group holds. Some examples are the Bible, the Koran and the Book of Mormon. There is also in every religion the oral tradition, or unwritten explanations, in the form of myths, sagas and proverbs handed down to each new generation by word of mouth.
4. **It Involves a Set of Practices,** including the performance of ritual and a host of other activities generated by beliefs. Examples include the gathering to worship, the rain dance, the ceremonial foot washing, the immersing in water at baptism and the vigil.
5. **It Involves Moral Prescriptions.** This refers to the judgment made that certain thoughts and ideas are good and are positively reinforced, and others are bad and are to be rejected by the faithful.
6. **It Involves Magic,** not as an expression of ignorance but as a conscious, deliberate attempt to circumvent what might normally be expected to occur. This exists with the Hindus (darshan), Christians (divine grace), Polynesians (mana), Anishinabek (manitou), Sioux (wakanda), Iroquois (orenda), and Crow (maxpe).

**Conclusion #5: All major religions, including Christianity and traditional Aboriginal spirituality, are built on the same foundation that embraces group behaviour, the sacred and supernatural, a body of beliefs, a set of practices, moral prescriptions and magic.**

### **2.2.2 Sources of Religion**

As suggested by Johnstone, the existence of man and the presence of religion go hand-in-hand. In the beginning, it seems reasonable to assume on the basis of available evidence that pre-historic people seldom had questions about the sources of their beliefs and practices. Their religious elements were such integral parts of their culture and normative system that they most likely saw them simply as “in the nature of things”. There was therefore little likelihood that questions of religious origins as such would occur to these people. As mankind evolved, however, a number of models of religious foundation emerged, including the following:

- **The Natural Knowledge of God:** All human beings are born with a fundamental awareness of the divine, a rudimentary knowledge that God or some power is ultimately responsible for what they see around them. All religions are therefore a result of people striving to build on this fundamental awareness and make some sense out of it.
- **Revelation as Origin:** Revelation recognizes that God was the originator of religions. God created the world and the people in it. All such religions believe that either God or some other cosmic, supernatural force intervened in history, altered the normal course of events, and deliberately added to what was previously known. For example:
  - In His quest for truth, Gautama Buddha, the founder of Buddhism, experienced heavenly inspiration as He sat under the Bo tree;
  - The revelation that inspired Mormonism was in the form of golden plates buried in the Cumorah Hills in New York State;
  - Muhammad reported receiving visions (the revelation) from the angel Gabriel in a cave near Mecca; and
  - The Cree Creation story begins with the Great Manitou spirit having a vision.
- **Anthropological Explanations:** Pre-literate people encountered awesome, mysterious, even terrifying effects like thunder and lightning, earthquakes, tidal waves and floods, illness, birth and death. Religious systems gradually evolved out of people’s need to assign causes for so-called natural phenomena. By observing basic human behaviour, prehistoric people might suggest that a spirit crashes giant cymbals and produces thunder; that a fire-breathing spirit spits out lightning; and so on. Early humans had an apparent universal belief in such spirits, an understanding termed animism – the belief that all sorts of inanimate objects as well as living, growing things and moving creatures possess a life principle or soul of some kind. These creatures are much like people in that they can be amenable to sound arguments or placating gifts, particularly when they are in a good mood. They can also be quarrelsome, nasty and dangerous when upset or angry.

- **Psychological Explanations:** Religion can be seen as a response of human beings to constant threats to their safety, security and future existence. In particular, people face great insecurity and anxiety related to the knowledge not only that they shall ultimately perish but that it could happen at any moment. People seek solutions and answers for such frustration, anxiety, and fear by trying to fit their experience into the larger framework of a divine plan with a long-range perspective. “All things work out for those who love God”, “God is testing me to see if I am worthy”, “God needed him more than we did”, “my sins have caught up with me and I am being punished”, etc.... In general then, from the psychological point of view, religion serves an adjustment function. That is, it helps people survive frustration in trying to fulfill or serve drives and needs, and in trying to adapt to the frightening experiences that threaten their emotional integrity.
  
- **Sociological Views:** From a sociological perspective, religious acts tend to reaffirm society’s legitimacy and bind its members more closely together. Ritual in particular serves a:
  - Disciplinary and preparatory function, imposing a self-discipline that is necessary for social life by imposing constraints, controls and boundaries;
  - Cohesive function, bringing people together, reaffirming their common bonds, and reinforcing social solidarity;
  - Revitalization function, making members of the society aware of their common social heritage, linking them to the past and providing inspiration to carry on; and
  - Euphoric function, aiding in the establishment of a pleasant feeling of social well-being and providing comfort in cases of calamities and other threats.

**Conclusion #6: Every religion on the planet has as its origin a creation story and is concerned with the sacred and supernatural, explainable or described at least in part from sociological, psychological and anthropological perspectives.**

### 2.2.3 Summary

As outlined in *Aboriginal Spirituality and Christian Theology: Closer Than You Think*, John Freisen explains that there are a number of biblical values that are entirely consistent with traditional Aboriginal beliefs. As a foundational point, both Cree and Christian belief systems support the notion that all humans have a soul, prayer works and there is life after death. They also share a common appreciation for a holistic perspective (Isaiah 11:9b KJV); earth veneration (Psalm 74:17); being, not doing (Luke 10:41-42 KJV); family comes first (I Timothy 5:8); giving, not receiving (Acts 20:35b); respect, not isolation (Philippians 2:3b KJV); and community, not individuality (Genesis 12:2 KJV). Christian and Aboriginal worldviews also believe in reincarnation (Exodus 20:5) and place importance on the concepts of sacred places, storytelling, legends, ceremony, ritual and rites; as well as the role of Prophets and Elders. The conclusion to be reached here is that to be a good Christian is the same to being a good person from a traditional Aboriginal perspective.

## **2.3 The Power of Fear**

### **2.3.1 Overview**

There are only two basic human emotions on which all other emotions are based. One is love and the other is fear. In many ways the emotion of fear is a necessary and useful tool. For example, in the same way that darkness is only a lack of light, fear is only a lack of information. Fear is therefore useful, signalling to us that there is a lack of understanding and reminding us of an opportunity for advancement. Without fear, how could we possibly experience and fully appreciate the joy of love? As basic emotions, fear and love therefore need to co-exist, rising and falling like the ocean tides, helping us understand the world we live in and ultimately prompting us to rise to our full spiritual potential. We therefore need to better appreciate the benefits of fear while keeping it balanced with the concept of love. In this sense, the problem is not fear itself but the fact that it has fallen out of balance with its love counterpart.

**Conclusion #7: The CCFN community development process will include an aggressive campaign to deal with the fear that currently exists in the hearts and minds of its citizens.**

### **2.3.2 An Example of Fear within Government**

Competition embraces a fear-based approach to government decision-making, driven by the pursuit of wealth, often times in the absence of good information. As an example, all forestry activities within Ontario are governed by the *Crown Forest Sustainability Act*, meaning that the province is mandated by its own laws to ensure that all forest harvesting activities are undertaken in a sustainable manner. As a follow-up to a recent cedar allocation announcement, the province recently determined that the preferred harvesting technique will be clear-cutting with advanced seed tree retention. However the province also admitted that it does not know how cedar reproduces. This lack of information (fear) undermines the government's legal responsibilities associated with making informed, science-based decisions, not to mention its obligations to ensure that Aboriginal rights are not infringed. It can therefore be concluded that, in its simplest form, competition is fuelled by fear and needs to be replaced with, or at a minimum held in balance with, cooperative approaches to decision-making.

**Conclusion #8: The CCFN community development approach will use cooperation rather than competition as a driving force, resorting to competitive approaches under circumstances where individual and community rights are being threatened.**

### **2.3.3 An Example of Fear within Religion**

Christianity began as a woman's movement that centred on the life of Jesus Christ. All Christians worship, revere, honour, follow, admire or try to emulate him in some way. However, widespread disagreement evolved with respect to who Jesus was and is, and how the moral significance of his life is supposed to be brought to bear. These disagreements effectively fractured the Christian movement into pieces. Arguably the best example of this fear is captured in the Reader's Digest *Strange Stories, Amazing Facts*. For 600 years peoples of the Church of

Rome used the Donation of Constantine to support their claim to be rulers of Christendom. Constantine was the first Roman Emperor to be converted to Christianity. He was said to have made a gift of half his Empire, in A.D. 315, in gratitude for his religious conversion and his miraculous cure from leprosy. The Donation gave Rome itself spiritual authority over all of the churches of the planet and temporal authority over Rome, all Italy, and the Western World. The 3,000 word Donation first became known in the 9<sup>th</sup> Century and it was a powerful weapon in the dispute between the Eastern and Western churches. This quarrel culminated in the separation of the Eastern Orthodox Church and the Church of Rome in 1054. Now the document is almost universally regarded as a forgery, probably made in Rome in about A.D. 760. The forgery was not even particularly clever, given that it gave Rome authority over Constantinople before that city had been founded!

**Conclusion #9: The CCFN community development process will advance an exercise of spiritual reconciliation between Aboriginal and Christian spiritual values, focussing on the essence of Christianity rather than how churches interpret these values.**

### 2.3.4 Closing Comments

The World we currently live in is terribly confused and out of balance. Too many decision-makers are being driven by fear, power, control and greed to the extent that human activities are threatening Mother Earth's ability to sustain us as a people. It would be most unwise for CCFN to advance a community development agenda that builds on all of these flaws.

Aboriginal teachings and stories remind us of the importance of caring, sharing, balance and respect for Mother Earth. Furthermore, Aboriginal prophecies warned us of the coming of the light-skinned race as well as the need for traditional Aboriginal values to eventually return. It would appear that the time is now. Many signs point to what western thinkers call a convergence of traditional Aboriginal and western science based decision-making, and what Aboriginal traditionalists call the Seventh Fire. From a governance perspective, this trend is demonstrated by the principle of reconciliation that underpins Crown duty to consult obligations. From a spiritual perspective, it is demonstrated by the weakening of the church as a religious institution and the blossoming of New Age Spirituality, marking a return to the more personal elements of spirituality. From a social perspective, it is demonstrated by the transformation of human values, as summarized in the bestselling book *Megatrends* that identifies movement from short-term towards long-term planning (seven generations), from centralization towards decentralization (community-based decision-making), from institutional help towards self-help (personal empowerment as opposed to institutional power), from representative democracy towards participatory democracy (bringing balance between personal rights and responsibilities), and from hierarchies towards networking (replacing command-and-control based competitive approaches with cooperative approaches).

In conclusion, Aboriginal people have a special role to play in Mother Earth's spiritual renewal. Earth changes currently unfolding demonstrate that it is very important that Aboriginal communities begin to prepare for a return to their traditional responsibilities as stewards of the land. This starts and is fuelled by the spiritual energy of every person, to be guided in CCFN's case by the advancement of a culturally appropriate community development framework.

### **3.0 PREPARING FOR THE COMMUNITY DEVELOPMENT FRAMEWORK**

#### **3.1 Community Blueprint - The Medicine Wheel and Sacred Tree of Life**

The Medicine Wheel, represented graphically in Figure 1, reminds us that everything is related to everything else. At the community level, this means that successful community development is dependent on the integrity of a number of equally important community components, given that the community is only as strong as its weakest link. Priority items in this regard include governance integrity so that sound decisions are made; administrative excellence so that financial resources are invested in programs and services that serve the collective needs of the membership; focussed attention to lands and environmental stewardship given that we have a sacred responsibility to protect Mother Earth; sustainable economic development so that reasonable wealth is generated to cover social responsibilities; cultural renewal that includes language and ceremony considerations in support of rebuilding spiritual integrity; and so on. All of these elements of community development need to be strong in order for members and community to be healthy, happy and prosperous.

The Medicine Wheel also reminds us of the importance of personal responsibility. If we are not strong as a person, we will have a weak relationship with ourselves, our family, our leadership, our community, Mother Earth and the Creator. This is a very important community development consideration given that, from a traditional perspective, it is the collective will of the people that moves the community forward. If, for example, the membership doesn't exercise its responsibility to provide constructive direction to the leadership, then leadership in turn can only guess at what the membership wants. This leads to poor decision-making, community frustration and a breakdown in community relationships. The solution would be to invest time and energy in support of rebuilding community integrity at the individual level so that the historical power of the people is returned. This is where community healing and wellness comes into play.

The Medicine Wheel reminds us to focus on balance between:

- Physical/emotional/mental/spiritual needs at the personal level;
- Self/family/community and global responsibilities;
- Economic/environmental/social/cultural elements; and
- Child, youth adult and elder stages of life.

The concept of balance amongst the various elements of community well-being is the secret to a good life, or *M'nimaadziwin*. We need to retrain ourselves to look at the big picture, the connections and relationships, in order for the good life to return. To focus too much on one element of our existence means that another part is being neglected. The Medicine Wheel helps us understand the parts of our world that need attention. If, for example, there is a high level of physical, emotional, mental and/or spiritual trauma in our lives, there is likely a need for healing. If there is a major breakdown in traditional relationships, particularly between the youth and the Elders in the community, traditional values will cease to be passed down from generation to generation, meaning that the child-youth-adult-Elder knowledge transfer cycle that feeds the Medicine Wheel approach to community development needs to be repaired.

The Medicine Wheel also tells us that we are a child until we learn to love ourselves. Once we have learned to know and love self, we become a youth. When we learn to know and love people who are completely opposite to ourselves (usually a spouse because of gender dynamics as well as the fact that opposites attract) we move from being a youth to becoming an adult. When we learn to know and love all community members for who they are, we become an Elder and when we are able to move to the centre of the Medicine Wheel to a position of discernment (the opposite of being judgmental) we become a Medicine Man/Medicine Woman or Shaman/Shamaness. This circle needs to be complete for the community to maintain its cultural strength over time. Understanding these elements of the Medicine Wheel helps in the identification of community weakness, the first step towards building greater community integrity.

From a traditional perspective, all of the above Medicine Wheel elements need to be considered simultaneously because the community is only as strong as its weakest link. Paying as much attention to the interconnectedness of these various elements rather than focussing merely on the elements themselves is what makes the proposed community development approach so different, so traditional. Developing a community constitutional framework, economic development strategy, lands stewardship strategy, or wellness strategy in isolation of one another virtually ensures that the pieces won't fit when it comes time to pull them all together under a single community development framework. If a constitution is supposed to harnesses the collective will of the people, how can it be developed in the absence of a healthy membership? If an economic development strategy is meant to create jobs for community members, how can it be effective if people are not ready to go to work? If it is our sacred responsibility to look after the land, why is it that we are so preoccupied with accessing natural resources and so disinterested in environmental protection? How can we expect Council to make solid and informed decisions without good information that is derived from all of these various other community components? These are all questions that the community development process needs to bring forward.

There is a second, more spiritually based traditional Aboriginal model that needs to be introduced to the community development process given its spiritual significance and focus on individual well-being. The Sacred Tree of Life, represented graphically in Figure 2, reminds us of our spiritual obligations to move away from the destructive nature of fear and to move toward fully embracing the concept of love from a spiritual perspective, be it from a traditional Cree, Christian or other religious perspective. This fear has been driven into the hearts and minds of the CCFN membership from the outside for over a century and will not be easy to remove. The Sacred Tree of Life tells us what to strive for, namely wisdom, humility, respect, truth, honesty and bravery. It also tells us what to move away from - ignorance, ego, apathy, gossip, deceit and cowardice. One effective way to keep ourselves focussed on these responsibilities, even while in a position of weakness, is to implement principles to guide action.

**Conclusion #10: Concepts outlined in The Medicine Wheel and Sacred Tree of Life, as outlined in Figure 1 and Figure 2 of this report, provide a solid foundation to advancing a traditional Aboriginal approach to community development.**

### 3.2 Preparing to Plan - A Principled Approach

Our world is currently in an elevated state of confusion. The non-Aboriginal people who have ruled our lives for so long are beginning to wake up and realize that our planet is in crisis. The “superior” intelligence of human beings is so impressive that we are the only species on the planet that has intentionally exterminated another species, and we are the only species that is poised to exterminate itself. Water and air pollution, climate change, destructive harvesting of natural resources, crumbling infrastructure, mounting health care pressures, challenges in education, food shortages and a host of other symptoms point to a looming crisis. We have forgotten to listen to the Creator, to Mother Earth and to ourselves. As a society, we are out of balance. How do you turn a person, family, community or entire planet around when it is so far out of balance? The answer is one heart at a time. How do you keep focussed on the task at hand without getting pulled back into the vortex of imbalance? The answer is through a principled approach.

**Conclusion #11: Taking a principle-based approach to community development provides CCFN with a way to maintain discipline and integrity as the process unfolds over time.**

### 3.3 Preliminary Community Development Principles

It does not matter where any community development process begins, as long as it begins. At CCFN it started with direction from Chief and Council. During an initial Council session held in the spring of 2007, Council endorsed the following interim principles as a means of temporarily managing risk in advance of facilitating the restructuring of community values:

- **The community should not get weaker before it gets stronger.** The community planning process may take several years to implement. There is, after all, over 100 years of damage to undo. In the meantime, it is important that the community not get any weaker before it gets stronger. This requires the strong hand of Chief and Council to respond swiftly to the most urgent community issues and opportunities.
- **Good decision-making is based on good information** – Many Aboriginal communities do not have enough information to make informed decisions given that the *Indian Act* has deprived First Nations of the tools to make these decisions.
- **The community needs to move from reactive planning** towards more pro-active, strategic and precautionary approaches to decision-making. If the community continues to react to internal and external pressures without a solid and culturally appropriate game plan, chances are it will continue to struggle.
- **Decision-making power needs to be returned to the people**, consistent with traditional democratic principles. Such an approach would be opposite to current “command and control”, “top-down” and “divide and conquer” approaches to decision-making currently followed by the Crown (and being replicated in a number of Aboriginal organizations).

**Conclusion #12: As a preliminary community development principle, Chief and Council commit to ensuring that the community does not get weaker before it gets stronger.**

### 3.4 Community Rebuilding Principles

The above interim principles only serve to start the community development process by making sure that the community does not get weaker before it gets stronger. They are not about helping the community move forward, but rather focus on making sure that the community does not go backwards. A different and more comprehensive set of principles is required to drive change at the personal, family and community levels. *Recreating the World: A Practical Guide to Building Sustainable Communities* outlines 16 such principles, summarized as follows:

- 1. Human beings can transform their world:** The web of our relationships with others and the natural world, which has given rise to the problems we face as a human family, can be changed.
- 2. Development comes from within:** The process of human and community development unfolds from within each person, relationship, family organization, community, and nation.
- 3. Healing is a necessary part of development:** Healing the past, closing up old wounds and learning healthy habits of thought and action to replace dysfunctional thinking and disruptive patterns of human relations is a necessary part of the process of sustainable development.
- 4. Justice:** Every person (regardless of gender, race, age, culture, religion) must be accorded equal opportunity to participate in the process of healing and development and to receive a fair share of the benefits.
- 5. No vision, no development:** A vision of who we can become, and what a sustainable world would be like, works as a powerful magnet, drawing us to our potential.
- 6. Authentic development is culturally based.** Healing and development must be rooted in the wisdom, knowledge and living processes of the culture of the people.
- 7. Interconnectedness:** Everything is connected to everything else. Therefore, any aspect of our healing and development is related to all others (personal, social, cultural, political, economic, etc...). When we work on any one part, the whole circle is affected.
- 8. The hurt of one is the hurt of all; the honour of one is the honour of all.** The basic fact of our oneness as a human family means that development for some at the expense of well being for others is not acceptable or sustainable.
- 9. Unity.** Unity means oneness. Without unity, the common oneness that makes (seemingly) separate human beings into “community” is impossible. Disunity is the primary disease of community.
- 10. No participation, no development.** Participation is the active engagement of the minds, hearts and energy of the people in the process of their own healing and development.

- 11. Spirit.** Human beings are both material and spiritual in nature. It is therefore inconceivable that human community could become whole and sustainable without bringing our lives into balance with the requirements of our spiritual nature.
- 12. Morals and ethics.** Sustainable human and community development requires a moral foundation. When morals decline and ethical principles are violated, development stops.
- 13. Learning.** Human beings are learning beings. We begin learning while we are still in our mothers' wombs, and unless something happens to close off our minds and paralyse our capacity, we keep on learning throughout our entire lives.
- 14. Sustainability.** To sustain something means to enable it to continue for a long time. Authentic development does not use up or undermine what it needs to keep on going.
- 15. Move to the positive.** Solving the critical problems in our lives and communities is best approached by visualizing and moving into the positive alternative that we wish to create, and by building on the strengths we already have, rather than on giving away our energy fighting the negative.
- 16. Be the change you want to see.** The most powerful strategies for change always involve positive role modeling and the creation of living examples of the solutions we are proposing. By walking the path, we make the path visible.

### **3.5 A Story that Supports the Need for Principles**

In *Dancing with a Ghost: Exploring Indian Reality*, Rupert Ross shares a story about a time when a Mohawk Band hosted a sporting tournament to which they invited a group of James Bay Cree. The Mohawk, who were an agricultural people, had developed a custom of always setting out considerable more food than their guests could consume. On the other hand, as a hunter-gatherer people for whom scarcity was a daily fact, the Cree had a custom of always eating everything that was set before them. In this way they demonstrated their respect for the successful hunter and for his generosity. In the collision of social cultures, not only did each group become insulted over the behaviour of the other, but each group believed that the other was intentionally being insulting and disrespectful when in fact each group had gone to great lengths to show exactly the opposite. As Ross concludes, the problem lay in the fact that each group could only see the other through its own rules and could only interpret the behaviour of others from within their own perspective.

The CCFN community development process needs to tackle the arduous task of building a set of culturally appropriate rules of social behaviour in support of purging inter-generational trauma, and this can only be done through the implementation of principles to guide action.

**Conclusion #13: The 16 principles of sustainable community development outlined in *Recreating the World* provide a solid foundation on which to build a disciplined approach to community development.**

## 4.0 STARTING THE COMMUNITY DEVELOPMENT PROCESS

### 4.1 Overview - House Construction Analogy

The CCFN community development process can be compared to the construction of a home in the following ways, as demonstrated graphically in Figure 3:

#### 4.1.1 Process

- Preliminary decision to build: Chief and Council's decision to proceed
- Architectural Style: The Medicine Wheel
- Quality control process: Membership, through ongoing participation
- Site selection process: Community Development Discussion Paper
- Final site selection: Community Development Strategy
- Site assessment, soil testing: Taking stock of the community
- Site excavation: Healing, removal of contaminated soil

#### 4.1.2 Workforce

- Architect: The Creator
- Land Owner: Mother Earth
- General Contractor: Chief and Council
- Trades people: Band programs and services, others
- Labourers: Membership, because the real work happens at the personal level

#### 4.1.3 Structure

- Structural integrity: Teachings of the Seven Grandfathers
- Footings: Community integrity – well grounded
- Floor: Community values – supports all members
- Exterior walls: Community identity – as seen from the outside
- Interior walls: Community identity – as seen from the inside
- Rooms: Community development components, programs and services
- Washrooms: Community cleansing – discharging wasteful thoughts
- Windows: Spiritual energy – lets the Creator's light shine
- Doorways: Democratic values – everyone can pass through
- Roof: Community wellbeing – everyone is safe under it

**Conclusion #14: The CCFN community development process is a complex exercise that is comparable to the various steps required to build a house, demonstrated graphically in Figure 3 of this report.**

## 4.2 Implementing Preliminary Community Development Principles

### 4.2.1 Taking Stock of Where We Are

Following the house analogy, a preliminary site investigation and soils test concluded that CCFN's community development site is contaminated with fear. The community is just starting to wake up from a deep and long-term sleep and it will take some time for sensitive eyes to adjust to the new light.

*Recreating the World: A Practical Guide to Building Sustainable Communities* outlines seven approaches to community development, summarized below and used to identify current community strengths, weaknesses, opportunities and threats (SWOT analysis) in support of better understanding the current state of the community:

- **Liberation:** This approach sees the struggle between the oppressor and the oppressed. So many Aboriginal people and communities are angry over their current state and blame their leadership, their Elders, the Crown, the Church and many other persons and organizations. This is unhealthy because it makes us blind to basic human relations issues and the need for personal growth and healing.
- **Therapeutic:** This approach sees personal and community dysfunction rooted in accumulated hurt, grief, and learned responses to traumatic situations that require healing to release people from non-productive ways of thinking, feeling and acting. The model tends to personalize the entire problem of development such that individual healing is seen as the solution to almost everything.
- **Issue Organizing:** This approach identifies issues around which people can be mobilized for change, whereby citizen participation is seen as a key driving force. It tends to mobilize people around common concerns, but once the issues fade away, the people retreat back into their families and home groups, thereby retracting the very energy required to rebuild a sense of community.
- **Community Organization:** This approach sees the need for people to cooperate, to provide improved services for themselves as well as to act as an organized block to ensure that internal community policy and outside influences are managed to the best perceived advantage of the community. It does however tend to gloss over or ignore hard issues (whether interpersonal or structural), and instead focuses on matters of common concern which are the easiest to resolve.
- **Economic Development:** This approach sees material prosperity as the foundation of community well-being, and economic development as the answer to most issues. However, it is often blind to social concerns of all kinds - seeing health promotion, education, youth development and social problems - as sub-sets of the economic development challenge. It is this model of development that has been followed by western society, resulting in 85% of the world's wealth being controlled by 15% percent of the people.

- **Cultural-Spiritual:** This approach sees the software of the community (i.e. its beliefs, goals, ethics, morals and dominant thinking processes) as key to well-being and prosperity. It looks to traditional culture and/or religion to provide direction as to goals and principles to guide action for development. It can however be blind to political and economic dimensions of development, and is sometimes unable to see how to bring strengths of the past into the process of building a sustainable future.
- **Ecological Systems:** this is an integrated approach to community development that weaves together key elements from all of the main streams of development thinking, whereby spirit and culture are the foundation and primary driving forces within authentic development. This approach seeks to balance personal, political, economic, social and cultural factors; sees people's participation and processes of empowerment as fundamental strategies for action; sees healing and personal growth as prerequisites to community development; and concentrates on building the capacity of people and organizations to carry out their own development processes.

A quick assessment tells us that CCFN has taken major steps forward in the last three years, moving away from liberation model characteristics of community development and into elements of the ecological systems model. At a strategic planning session held in February, 2008 Chief and Council spoke openly and passionately about the need to deal with community wellness problems head-on. This led to the construction of the healing lodge and the development of a draft community healing and wellness approach. The leadership recognized that previous efforts made to move forward on other, more constructive, approaches to community development have been unsuccessful given that all of these house construction efforts have built on contaminated soil.

CCFN has also been experiencing community behaviour consistent with more constructive models of community development. At the strategic planning session, Council identified a number of instances where the community rallied around a central issue, pulling together in a show of strength when required, consistent with the above issues organizing model. Council also recognized that the community has experienced some success in the area of economic development. Council recently concluded that the community is getting stronger and that further mechanisms are required to harness the energy from these constructive models in support of continuing to coax membership out of its state of trauma.

In summary, one of the main strategic objectives of the community development process is to "liberate" the community and its membership, starting with the implementation of an intensive therapeutic, or healing and wellness approach that will run tandem to other, more constructive, community development processes. This is currently underway. The ultimate goal is for the entire community to reach a state that is consistent with the above ecological systems model. This is the prime strategic objective of this community development blueprint.

**Conclusion #15: CCFN will continue to advance a community healing and wellness exercise that will form the nucleus of a community development approach, running parallel to a number of other planning initiatives. These parallel initiatives will eventually be combined into a single, integrated community development approach.**

#### 4.2.2 The community should not get weaker before it gets stronger

In the short time that CCFN has been working on its new community development approach, Chief and Council have provided the following direction in support of its commitment that the community should not get weaker before it gets stronger:

- **Governance:** Approved in principle a Code of Conduct for Chief and Council in support of building greater political integrity.
- **Administration:** Oversaw an operational review exercise in support of building greater administrative integrity.
- **Cultural Identity and Renewal:** Initiated a project designed to build greater community ceremonial integrity.
- **Lands Stewardship:** Passed a BCR in support of entering into the *First Nation Lands Management Act (FNLMA)*, thereby securing funding in support of land code development, and re-opened Treaty Land Entitlement (TLE) claim discussions.
- **Wellness:** Built a healing lodge and developed a healing and wellness blueprint in support of the continued and coordinated advancement of a healing and wellness approach.
- **Economic Development:** Resolved to champion an aggressive community-based economic agenda starting with strengthening existing strategic capacity. Began advancing sustainable and value-added economic development initiatives within its territory.
- **Crown Relationships:** Began advancing a government-to-government relationship with the Province of Ontario in a number of areas including the Chapleau Crown Game Preserve as well as the provincial Northern Ontario Growth Plan, the Mining Act, the forest tenure reform, the Green Energy Act and other review processes.
- **Regional Partnerships:** Played a leadership role in creating the Northeast Superior Regional Chiefs' Forum (NSRCF) and parallel partnership with the Northeast Superior Mayors Group (NSMG); and created resource partnership framework agreements in the areas of mining, energy and forestry.

**Conclusion #16: Chief and Council will continue to advance a number of strategic activities in support of their commitment that CCFN not get weaker before it gets stronger, including in the areas of governance, administration, lands stewardship, healing and wellness, economic development, information management, membership empowerment, Crown relationships and regional partnerships.**

### **4.2.3 Good decision-making is based on good information**

Council is overseeing the advancement of a number of initiatives that will generate better information in support of better decision-making at the community level. Related initiatives include gaining greater access to information within CCFN territory, such as through the Ontario Forest Management Planning process, the Ontario Crown Land Use Atlas Harmonization process and the Ontario Mining Claims Map process. Other ideas include undertaking primary and secondary research, such as through the Chapleau Crown Game Preserve First Nations Consensus Building Process and the Northeast Superior Forest Communities initiative being led by the Northeast Superior Mayors Group. As a longer term objective, CCFN will oversee the development of a regional First Nations information centre.

**Conclusion #17: Chief and Council have already advanced a number of activities in support of their commitment of improving the quality of decision-making through access to better information, including the development of a regional First Nations information management system.**

### **4.2.4 The community needs to move to strategic planning**

As it currently stands, CCFN is treated as a secondary stakeholder regarding its territorial land interests rather than a joint shareholder with the Crown in a government-to-government relationship. Often times, the First Nation is the last to know what is going on within its territory. Through the creation of the NSRCF, CCFN is poised to move away from reactionary planning on a project basis and towards strategic planning at the policy, regulatory and legislative development levels of Crown activities by working more cooperatively with neighbouring First Nations and municipalities. Specific activities include the Ontario Forest Management Planning Review Process, duty to consult and its ties to the legislative review of Ontario's *Mining Act*, the Northern Ontario Growth Plan, the forest tenure reform process, the Ontario Power Authority Integrated Power Systems Plan and the Green Energy Act.

**Conclusion #18: Chief and Council will continue to advance a number of activities in support moving away from reactive and towards strategic planning including in the resource areas of mining, forestry, and energy development.**

### **4.2.5 Decision-making power needs to be returned to the people**

This principle continues to be acted upon by Chief and Council in a number of ways, including regular newsletters as well as the distribution of community development discussion documents. Council expressed confidence that over time membership will become increasingly engaged in community activities and will be able to strengthen their current "move to the positive" approach to community dialogue, consistent with one of the 16 *Recreating the World* principles of sustainable community development.

**Conclusion #19: Chief and Council remains fully committed to advancing ways to strengthen the level of membership participation in the community development process, including the circulation of this strategic blueprint for membership comment and ratification.**

## 5.0 UNIVERSAL VERSUS MAN-MADE LAWS

### 5.1 Universal Laws – An Introduction

All traditional Aboriginal spiritual values are based on what are generally categorized as universal or natural laws as opposed to man-made laws. Universal laws are those that are guided by the Creator, encompassing both natural and supernatural elements. The natural component is embraced by a tremendous respect for Mother Earth; the supernatural component by a strong spiritual connection with the Creator; with no clear separation between the two because they are interconnected. In this sense, unlike man-made laws, universal laws are not created in response to social situations but exist out of a deep sense of relatedness to an entire system that encompasses both Heaven and Earth. From this perspective, universal laws are:

- **Sacred** – Commitments are made to the Creator to follow these laws without exception. This requires that we believe at all times that we are spiritual beings that have been placed on Mother Earth to learn important lessons that cannot be learned when we return to spirit. This means that we are not just here to collect the greatest amount of wealth possible, but to honour our sacred responsibilities to protect Mother Earth by following Her rules. It is for this reason that our forefathers stated that treaty commitments were to be honoured as long as the waters flow, the grass grows, the wind blows and the sun rises.
- **Focus on the intertwined relatedness of morals, law and religion** – Everything is viewed to be in a balanced system of relationships, as demonstrated by the circular graphics of the Medicine Wheel - binding personal, family and community interests to a common goal. This means that every single decision that we make as Aboriginal people and leaders needs to embrace the concept of spirituality, which is very different from European approaches to decision-making that separate matters of church from state.
- **Connected to landscape** – Communities define themselves as social groups by their contacts with the landscape they live in. All knew whom the people were by where they lived and how they related to the land. The resources of Mother Earth were gifts from the Creator that came with the responsibility of being good land stewards. No respect for our responsibilities would lead to a loss of resource access, not as punishment but as consequence. This latter concept has ties to traditional approaches to justice, as discussed later in this paper.
- **Good medicine** – The best way to live within a universal law context is to be in tune with the larger supernatural reality that provides a divine role for all citizens. The security that this brings has a therapeutic element. Doing the right thing according to the laws of the Creator made people feel good and this led to *M'nimaadziwin*, the good life. The good life was measured by the wellness of the people and not by the amount of wealth generated.

- **Not carved in stone** – Universal laws, although fixed, allow for a high level of flexibility. This is required to be able to adjust to changes over time, something that Rule of Law and other man-made laws have difficulty accommodating. Story telling is a key tool in promoting the flexibility of the values in the universal law belief system. The stories stay the same over time but the way they are told and interpreted change with circumstances.
- **Is not time dependent** – Western culture is pre-occupied with when an event occurred, whereas Cree storytelling does not place the same emphasis on the historical past. Time is oriented to the development of new perspectives and interpretations.

The concept of universal law is therefore built on the concept of **spirituality**, which means putting the love of the Creator in the centre of every relationship, meeting and activity; drawing on the wisdom, teachings, principles, laws and guidance that come from the rich spiritual traditions of the people; practicing life-preserving and life enhancing values, morality and ethics such as honesty, kindness and forgiveness; and strengthening our spiritually-based development capacities to have, believe, express and actualize vision. Universal laws embrace the fact that we are spiritual beings first and foremost, placed on Mother Earth to learn valuable lessons that cannot be learned in the spirit realm.

**Conclusion #20: The CCFN community development process will be guided more by universal or natural laws and less by man-made laws.**

## **5.2 A Snapshot of Traditional Rules of Conduct**

### **5.2.1 Overview**

Returning the community to a position of cultural appropriateness will not be an easy task. Much cultural integrity has been lost over the decades, and the number of Elders available to help reconnect the community with its past is dwindling. Fortunately, there are a number of outside resource people and resource materials available to assist in the rebuilding process, including those documents referenced in the attached bibliography. As a sample of how these source documents can help the community move forward by reconnecting with its past, the following summarizes some of the observations made by Rupert Ross in *Dancing With a Ghost: Exploring Indian Reality*, where he outlines several rules of behaviour.

#### **5.2.2 Rule 1: Non-interference**

“White man” is torn between two ideals. He believes in freedom, in minding his own business and in the right of people to make up their minds for themselves, but he also believes he should be his brother’s keeper and not abstain from giving advice or even taking action when he perceives his brother making an error. Aboriginal traditionalists would be most reluctant to confront other people or to give advice to anyone if the person is not specifically asking for advice. To interfere or even comment on their behaviour would be considered rude. As Ross points out, the patience demonstrated by Native people in not criticising “White people” for their ongoing behaviour has been nothing short of astounding.

This rule of non-interference is most dramatically evident in the context of child rearing. Children raised by non-interfering parents become enormously loyal to them and to the entire extended family, suggesting that the promotion of child autonomy at an early age leads to enormous family and community loyalty during adulthood. “Western” approaches are contrary to this. Rigid controls placed on children as they grow up usually lead to conflict and sometimes permanent fractures in family relationships.

This rule of non-interference also has a tremendous impact on the way in which Aboriginal people approach the “western” justice system. For many Native people, testifying in court might actually be the wrong thing to do because it breaches the rule of non-interference. Furthermore, lying has always been understood as one of the most serious crimes, and this includes attempting to deny or minimize one’s own behaviour. Consequently, pleading “not guilty” at the request of legal counsel, for whatever reason, may also be recognized as wrong-not from a legal but from a moral perspective.

### **5.2.3 Rule 2: Anger Not Be Shown**

Restraint of anger was a survival tactic in what was originally a hostile environment. Even when people choose to speak of traumatic events, there was a flatness to what they said, an absence of emphasis and emotion. There was, therefore, a sacrifice of personal feelings and personal expression for the sake of group unity. This also gave, under very close living arrangements, a certain privacy which was otherwise not possible. This rule parallels what we expect of soldiers in wartime. For the sake of group unity, individual likes and dislikes have to be buried and interpersonal conflicts ignored. It doesn’t matter what you think of your fellow soldier because you share a common enemy. In former times, the common enemy of Aboriginal people was the threat of starvation. To ward it off, each extended family group in the wilderness had to count on the fullest cooperation of all its members.

### **5.2.4 Rule 3: No Praise or Gratitude**

The proper way to show appreciation was to ask the other person to continue with what they were doing rather than offer vocal expressions of gratitude. The roots of this commandment go back to survival times when best efforts by all, and the sharing of the products of these efforts, were necessities. Sharing was not just the right thing to do but **the only** thing to do. Doing something incorrectly or less productively than it might have been done could carry disastrous consequences. In other words, the expression of praise and gratitude was not required because decisions to share, to be kind, and to be hard working were not made by choice but by necessity.

Ross points out that there seems to be a marked consistency between this attitude of expecting effort and excellence and the modelling approach to education. If there were neither resources nor time for practice and abstracted instruction, then the only opportunity for learning would be to watch things being done over and over until the child came to thoroughly understand all aspects of a particular task.

### **5.2.5 Rule 4: Conservation – Withdrawal**

From a survival perspective, ill considered or hasty responses could lead to severe harm or death. Thinking things through before actually trying them was especially important in situations of stress or danger. When in a stressful situation the rule of the bush is to slow down to conserve both physical and psychic energy and to carefully consider all aspects of the new situation before acting. “White” hunters who find themselves lost often react with a frenzy of activity, losing both energy and presence of mind, sometimes with fatal results. A “white” stranger at a cocktail party will frequently respond to his discomfort with a frenzy of conversation because once stressed, they fall back on action.

### **5.2.6 Rule 5: The Time Must Be Right**

People who lived off the land obviously had to wait for the cycles of nature to come around. To take full advantage of often short-lived opportunities, each person, and the group as a whole, had to resist acting until the best moment arrived. It involved not only taking the time to walk through possible courses of action in advance but also preparing emotionally and spiritually for the chosen course. It also required not acting until there is a conviction that the task can be performed successfully.

Nor can we ignore the role that spiritual observance played in preparing for and finding the right time. Saying prayers, asking for guidance and giving thanks were clearly the conscious steps each person had to take to adopt the proper spiritual stance before acting in order to ensure optimum cooperation from the spirit world.

**Conclusion #21: The CCFN community development approach will include the development of rules of membership conduct that are consistent with traditional values.**

## **5.3 Ties to the Treaties**

Section 2 of this discussion paper touches on a number of treaty-based points that are of critical importance to the CCFN community development process. First, the treaty rights agenda is unfolding in a manner that is in the best interests of Aboriginal communities, and this momentum will need to be built into the long-term objectives of the community development process. Second, although a number of recent court rulings have opened doors of opportunity for First Nations to better exercise Aboriginal and treaty rights, the Crown continues to struggle with its related responsibilities. It is one thing to use precious energy, capacity and resources to promote change and create opportunities, but it is something quite different to not capitalize on opportunities that have already been made available by the courts. There are a growing number of court rulings that open up major opportunities for First Nations to move forward that are not being fully realized. Last but not least, the courts have recognized that treaty interpretations should be based on what was in the hearts and minds of the Aboriginal leadership at the time that the treaty was signed, and not so much on the written word of the Crown. In the *Van der Peet* Supreme Court of Canada case for example the court ruled that the interpretation of treaties should include the following considerations:

- Courts must take into account the perspective of Aboriginal peoples themselves, including perspectives that are contained in oral histories;
- The customs and traditions which constitute Aboriginal rights are those which have continuity with the traditions, customs and practices that existed prior to contact; and
- Courts must take into account both the relationship of Aboriginal peoples to the land and the distinctive societies and cultures of Aboriginal peoples.

A simplified interpretation of the *Van Der Peet* court decision, backed up by a number of subsequent court decisions, would suggest that Aboriginal and treaty rights become more impressive when viewed from a traditional cultural context. If this is the case, the only way that CCFN's rights and responsibilities under the James Bay Treaty can be fully appreciated, including rights to natural resources and related environmental stewardship responsibilities, is to fully understand the Aboriginal worldview that existed at the time that this Treaty was signed.

**Conclusion #22: Adopting a traditional Aboriginal approach to community development strengthens CCFN's Aboriginal and treaty rights given that the courts have ruled that treaty interpretations are to pay close attention to what was in the hearts and minds of the Aboriginal leadership at the time that the treaties were negotiated.**

## 5.4 Ties to New Age Spirituality

### 5.4.1 Overview

Consistent with the Seventh Fire Prophecy, the planet is undergoing spiritual renewal. While the number of church-goers is dropping, a growing number of people are joining what is generally known as the light-worker movement. In his book *Journey Into The Light*, Art Martin identifies several basic universal laws that embrace our existence as beings of energy and light. The fact that they have been published in a best-selling book is also a further indication that the spiritual energy of the planet is converging and moving us towards a renewal of traditional Aboriginal values. Mr. Martin's understanding of these universal laws is summarized as follows:

1. **The Law of Resonance:** This law states that any energy magnetically attracts similar energy, and that the stronger the energy (especially emotional), the stronger the attraction. So you get what you focus on, regardless of whether your thoughts and emotions are joyful or fearful. To have this law work for you rather than against you, you need to monitor your thoughts, for each thought is a magnet.
2. **The Law of Duality:** On the physical plane, everything has its opposite: good/bad, right/wrong, night/day, etc., and our job is to navigate a path through the hundreds of choices we make every day. Most of these choices are made automatically, based on our beliefs. If we believe that the world is a hostile place, the world will become a hostile place. We may think that by watching the news that the world is in fact a hostile place, but which came first: the murders, muggings, shootings and rapes, or people's belief that the world is a violent and unsafe place?

- 3. The Law of Intent:** Intent is organized, coherent purpose to achieve a specific goal. Compared with the diffuse glow of general wants and desires, intent is a focussed laser beam shooting out into the universe. For example, we could set our intent to have only positive things happen, but we must ensure that they are consistent with the highest and best interests of all concerned and are “karma- free” (see law #7) otherwise we’ll tangle with the next law.
- 4. The Law of Detachment:** Ironically, once we set our intent, we must detach from the outcome. Worrying or fussing over our intent muddies the energetic waters because attachment to an outcome emphasizes to the universe the current lack of that outcome, its absence in our life. Infatuation with “getting” is equivalent to a state of not having. Spending a few minutes every day using the Law of Intent to reinforce our desires, keeping them consistent day-to-day, is good, but once done, we need to get out of the way and wait for a miracle. The Creator loves to surprise us.
- 5. The Law of Synchronicity:** When miracles do happen in our life, we need to gratefully accept them as the universe’s way of guiding us along our path, or onto it. We are not to write them off as luck or coincidence for they are the result of our grandfathers painstakingly pulling off a masterpiece in logistics. We need to thank them and ask what they plan for an encore.
- 6. The Law of Asking:** Our grandfathers are eager to partner with us on our path and arrange for miracles. There is one catch however: they cannot interfere with our free choice. It is for this reason that, to elicit their assistance, we must ask.
- 7. The Law of Karma:** Karma is created when a prior interaction with a person in a previous lifetime does not end on a happy or constructive note. Obviously, the extreme case is where we caused another person’s death in a past life. Another school of thought suggests that karma is generated whenever we curtail another person’s free will in a past life. Obviously, murder will do that, but so will manipulation, control or even unwarranted criticism that changes how the other person acts or feels. Karma can cause us to feel guilt. This is done so that we can learn a lesson and possibly rectify the harmful act with a gesture of kindness towards the person affected when we next meet them.
- 8. The Law of Grace:** Grace is the energy of a fresh start. If we invoke it, we erase the effects of the past, and this will free us of karma that has accumulated from past lives. If we follow our soul from that point, we will not accumulate any more karma. This is one of the most important spiritual laws of all and could cut lifetimes off of an individual’s spiritual journey. We can take the ‘eye-for-an-eye’ approach to clearing karma but it can be very traumatic and it could take many lifetimes. We do not need to die a traumatic death to clear ourselves for killing someone in the past. All we need to do is understand the lesson, the circumstances and the situation. At that point, we ask for forgiveness and love - and forgive ourselves.

## 5.4.2 Discussion

The universal laws presented above are tied to the concept of energy and light. We are in fact energy beings. This is why we all have auras of different colours around our bodies. This is also why saints in the Christian world are pictured with golden halos, the most sacred aura colour. In the western world, the word enlightenment embraces the concept of humans as light beings and is generally defined as an opening process wherein the mind changes its view of reality. Alternatively, some Eastern religions define enlightenment as a detachment and demise of the ego. Either definition is consistent with concepts captured in the traditional Aboriginal Sacred Tree of Life because in order to cross over from fear to love, we definitely need to change our perception of reality, as captured by the above “western” definition of enlightenment; and for this process to occur, we would need to overcome the effects of ego, consistent with a more Eastern definition of enlightenment, because ego is an element that exists on the fear side of the Sacred Tree of Life equation. There are therefore strong ties between the above universal laws explained from a new age spiritual perspective and natural laws followed by our ancestors, thereby further reinforcing the notion that we are in the time of the Seventh Fire – a time when the convergence of traditional and western values will act as the catalyst to global spiritual renewal and the return of Aboriginal people as stewards of the land.

**Conclusion #23: New age spiritual concepts as captured by the light-workers movement follow principles of natural law that are consistent with traditional Aboriginal philosophy and therefore will assist CCFN in advancing its community development objectives.**

## 5.5 Summary

There are strong indications that we are in the time of the Seventh Fire as defined by Aboriginal Prophecy. Governments are starting to pay closer attention to matters of imbalance, introducing new concepts such as sustainable development and triple bottom line planning that integrates economic, environmental and social factors. There are also major power shifts occurring around the world, generally defined as the civil society movement, particularly in third world countries where international agencies are advocated grassroots-based approaches to decision-making rather than the typical ‘command and control’ approaches. At the same time, people are moving away from churches and returning to more personal concepts of spirituality. Last but not least, the integrity and beauty of the traditional Aboriginal worldview is beginning to return. All of these patterns of development combined seem to suggest that we are moving into the Seventh Fire, one of eternal peace, love, brotherhood and sisterhood.

**Conclusion #24: As much as the integrity of CCFN community development approach is anchored in the past, being tied to the Prophecies means that the process simultaneously anticipates what is to occur in the future.**

## 6.0 COMMUNITY DEVELOPMENT COMPONENTS

### 6.1 Vision

As outlined in one of the *Recreating the World* principles, without vision there can be no development. The CCFN community development process will therefore require the development of a community vision. Consideration should be given to the following:

- Balance: gender and other forms of balance at all levels (personal, family community...)
- Governance: self-government, government-to-government relationships
- Administration: self-managed, continual improvement, perhaps ISO certification
- Economic: fiscal engine for self-government, sustainable and value-added approach
- Lands stewardship: full control over reserve lands, shared for territorial lands
- Social: Strong sense of community belonging and security
- Wellness: physical, emotional, mental, spiritual integrity at all levels
- Cooperation: working in partnership with all whom share an interest in the land

Most community development practitioners would agree that the development of a vision statement should be the first step in the advancement of a community development action plan. There is also a need to consider the advancement of the above visionary concepts through an integrated approach, such as through the development of a comprehensive community plan.

**Conclusion #25: CCFN will begin building a community vision through an ongoing community outreach exercise with its membership, setting the stage for developing a comprehensive community plan that will include a strong land use planning component.**

### 6.2 Towards Wellness

#### 6.2.1 Overview

Community wellness is at the heart of any traditional Aboriginal approach to community development. As outlined in the *Recreating the World* principles, healing is a necessary part of development. Healing the past, closing up old wounds, and learning healthy habits of thought and action to replace dysfunctional thinking and disruptive patterns of human relations, is a necessary part of the process of sustainable development. Healing is generally defined as a developmental process aimed at achieving balance within oneself, within human relationships, and between human beings and the natural and spiritual worlds. It has to do with choosing to live in harmony with the basic values and teachings that are at the core of all Aboriginal (as well as other) cultures.

Healing actually describes a wide range of initiatives, impulses and efforts happening at the levels of the individual, the family, the community, organizations and the nation. If CCFN is not in a state of balance on all of these fronts, as previously identified, then a healing (getting stronger) and wellness (staying strong) approach is required.

## 6.2.2 Considerations and Approaches

The community wellness strategy will need to give consideration to the following points, replicated from work undertaken by the Four Worlds Institute:

- Establish and develop the capacity of a Community Healing Professional Team.
- Build and nurture a Volunteer Community Healing Team to work in collaboration with the Community Healing Professional Team.
- Build and maintain a Continuous Learning Program at the heart of the healing process (i.e. ongoing training and action reflection learning).
- Identify and train a Crisis Intervention Team.
- Cultivate community leadership for healing through a Leadership Development Program.
- Community Outreach and Engagement – to systematically expand the base of community members and families involved in the healing process.
- Total Immersion Healing and Personal Growth Training Program - (such as New Directions, offered by Alkali Lake) available for every CCFN person who is willing to enter the program.
- Cultural and Spiritual Resources Development – Systematic research and development of cultural and spiritual resources and opportunities that will support and enhance the healing process.
- Community Reconciliation and Unity Building Initiative – to heal the deep-seated feelings of misunderstanding and mistrust between people, families and factions at CCFN.
- Family Violence and Sexual Abuse Community Response Team.

**Conclusion #26: CCFN will place healing and wellness at the centre of its community development model and will consider the advancement of a number of supporting mechanisms including a community healing professional team, a volunteer community healing team, a continuous learning program, a crisis intervention team, a leadership development program, community outreach and engagement, a total immersion healing and personal growth training program, cultural and spiritual resource development, a community reconciliation and unity building initiative and a family violence and sexual abuse response team.**

### 6.3 Cultural and Spiritual Renewal

Great ancestors, visionaries and Prophets from the many Nations of our people have given teachings, prophecies and warnings of the times we now find ourselves living within. They tell us of a hole in the sky, diseases from animals and man-made sicknesses, black filthy water, the extinction of animal brothers and technology that would threaten all life on Mother Earth. Amidst the darkness, the Prophets spoke about small groups of people who return to the land to seek sacred guidance to understand life and the sacred direction needed to move toward a balanced future. These Prophets told us that the seekers would engage Elders and beg for their wisdom, they would retrace the footsteps of their ancestors and lead the evolution of humanity to a higher level of spiritual understanding of love, unity, peace and brotherhood. These same Prophets spoke of the vision of the Creator for Mother Earth and for human beings that would unfold here in the Americas, the “place where peace lives.”

Our people have the gifts of direct communication with Spirit, vision and the sacred connection to the land. There are ceremonies of healing, forgiveness and reconciliation that await us that are so powerful that they are at once ancestral and intergenerational. As we heal, so we show the pathway to our brothers and sisters throughout the world. Spiritual guidance governs ceremonies and is a gift that the peoples of the world are waiting to learn and to receive. It is the unique strength of our people. This gift is meant to be shared and in the sharing, a deep remembrance will follow for those who grasp the jewel. They will begin to understand that all peoples of the world once had such mystical, spiritual power and used it to live in balance with all of Creation.

Teachings ground people in the nurturing and unconditional love of Mother Earth. They envelop the individual in the sacred aspects of life, the power of the Creator, the love of Mother Earth and help the people understand the work of the Spirits. The teachings are inclusive of all peoples and all faiths because many non-Native people now reside in our communities and inter-marriage is a fact of modern life. The Teachings include the Sacred Fire, the Pipe Ceremony, the Naming Ceremony, Welcoming the New Baby, the Coming of Age Ceremony for Young Men and Young Women, Honouring the Elders, Teaching Lodge-Medicine Wheel of Life, Creation Story, Sharing Circles, Ceremonial Protocol, Marriage Ceremony, Sexuality, Partnership, Family Values and Parenting.

Ceremonial and cultural renewal activities are inextricably linked. Healing ceremonies include: the Fasting Lodge; the Releasing Ceremony; Purification Lodges such as the Eagle Sweatlodge for emotional healing, the Turtle Sweatlodge for mental healing, the Bear Sweatlodge for physical healing, the Thunder Sweatlodge for balance, the Ancestor Sweatlodge for communication with those who walked before us to gain their wisdom and guidance, the Four Directions Sweatlodge for miracles, and the Little People Sweatlodge for children; the Moon Ceremony; the Vision Quest; Doctoring Ceremonies; Making Medicine; Healing Blanket Ceremonies; Ceremonies of healing for men, women and youth; and grieving.

**Conclusion #27: The CCFN community development process will promote a return to ceremony and traditional teachings through the implementation of a cultural renewal strategy currently in draft form.**

## 6.4 Lands Stewardship

### 6.4.1 Overview

From an Aboriginal point of view, land is sacred. To return to the teachings is to return to the understanding that there is a need to strengthen the relationship between people and the land. Hunting, fishing, trapping, berry-picking, camping, canoeing, wilderness walking, picnicking, bird-watching, gardening and just relaxing in a favourite area in the forest are a few examples of how the citizens of CCFN can reconnect with Mother Earth. This idea should be given priority consideration because connecting with the land has a strong therapeutic element, something that the youth in particular require. Particular attention should be given to the concept of a community garden given that it promotes individual and collective healing, re-connects the youth with the Elders and prepares us for the day when we may be required to grow our own food.

**Conclusion #28: The CCFN community development approach will include a number of activities that will support reconnecting people to the land, particularly the youth. Priority consideration will be given to the development of a community garden.**

### 6.4.2 The *Indian Act*

It is certain that the *Indian Act* is not meeting the long term needs of CCFN and must be replaced with a more culturally appropriate lands stewardship framework. Specifically, the *Indian Act* needs to be replaced because it:

- Contravenes a number of constitutional principles including the central principle of “egalitarian society” where everyone is treated equally under the law;
- Contravenes a number of principles outlined under the Charter of Human Rights and Freedoms;
- Is in direct contradiction of recent Supreme Court rulings and stands in the way of Aboriginal self-government and economic development objectives;
- Is culturally inconsistent with traditional Aboriginal approaches to achieving community balance, including between individual and collective rights and interests, real property rights and interests between men and women, and the well-being of children; and
- Has a flawed land tenure and registration framework that provides no certainty of title or deed, thereby creating conflicts and confusion.

**Conclusion #29: The CCFN community development process will support getting out of the *Indian Act* as soon as possible given that it contravenes constitutional principles, is culturally inconsistent with traditional Aboriginal approaches to achieving community balance and has a flawed land tenure and registration framework.**

### 6.4.3 Traditional Land Tenure

Traditional Aboriginal approaches to lands stewardship do not view land and wildlife as commodities that can be owned by some people at the expense of others. The needs and interests of the collective are more important than those of the individual. Furthermore, the land belongs not only to the people that are living but also to past and future generations. In addition, the land belongs not only to human beings, but also to other living and non-living things like the plants, animals and rocks. Unfortunately, there is already a tremendous amount of infrastructure on reserve that has been built on the notion of individual property rights. Some form of “western-based” land tenure system will therefore need to be left in place, particularly for lands that are already developed, to be supplemented by a re-introduction of communal values.

**Conclusion #30: The lands stewardship elements of the CCFN community development process will give consideration to finding a better balance between individual and communal land interests.**

### 6.4.4 Federal Approaches to Land Registration

From a “western” point of view, a land tenure system is a fundamental component of any governance structure. With respect to federal lands, individual land rights are tied to the constitution and are guided by Rule of Law. Land tenure systems consist of several components, including a land registration system and a survey system. A land registration system is designed to provide a means whereby owners of rights in land may have those rights identified, recognized by the governing authority and recorded in some suitable form. The baseline model for the land registry system on Aboriginal land in Canada is the *Indian Act* Indian Land Registry.

Land registration systems focus either on the registration of deeds or titles. The *Indian Act* is considered a deed system with parcel indexing. Unfortunately, it cannot guarantee land rights because land can be granted by a First Nation and approved by the Minister without being registered in the Indian Lands Registry. Nor does the *Indian Act* establish a legislated system of priority for registered allotments over unregistered ones. There is also a very weak scheme of priorities for assignment of leases of designated lands. Such a priority scheme is a critical element of a registration of deeds system. As a result, the system cannot conclusively answer the critical question of who holds what rights in any specific parcel. Nor can the system guarantee title because there is no way of knowing whether a person who has been issued a Certificate of Possession is actually the true holder of those rights. The result is that the *Indian Act* is unable to guarantee the integrity of either deeds or titles, and this generally leaves First Nations with a multitude of land disputes. In conclusion, it is important that CCFN to stay away from federal approaches to land registration.

### 6.4.5 Provincial Approaches to Land Registration

The land tenure system in Ontario is based on English common law and the related concepts of property and ownership. The most common and highest form of ownership is fee simple. This includes the right to transfer a fee simple estate by will. A fee simple estate will only come to an end when an owner dies without heirs and without disposing of the property by will. In such case, the property will revert to the Crown by the process of escheat. The owner may also

convey the whole interest or any lesser interest to anyone else. Lesser interests may include leases, easements, life estates and mortgages. As a result, a number of individuals may own interests in the same property at the same time. Land tenure systems based on English common law therefore support ownership of individual rights to real property (land and immovable assets on the land) and the ability to convey those rights freely to others.

There is a trend toward Aboriginal groups adopting provincial land registration systems. This can be seen in the Sechelt and Nisga'a self-government agreements as well as in the territories and more recently in the Labrador Inuit settlements. This is probably a result of a number of reasons including:

- The significant amount of effort and financial resources required to design and implement such systems. It is just too costly for First Nations to develop their own land registration systems; and
- Embracing a provincial land registration system approach would greatly facilitate compatibility between current and future First Nation territorial interests.

The main disadvantage of a provincial system is that it lacks processes for screening for ineligible interests and for resolving disputes, other than resorting to the courts. This can be dealt with in part by having all current land disputes resolved before CCFN implements its own land tenure system, and by building a strong internal dispute resolution mechanism.

**Conclusion #31: The CCFN lands stewardship and self-government agenda will consider the merits of adopting a provincial system of land registration given that it is the most cost-effective option.**

#### **6.4.6 Western Approaches to Survey Systems**

A survey system is a set of principles, procedures and standards that are used in the production of cadastral (or legal) surveys to define the physical extent and location of rights and interests to land. The baseline model for the survey system on Aboriginal lands is the Canada Lands Survey System created under the *Canada Lands Survey Act*. A survey system in a jurisdiction requires definition, demarcation and retracement of boundaries; subdivision, assembly and reallocation of parcels; spatial organization of resources; and provision of land information.

Survey systems possess a number of characteristics, none of which are mandatory. Instead, these characteristics might better be defined as choices, recognizing that the choices are interrelated – a choice made in one area will influence choices for other areas. The first main choice is between numerical and graphical survey systems. Under a numerical system, a surveyor places monuments in the ground then surveys their location. Under a graphical system, the survey authority prepares large scale maps showing all topographic detail - the Registrar then uses these to prepare index maps that serve to define properties. Survey systems can be designed to be flexible enough to generate survey products that are either graphical or numerical.

#### 6.4.7 Land Survey Options

The Canada Lands Survey System is the baseline model that has been in place on reserve lands for many years. Although primarily a numerical system, some graphical products are available. An extensive suite of standards have been developed for the system. The provincial system in Ontario is not markedly different from the Canada Lands Survey System. The main differences would be in the process (for example, the requirement for instructions and the confirmation process) and the collection of filed notes and other materials in the Canada Lands Survey Records Archive. The provincial system is primarily a numerical system, thereby requiring monumentation.

#### 6.4.8 *First Nations Lands Management Act*

Over the last decade or so, Canada has made commitments to move First Nations along a lands management continuum away from the *Indian Act* and towards Section 35 of the *Constitution Act*, mainly in response to evolving court rulings. This is also moving First Nations away from federal fiduciary functions and towards self-government. It could therefore be argued that CCFN will need to advance along the continuum in such a way that will allow it to gain greater control over lands stewardship while simultaneously blending in more culturally appropriate land stewardship concepts. Failure to do so will lead to a “western-based” land management system that would likely be at odds with community self-government objectives, particularly if a traditional approach is endorsed.

**Conclusion #32: The CCFN lands stewardship agenda will consider ways to move the community along INAC’s land management continuum in such a way as to build greater lands stewardship integrity from a traditional perspective, consistent with CCFN’s self-government agenda.**

**Conclusion #33: The next step in advancing CCFN lands stewardship involves becoming a signatory to the *First Nations Lands Management Act (FNLMA)*. This is the next logical step towards CCFN gaining full control over its communal lands given that the process also provides the community with funding to undertake land management planning, land code development and environmental stewardship planning.**

There are a number of other land objectives that need to be advanced as part of a traditional approach to community development. For example, *Chief Kerry’s Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design and Data Collection* identifies a methodology that focuses on mapping rather than surveys. Consideration should also be given to the development of an environmental management system that would address the spirit and intent of various environmental statutes in the areas of protection (*Canadian Environmental Protection Act (CEPA)*), conservation (*Species at Risk Act (SARA)*), assessment (*Canadian Environmental Assessment Act (CEAA)*) and emergency response (*Transportation of Dangerous Goods Act (TDGA)* and *CEPA*), including the need to develop a community emergency response plan.

**Conclusion #34: The CCFN lands stewardship agenda will support the development of a traditional approach to land use occupancy and mapping, coupled with a state-of-the-art environmental management system.**

## 6.5 Justice

### 6.5.1 Overview

Justice is an important tool in support of maintaining community balance and integrity. According to the justice principle outlined in *Recreating the World*, every person (regardless of gender, race, age, culture, religion) must be accorded equal opportunity to participate in the process of healing and development, and to receive a fair share of the benefits. The Canadian justice system falls short of this definition given that:

*Canada's legal system is generally held in high regard by most Canadians, and for good reason. It reflects many of the values of our predominantly European heritage, it serves to check the improper usurpation of power, it tries to protect civil liberties and human rights, and it promises equal treatment and decision making by one's peers. However, while all of the foregoing achievements may be true for Canadians who trace their ancestry to Europe, almost none of them fit the perception of a significant number of Indian, Metis and Inuit people. For them the courts, police, prisons and lawyers represent elements of a foreign system – our "injustice" system.*

Canadian Bar Association

Justice Canada is well aware of the need to modify its current approach to Aboriginal justice. It already knows that there are too many Aboriginal people in the system. Every time the Aboriginal Justice Strategy comes up for Treasury Board renewal, Justice Canada receives a flurry of requests and petitions from provincial and Aboriginal agencies to make the system more culturally appropriate. For example, the *Task Force on the Criminal Justice System and its Impact on the Indian and Metis People of Alberta* reviewed over 700 recommendations for change that had been made over the years and came up with a "top ten list" of the most popular suggestions. These are:

- a. more cross-cultural training for non-Aboriginal staff working in the justice system;
- b. more Aboriginal staff in all areas of the justice system;
- c. more community-based alternatives in sentencing;
- d. more community-based programs in corrections;
- e. more specialized assistance to Aboriginal offenders;
- f. more Aboriginal involvement in planning, decision making and service delivery;
- g. more Aboriginal advisory groups at all levels;
- h. more recognition of Aboriginal culture and law in service delivery;
- i. additional emphasis on crime prevention programs for Aboriginal offenders;
- j. self-determination must be taken into account in planning and operation of the criminal justice system.

It is also important to point out that Justice Canada and a number of provincial justice programs have begun incorporating traditional Aboriginal approaches into their mandates because they are seen to be more cost-effective and successful than "western" approaches to justice. This is yet another indicator of the ground work that is being prepared in support of the Seventh Fire Prophecy.

## 6.5.2 Traditional Perspectives

Traditional Aboriginal concepts of justice are tied to both universal laws as well as to the landscape. Related principles and perspectives are explained in great detail in *Dancing with a Ghost: Exploring Indian Reality*. Consistent with oral tradition, there is not a well articulated and systematic understanding of what could be called a traditional justice system. Such a notion is really derived from western intellectual structures and conceptual frameworks. There are, however, a number of categories of traditional law that can help us understand the most fundamental elements of a traditional approach to justice as well as how these laws relate to our current understanding. Some of these are listed below, keeping in mind that spirituality and sacredness stands behind, and provides the meaning and structure for each concept:

1. **Ritual Law:** Rules and requirements associated with ritual were the responsibility of the wise and spiritually gifted. This law had many dimensions, including seasonal directives, institutional demands and chosen personnel. Taboos also played a role in this law.
2. **Constitutional Law:** This kind of law deals with issues of identity and social belonging of the community as a whole. Traditional hunting grounds were one marker of constitutional authority, as were treaty agreements and inter-tribal agreements. Issues related to the well-being of the group were also involved in constitutional affairs.
3. **Relational Law:** This involves the act of being related to each other, including kinship systems and family relationships, sacred power, making things “right”, systems of responsibility, respect, consent and reciprocity.
4. **Territorial Law:** This encompasses more than territory for it relates to what we call ecology: the presence or absence of traditional food animals, the use of resources in traditional territories and the preservation and enhancement of the area within boundaries.
5. **Governmental Law:** This deals with flexible systems of rulership and significant curbs on authority. The Clan System was the primary model of government. Smaller band government was more dependent upon chiefs, along with specific leaders for specific issues. Medicine people and shamans were consultants in the government of the people, since they were deemed to have knowledge of the spirit world’s intentions.
6. **Personal Law:** Issues of personal property were involved in this kind of law... who owned what and who had the rights to hunt and trap in a certain area. These were mediated by talk and discussion within the band, and the concept differs considerably from our “western” derived notion of ownership, given the focus on community.
7. **Restitutive Law:** The over-riding principle of restitutive law was not punishment of the wrong doer per se, but return of the social group to health and well-being. In other words, justice was less concerned with a particular infraction and more concerned with the longer term survival and health of the group. Sentencing circles, usually composed of leaders and members of the family from both sides, mediated the results of community consensus on an infraction.

8. **Local Oral Law:** Local understandings play a role in defining the legal authority. The best approach to this category is to note that tribal and regional differences played a role in defining law among the people in a very significant manner. Hence, in this category law would take on a local colouring from people and occurrences, keeping with some of the other more general law and justice principles.
9. **Environmental Law:** These laws dealt with issues of survival such as the preservation of food stocks, growth of fruits and berries, sharing of resources among band members and responsibilities of members to the group if specialized areas were in their territory (e.g. medicinal plants). Environmental laws applied to the prohibition on harvesting of females, wiping out families of animals and utilizing all the resources in a given season.

### 6.5.3 Restorative Justice

Justice Canada's Aboriginal Justice Strategy (AJS) is comprised of community-based justice programs that are cost-shared with provincial governments, and capacity building activities to support Aboriginal communities' involvement in the local administration of justice. Strategy objectives include contributing to decreased rates of crime and victimization in Aboriginal communities, assisting Aboriginal communities to take greater responsibility for local administration of justice, assisting Aboriginal communities in providing better and more timely information about community justice programs funded by the AJS, and reflecting and including relevant Aboriginal cultural values in Canadian justice administration. The AJS provides local funding support for four types of alternative justice activities and programs at the community and regional level, cost-shared with the provincial government. These include diversion or alternative sentences, community sentencing circles and peacemaking, mediation and arbitration in family and civil cases, and a Court/community justice program.

**Conclusion #35: The CCFN community development process will require a restorative justice component. NAN, as regional coordinator of the Aboriginal Justice Strategy, will be approached in support of securing funding for this objective, with consideration given to advancing a regional, Chapleau area approach.**

## 6.6 Governance

### 6.6.1 Constitutional Development

A constitution sets forth the basic principles that govern the society, the values that the Nation wishes to uphold and protect, the internal framework of rules and structures of the political community, and the limits on the exercise of power by government. As such, a constitution is an essential component in a First Nation governance framework and is therefore of critical importance to the CCFN community development process.

The CCFN community development goal from a governance perspective is to move to a relationship of sovereign and equal status. The Royal Commission on Aboriginal People (RCAP) final report concluded that the statement of Canada's nationhood made by the constitution will never be complete until the relationship of respect and equality between Aboriginal and non-Aboriginal people is adequately represented. Furthermore, when

constitutional issues are the subject of intergovernmental negotiation, the following issues must be included:

- Explicit recognition that section 35 of the *Constitution Act* includes the inherent right of self-government as an Aboriginal right;
- A process for honouring and implementing treaty obligations;
- A veto for Aboriginal peoples on amendments to sections of the constitution that directly affect their rights, including section 91(24) of the *Constitution Act, 1867* and sections 25, 35 and 35.1 of the *Constitution Act, 1982*; and
- Changes to section 91(24) of the *Constitution Act* to reflect the broad self-governing jurisdiction that Aboriginal nations can exercise as an inherent right to limit federal powers accordingly.

First Nation constitutional development exercises are currently underway throughout Canada, including related activities being undertaken at NAN in support of its self-government negotiations process. There is an urgent need to build community-based constitutional development tools in order for grassroots needs and approaches to be compatible with the NAN regional approach. Funding support for a community based constitutional development exercise may be available from NAN. Additional funding may be accessible through the INAC Professional and Institutional Development Program (PIDP).

**Conclusion #36: CCFN will require the development of a local constitution, providing a home for the various policies, procedures and by-laws that are expected to be developed as part of the implementation of the community self-government agenda. NAN and INAC will be approached for funding in support of this objective. Chief and Council have already collected a selection of constitutional models to review.**

### **6.6.2 A Traditional Governance Model**

The Clan System, represented graphically in Figure 4, is the primary Aboriginal model used in the implementation of governmental law. This system focuses on community balance from a governance perspective, summarized as follows:

- Good internal governance – the Crane Clan
- Good external relationships – the Loon Clan
- Healthy community philosophy – the Fish Clan
- Justice, policing and lands stewardship – the Bear Clan
- Strategic planning – the Marten Clan
- Rational decision-making – the Deer Clan
- Good spiritual leadership – the Bird Clan

The seven clans identified within the Clan System model work together to maintain community integrity through a series of checks and balances, represented by the seven points of the Clan System star. This means that no one element of the Clan System star is more or less important than any other, nor can any one element of the model gain or lose importance over time.

As an example, the Fish Clan looks after healthy community philosophy and mediates between the Crane Clan (internal governance) and the Loon Clan (external governance). No other system of government in Canada focuses on the philosophical integrity of a society. Perhaps this absence explains, at least in part, why the Crown maintains such a “command-and-control” approach over natural resources even though Canada’s constitutional framework identifies these resources as belonging to the people. Perhaps it is also why western society has built up a huge artificial barrier between Christian and Aboriginal spiritual values that does not exist in real terms.

With respect to the mediation function of the Fish Clan, it must be noted that internal and external leadership functions are separated. Many a First Nation election has been lost under the *Indian Act* due to the community perception that the Chief is either spending too much time in the community or too much time away. A Clan System approach would avoid this situation through the appointment of two separate individuals. This ability of the Clan System to resolve differences of opinion between critical community components greatly added to its effectiveness as a governing body.

Last but not least, it will take a tremendous amount of political discipline to advance the CCFN community development approach and being Chief of an Aboriginal community as already a full time job. Creating a governance system that identifies two chiefs, one for internal and the other for external affairs and supported by a Fish Clan mediator, may facilitate community progress.

**Conclusion #37: The built-in integrity and balance of the Clan System model will form the foundation of the governance component of the CCFN community development model. Emphasis will be placed in capturing the philosophy and principles of the Clan System model rather than returning to a purely traditional Clan System approach.**

## **6.7 Administrative Excellence**

Governance is about much more than just the structures of government. It can be defined in broader terms as a process whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render account. The 1997 United Nations Development Program document “*Governance and Sustainable Human Development*” enunciates the following good governance principles:

- **Strategic Vision:** Leaders and community members need to take a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. This principle is tied to the *Recreating the World* principle of *no vision: no development*.

- **Participation:** All men and women should have a voice in decision-making, preferably directly or, if required, through legitimate intermediate institutions that visibly take pains to represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively. This principle is tied to the *Recreating the World* principle of *no participation: no development*.
- **Consensus:** Good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures. This principle is tied to the *Recreating the World* principle of *unity*.
- **Equity:** All men and women must have opportunities to improve or maintain their well being, guided by a legal framework that enforces impartiality, particularly in the area of human rights. This principle is tied to the *Recreating the World* principle of *justice*.
- **Accountability:** Decision makers are accountable to the people. Transparency therefore needs to be built on the free flow of information. Processes, institutions and information need to be directly accessible to those concerned with them, and enough information needs to be provided in order to understand and monitor them.
- **Performance:** Institutions and processes need to produce regular evidence that they are at least trying to respond to the needs of all community members, as well as producing results that meet individual needs while making the best use of all resources.

Previous sections of this strategic blueprint have touched on the merits of vision, participation, consensus and equity, whereas accountability and performance were dealt with in the results of the CCFN Operation Review.

**Conclusion #38: The CCFN community development approach will continue to build on the current administrative excellence framework by focussing on vision, participation, consensus, equity, accountability and performance, backed up by appropriate policies and procedures.**

## 6.8 Social Development

### 6.8.1 Overview

Social development is the process of organizing human energies and activities at higher levels to achieve greater results. It consists of two interrelated aspects – learning and application. Society discovers better ways to fulfill its aspirations and it develops organizational mechanisms to express that knowledge to achieve its social and economic goals. The process of discovery expands human consciousness and the processes of application enhance social organization. Social well-being is the soft underbelly of community development. It is a community's greatest strength or greatest weakness. Unemployment, welfare, poverty, malnutrition, obesity, housing shortages, drug and alcohol abuse, HIV/AIDS and diabetes present a partial list of community indicators that most Aboriginal communities are not healthy from a social perspective. A tremendous amount of community nurturing is therefore required to deal with these issues.

**Conclusion #39: The CCFN community development approach will include a process to deal with a number of important community social issues.**

### **6.8.2 Gender Balance**

As stated by John Grey in *Men are from Mars, Women are from Venus*, without the awareness that we are supposed to be different, men and women are at odds with one another. Men mistakenly expect women to think, communicate and react the way men do and women mistakenly expect men to feel, communicate and respond the way that women do. The point here is not that one gender is better than the other, but rather, consistent with the universal law of duality, each gender brings balance to the other at the personal, family and community levels.

First Nations are in a weakened state from a gender balance perspective and this is most evident in the social development area given that this responsibility traditionally falls to the women. Church and state conspired to completely marginalize the role of women in society, as evidenced by a number of inequities including matters pertaining to matrimonial and real property under the *Indian Act*.

Table 1, derived from Roesch Wagner's work in *Sisters in Spirit: Haudenosaunee (Iroquois) Influence on Early American Democracy* provides further insight into the need to restore gender balance within the community. She makes comparisons regarding how the Haudenosaunee and the early Euro-American culture treated their women. It is clear from Roesch Wagner's assessment that women play a vital role in maintaining community social, economic, political and spiritual integrity.

**Conclusion #40: the CCFN community development approach will emphasize the importance of restoring gender balance within the community given the vital role that women play in maintaining community social, economic, political and spiritual integrity.**

### **6.8.3 Left Brain Versus Right Brain Thinking**

As outlined by Dr. A.C. Ross in *Mitakuye Oyasin: We are all Related*, the brain has two hemispheres. The left side of the brain controls logic, linearity, reading and writing, time orientation and masculine expression. The right side of the brain controls instinct, holistic thinking, dance, music, spatiality and feminine expression.

Brain hemispheric research has concluded that the majority of our society emphasizes the functions of the left side of the brain. According to Dr. Ross, research explains that the culprit is the educational systems because they over-emphasize the importance of logic and other left-brain functions. Reading and writing are emphasized to the point that some educators say that if knowledge or information is not in a book, we shouldn't believe it. This is ironic given that many Aboriginal people argue that the written word is not to be trusted, given their experience with treaty wording and inaccurate history books.

The above left brain and right brain thinking processes are summarized in Table 2.

**TABLE 1: THE IMPORTANCE OF GENDER BALANCE**

<b>HAUDENOSAUNEE</b>	<b>EURO-AMERICAN</b>
<p><b>SOCIAL</b></p> <p>Children are members of the mother’s clan</p> <p>Violence against women is not part of the culture, and is dealt with seriously</p> <p>Clothing fosters health, freedom and movement and independence</p> <p>Woman’s responsibilities have a spiritual basis</p>	<p><b>SOCIAL</b></p> <p>Children are the sole property of fathers</p> <p>Husbands have legal right and religious responsibility to physically discipline wives</p> <p>Clothing is restrictive, unhealthy and dangerous</p> <p>Woman’s subordination has a religious foundation</p>
<p><b>ECONOMIC</b></p> <p>Work is satisfying and is done communally</p> <p>Responsible for agriculture as well as home life</p> <p>Work done on the direction of the women working together</p> <p>Each woman controls her own property</p>	<p><b>ECONOMIC</b></p> <p>Work is drudgery and isolated</p> <p>Responsible for home, but subordinate to husband</p> <p>Work done under the authority of the husband</p> <p>No rights to her own property, body or children</p>
<p><b>SPIRITUAL</b></p> <p>“Sky Woman” the spiritual being, catalyst for the world we see</p> <p>Mother Earth and women spiritually interrelated</p> <p>Women have responsibilities in ceremony</p> <p>Responsibilities in balance with those of men</p>	<p><b>SPIRITUAL</b></p> <p>No female in the godhead</p> <p>Spirituality not connected to the earth</p> <p>Women forbidden to speak in churches</p> <p>Responsibilities subordinate to men’s authority</p>
<p><b>POLITICAL</b></p> <p>Women choose their chief</p> <p>Women hold key political offices (e.g., clan mothers)</p> <p>Confederacy law ensures woman’s political authority</p> <p>Decision making by consensus, everyone has a voice</p>	<p><b>POLITICAL</b></p> <p>Illegal for women to vote</p> <p>Women excluded from political office</p> <p>Common law defines married women as “dead in law”</p> <p>Decision making by men, majority rules</p>

**TABLE 2: LEFT BRAIN VERSUS RIGHT BRAIN THINKING**

<b>Masculine – Left Brain</b>	<b>Feminine – Right Brain</b>
Logic Linear Write Read Time	Instinct Holistic Dance Music Spatial

Feminine thought processes are therefore essential to a traditional approach to community development, embracing instinct, holistic thinking and cultural practices include music and dance. Also of importance is the need to consider a balanced approach to education, supplementing reading and writing with more right-brain oriented approaches to learning such as dance, music and perhaps experiencing nature from a non-scientific perspective.

**Conclusion #41: The CCFN community development process will support a more balanced approach to learning and education by paying close attention to nurturing more right-brain thinking, including a proper balance between classroom studies and educational experiences on the land.**

#### **6.8.4 Youth Development**

Effective social development is inextricably tied to all other elements of community development including governance, justice, child welfare, wellness and education. The potential for social development of any group of people is often directly related to historical and contemporary practices involving its youth. This suggests that CCFN needs a comprehensive youth development strategy given that:

- Youth represent a very significant proportion of the community population;
- Youth are both one of the most “at risk” groups within the population for addictions, violence, abuse, premature pregnancies, etc, and at the same time are endowed with tremendous potential for greatness and are primed for the full realization of their potential as human beings;
- The social well-being of Aboriginal youth is particularly troubling - they have been poorly served due to the fragmented nature of government programs and funding;
- Adults and leaders have been saying for years that “youth are our future”.

There is also a need to consider youth development criteria that are:

- Consistent with their needs and aspirations;
- Compatible in substance and structure with their culture;
- Conceived, planned and implemented with their informed participation; and
- Equitable in terms of development efforts and impact.

Finally, there is a need to consider a number of linkages between youth development and other elements of general community development such as leadership development, economic development and employment, recreation, social support, learning needs, healing and wellness, safety and protection needs, and spiritual and cultural needs.

**Conclusion #42: The CCFN community development approach will include a youth development component given their current state of well-being as well as the important role they are destined to play in bringing about community change.**

### **6.8.5 Language Development**

Language, culture and spirituality are inextricably linked. Language development is therefore important to the advancement of a traditional approach to community development because it reinforces the underlying values of the culture such as respect and personal responsibility.

Language development begins with the mobilization of the community itself. The goal is to enable the First Nation to assert and ensure full ownership of their linguistic and cultural heritage. For any language program to succeed, parents and the community as a whole must be persuaded that it is valuable. Aboriginal language strategies must be holistic and comprehensive if they are to succeed in reversing the trend of language shift. Effective language revitalization must involve a coordinated and cooperative approach that includes families, schools and community organizations.

**Conclusion #43: The CCFN community development approach will require an integrated, holistic and coordinated language renewal component that will include families, schools and community organizations.**

## **6.9 Wealth Generation**

### **6.9.1 Overview**

CCFN needs to be in control of the basic necessities of life, including food, shelter, clothing, health and education. Regaining control over the provision of basic needs is critical to breaking the cycle of dependence that perpetuates poverty. This control can only come with the generation of wealth which, in turn, leads to improved social conditions. It is therefore critical that the CCFN community development process include an economic development component. The importance of economic development cannot be overstated, given that it is becoming increasingly recognized that First Nation economic independence will lead to political independence, and not the other way around.

**Conclusion #44: The CCFN community development approach will include an active economic development component in support of generating wealth for its citizens as well as for various community development initiatives.**

## 6.9.2 Traditional Perspectives

Our ancestors sustained their livelihood from the environment based upon the survival needs of the group. As hunting and gathering societies, they were organized through the Clan System and extended family relationships – and the prerequisites of survival called for cooperation and sharing among all members. They acquired the gifts of the Earth and distributed these to all members, including the sick, the old people and those who were unable to contribute for whatever reason. For the most part, surplus accumulation was not a practice except in those instances where it was necessary to prepare for the changes of the seasons and the cycles of the plant and animal life and to meet survival requirements during the lean times. Some accumulation would also occur where there was an exchange relationship with another Nation. These surpluses were used to solidify allegiances or to obtain items not available in the immediate territory.

With the introduction of production for exchange, traditional economies began the process of transformation that would change history forever. Whereas our ancestors had been able to sustain their existence and the existence of all members directly from the environment, the introduction of trade goods and money, over time, created a dependence on the products of the European market system. The shifting to cash crops also displaced the production of food for local consumption and began to compromise traditional agricultural practices. One of the immediate outcomes of this was the increasing malnutrition of the Aboriginal population. Additionally, as the new settlers filled the territories, they took over the best lands for the production of the newly introduced cash crops. This land grab was sanctioned by the government of the day, and the Aboriginal people were pushed even further into more marginal lands. As an additional economic barrier, they were shut out of the new agricultural economy as well as prevented from participating as wage labourers in the emerging industrial economy due to racism.

**Conclusion #45: The economic component of the CCFN community development approach will protect access to traditional pursuits such as hunting, fishing, trapping and other harvesting activities.**

## 6.9.3 Shingwaukonse's Vision

Shingwaukonse, or Little Pine, is the grandfather of the Robinson-Huron and Robinson-Superior treaties of 1850. Noted for his fighting ability during the War of 1812 as well as for his forceful oratory, he spoke passionately to the principle of Native rights during the nineteenth century. In her book entitled *The Legacy of Shingwaukonse*, Janet Chute notes that his ideas and actions set precedents that exerted a profound influence on the future course of Canadian Indian policy. His vision was that Aboriginal values and western technology and expertise might be combined to furnish Native people a secure place in the evolving Canada, consistent with the emerging concept of convergence. He believed that protecting his people's diversified economy was key to their continued independence and his approach was based on the following interrelated goals:

1. establish linkages with government agencies, churches and commercial agencies, consistent with current government commitments to creating partnerships and promoting cooperation;

2. preserve an environment in which Aboriginal cultural values and organizational structures could survive, with the reserve land base being used mainly to preserve culture and the territory used to generate wealth; and
3. devise new strategies to promote the development of Band governments capable of assuming a degree of proprietorship over resources on Aboriginal lands.

Shingwaukose had established resource royalty-sharing agreements directly with logging and mining at least 20 years before the 1850 treaties were signed. He believed that the Crown and First Nations needed to share wealth equally as a means of ensuring that one party did not attempt to overpower the other. He argued this point passionately during the treaty negotiation process and was given assurances by Benjamin Robinson and others that the words “annuity” and “royalty” were interchangeable, a matter that continues to this day to be contested by the Chiefs of the Robinson-Huron territory. He also supported the creation of the reserve system, not to marginalize First Nations but to provide Aboriginal people with a place to practice their language, culture and traditions without interference. As Janet Chute concludes, he tried to examine issues from all sides; judged an idea by its effectiveness; saw little utility in amassing untried wisdom; believed in a principled show of opposition, basically moderate but non-violent; protected Aboriginal resources until they could be developed fully in Aboriginal terms; and respected the interests of all parties involved. Such concepts and approaches are, of course, entirely consistent with a traditional Aboriginal approach to community development.

**Conclusion #46: The wealth generation elements of the CCFN community development approach will include resource revenue-sharing, consistent with Shingwaukose’s Vision.**

#### **6.9.4 The Need for Balance**

Recent history demonstrates that mainstream theories of community economic development should be avoided because they tend to lead to imbalance. In order to be meaningful and culturally appropriate, economic initiatives need to strengthen extended family networks, increasing the ability of family systems to be self-managing and self-reliant. It is, however, too late to turn back the clock and return to strictly a traditional economy. Consistent with a primary Medicine Wheel concept, a balanced approach is required. There is therefore a need to strengthen the traditional subsistence economy as an alternative to promoting industrial and other large scale production. At a minimum, treaty-based guaranteed rights to hunt, fish, trap and share resources should be a central theme in any economic development approach that CCFN may choose to advance. Land and resource stewardship responsibilities that accompany these rights should also be championed, particularly as they pertain to water. Steps should also be taken to protect traditional knowledge associated with resource harvesting, environmental stewardship, as well as the production of Cree traditional foods, medicines, arts and crafts. This latter point will have the multiple advantages of generating economic wealth, supporting self-sufficiency, reconnecting the community to culture and tradition, and healing.

**Conclusion #47: The economic component of the CCFN community development approach will safeguard the integrity of Mother Earth. This will be done by focussing on softer, gentler approaches to resource development as well as greater consideration being given to value-added resource development opportunities.**

### 6.9.5 Strategic Considerations

A growing number of First Nations are advancing successful economic development initiatives. In a report recently released by the Standing Senate Committee on Aboriginal Peoples entitled *Economic Issues and Opportunities* it was noted that those Aboriginal communities experiencing economic success share the following basic elements:

- stable leadership and vision;
- appropriate interplay between politics and business;
- legitimacy of economic activities to the community;
- strategic use of available resources;
- a qualified labour pool; and
- a willingness to form partnerships with others.

The same Senate report also identified a number of critical barriers to Aboriginal economic development, including the following that seem to apply directly to CCFN's current circumstances as identified earlier in this document:

- legislative and regulatory aspects of the *Indian Act*;
- limited access to lands and resources and capacity to develop those resources;
- lack of institutional mechanisms to support economic interactions;
- insufficient education and training;
- limited access to capital; and
- non-competitive physical infrastructure.

The Senate Committee's recommended approach to dealing with the above realities, which may provide insight into the development of an effective economic development approach for CCFN, is summarized as follows:

- A renewed federal approach to Aboriginal economic development is required, including working with provincial governments to establish regional economic development funds, a renewed policy framework to anchor those investments, and a central economic development agency to integrate, deliver and develop programming. The Committee further suggested that the federal government address the outstanding issues around the federal Procurement Strategy for Aboriginal Business.
- Greater support for institutional development - including increased support for existing Aboriginal financial institutions, the establishment of an Aboriginal Natural Resources Economic Development Framework, and an institution for excellence and capacity building to address the significant economic infrastructure gaps that currently exist.
- Increased access to lands and resources, including targeted programs to support land and natural resource management capacity.

- Increased education and training through strengthening apprenticeship, literacy programs targeting Aboriginal learners, and providing fiscal incentives to companies that develop and offer Aboriginal apprenticeship programs.
- Address *Indian Act* barriers to development by initiating a national process to review the negative impacts of the *Indian Act*, extending *FNLMA* to additional First Nations and developing a national First Nations land registry system.
- Address infrastructure deficits through increased funding that will bridge the current infrastructure gap between First Nations and non-First Nations' communities within ten years, including infrastructure funding for commercial and industrial development.
- Promote greater partnership with industry, including implementing tax incentives to encourage such partnerships.

**Conclusion #48: The economic elements of the CCFN community development approach will include a strong advocacy function in support of a renewed government approach to Aboriginal economic development, greater support for institutional development, increased access to lands and resources, increased education and training, improved infrastructure support, and greater partnerships with industry and other parties.**

## 6.9.6 Supporting Infrastructure

### Overview

CCFN needs to look at the underlying power and control structures that drive both traditional and modern approaches to economic sustainability. As outlined by the Standing Senate Committee on Aboriginal Peoples, there is also a need to pay close attention to the “appropriate interplay between politics and economic development”. Western approaches to economic development support free enterprise and a “laissez fair” attitude. Rules of engagement are set from above, but each person or enterprise is responsible for creating their own opportunities. Competition is seen as healthy, and social obligations are met by the redistribution of wealth, mainly through taxation. One weakness associated with this approach is that the rule-makers get to change the rules whenever they want, often times in direct response to lobby pressures that ensure that one sector of society gets what it wants at the direct expense of others. On the other hand, Cree approaches to economic development are sustenance-based, focussing on the exchange of goods and services without the use of money. Life in the Cree world is more about quality and wellness than it is about wealth. Competition is not seen to be constructive and community interests come first. Checks and balances ensure that the survival of the collective is always a central community theme. The balance required between the above two worldviews is really about meeting the needs of all community citizens, and future generations, while supporting creativity and entrepreneurial spirit at the individual level. There is a need for an approach that allows community entrepreneurial spirit to soar by encouraging and adequately rewarding those few people who have the skills and confidence to jump on economic opportunity, while at the same time ensuring that most of the wealth generated is for the collective benefit of the community.

**Conclusion #49: The CCFN community development approach will ensure that wealth generated from economic activities is spent in support of community development as a whole, including consideration being given to the well-being of future generations, through the necessary legal frameworks, administrative procedures and rules of conduct.**

## **Taxation**

The *Indian Act* provides Aboriginal people with protection from seizure of assets as long as these assets are located on reserve. The *Indian Act* also provides Aboriginal people with certain tax exemptions which are available as long as the following three criteria are met:

- the property (for example, income) must be personal property;
- the property must be the property of an Indian or band; and
- the property must be situated on reserve.

Because the GST is intended to be paid only by the end consumer, businesses can normally claim a full refund, or input tax credit, of the GST paid on most purchases. The *Excise Tax Act*, which governs the GST, does not refer to taxation of Indians, native benevolent organizations and Indian Bands. The Canada Revenue Agency has, however, published its administrative policy regarding the application of GST to Indians, Bands and related entities. Ontario provincial sales tax is imposed by the *Retail Sales Tax Act*. Under Ontario law, purchases of property and services are exempt from RST if the property is purchased by an Indian, band or council on reserve, or if the property is purchased off reserve for delivery to a reserve for use by an Indian, band or council. These primary GST and RST considerations are expected to change in the near future to the detriment of First Nations and Aboriginal people once the proposed Harmonized Sales Tax (HST) is implemented in Ontario. The First Nation leadership in Ontario has raised a number of concerns and a number of constructive suggestions with respect to the HST process, but with limited effect.

**Conclusion # 50: The CCFN leadership will continue to aggressively advocate the need for the proposed Ontario HST process to safeguard existing First Nation tax advantages.**

Many First Nations are working on establishing forms of self-government. Like other levels of government, high costs must be funded by the people whom the government represents. The First Nation Tax, which is intended to replace the GST on specific supplies that are made on the reserves of listed First Nations, is one of these alternatives. Specific supplies include alcoholic beverages, fuel and tobacco products. It may be some time down the road before CCFN is in a position to consider its own tax system, and when it is ready, the existing First Nations Tax Advisory Board and First Nations Fiscal Institute (FNFI) will be available to provide support.

**Conclusion #51: The CCFN community development approach will investigate the merits of implementing a First Nation tax system in support of ensuring that the collective financial needs and interests of the community are properly supported as a whole as the CCFN self-government agenda unfolds.**

## **Unincorporated Businesses**

According to the accounting firm KPMG, as a rule of thumb, an Indian-owned business located on reserve should be operated as an unincorporated entity such as a proprietorship, joint venture or commercial trust. This will ensure that income will be received directly by the person or band that owns or runs the business and all of the income will be exempt from income tax. Practical difficulties may arise as a result, including the mingling of politics without the buffer that operating a business through a corporation would provide, but this can be dealt with through the implementation of administrative controls, not to mention a community constitution. Agreements to govern commercial trusts, joint ventures and partnerships can be drafted to provide strong management controls and firm rules for replacing management committee members and trustees.

Even when a business generates income off reserve, KPMG recommends that an unincorporated business structure be considered. If some portion of income is generated on reserve, then it may be possible to show that the *Indian Act* tax exemption may apply to that portion of the income. If the facts are strong enough, and the business owner is a band, it may be argued that the business owner is tax-exempt as a public body performing a function of government in Canada.

## **Incorporated Businesses**

In cases where it is difficult for an Indian to clearly establish an on-reserve connection, incorporating a business may make sense. The company's head office should be located on-reserve. Regardless, a corporation would be subject to income tax on its net income assuming that it does not meet non-profit status or municipal corporation status. Net income is calculated after deducting any reasonable salaries and other related expenses.

Funding or lending institutions often insist that certain controls be in place for an Indian-owned business, including incorporation. As an alternative, a commercial trust could be created, having the Indian or band as its beneficiary and trustees appointed by both the band and the lender/investor. How funds are to be spent and how the business is to be managed can be specified in the trust agreement.

## **Joint Venture Partnerships**

Partnerships permit either incorporated or unincorporated partners. For non-Indians, this permits flexibility on the question of whether to incorporate, while permitting Indians or bands to benefit from tax-free status by remaining unincorporated. Joint ventures can also be used to effectively transfer deductions from tax-exempt Indians, who have no use for them, to non-Indians. The benefit of a joint venture can be even greater in situations where assets qualify for tax credits, such as investment tax credits for manufacturing equipment and research and development. To the extent these credits can be used only to reduce tax payable, they are wasted on anyone who is tax-exempt. Through a joint venture arrangement, a non-Indian can purchase the assets and make full use of the tax credits. A joint venture can also be attractive to investors, allowing them to share in the profits and retain 100% of the write-off for fixed assets.

## **Buying a Business**

When purchasing a business owned by a company, the purchaser has the option of purchasing the shares of the company or purchasing the business assets. For the purchaser, it is usually more advantageous to buy the target company's assets rather than its shares. In this way, the tax value of the assets will be increased to the purchase price amount and future tax deductions will be maximized. On the other hand, the vendor will usually prefer to sell shares, since amounts that would have been fully taxable will instead be taxed as capital gains, which attracts one-half as much tax. An Indian who is tax exempt may have less of a need to buy assets to maximize potential tax deductions, meaning that they can often obtain a price discount by buying shares rather than assets.

**Conclusion #52: The economic development component of the CCFN community development approach will look at ways to establish corporate and personal business enterprises on reserve that maximize tax advantages and minimize risk and liability.**

## **6.10 Regional Partnership Opportunities**

### **6.10.1 Overview**

The regional economic landscape in the Chapleau area is changing rapidly. There are three major strategic movements unfolding that have direct ties to the reconciliation and partnership philosophies of the CCFN community development approach. One involves building stronger working relationships amongst the First Nations that have shared territorial interests, the second involves building a better government-to-government relationship with the Crown, and the third involves the advancement of regional economic partnerships between area First Nations and adjacent municipalities.

### **6.10.2 Regional First Nations Administrative Efficiencies**

There are three First Nations located in the immediate vicinity of the Township of Chapleau. A streamlining exercise would generate potentially significant cost savings as well as build a greater level of inter-First Nation cooperation. Technical services such as water treatment plant operations, building maintenance, school bus services, nursing, police services and employment training are just a few examples. Although related opportunities are complicated by the fact that two Tribal Councils are involved, this can be overcome with the proper level of dialogue. There are also a number of Aboriginal organizations located within Chapleau that provide services to Aboriginal and non-Aboriginal people in the area, thus providing further streamlining opportunities. Notably, the Chapleau area hospital often duplicates the work of First Nation community nurses in some instances. The hospital also shares capacity and funding issues with area First Nations that could be better managed through collaborative efforts. CCFN recently completed an administrative review exercise that looked at ways in which Chapleau area First Nations may be able to better share resources, capacity and the benefits of streamlining opportunities in support of better managing costs and resource gaps.

**Conclusion #53: The CCFN community development approach will give consideration to how the community may benefit from working more collaboratively with other Chapleau area First Nations and Aboriginal organizations in support of providing better services to its citizens.**

### **6.10.3 Northeast Superior Forest Communities Initiative**

The Northeast Superior Forest Community (NSFC) is a partnership of six municipalities that came together in 2007 in response to shared economic challenges caused mainly by a downturn in the forestry sector. The communities include Hornepayne, Manitouwadge, White River, Dubreulville, Wawa and Chapleau. The goal of this organization is to spur a grassroots approach to facing regional economic issues in partnership rather than as individual communities. This group is supported at the political level by the Northeast Superior Mayor's Group (NSMG), a political organization that has been working as a collective over the past several years. Funding to advance the NSFC concept was secured through the Natural Resources Canada Forest Communities Program (FCP).

The study area of the NSFC touches on the territory of at least seven First Nations – Hornepayne, Pic Mobert, Missanabie Cree, Michipicoten, Chapleau Ojibwe, Chapleau Cree and Brunswick House. Although these First Nations were referenced in the Strategic Plan, they were not involved in its development. With the blessing of many of the above First Nations, CCFN opened a dialogue process with the NSMG in late 2007 leading to the development of a Memorandum of Understanding signed in February, 2008 wherein CCFN agreed to:

- Critique the Strategic Plan from a First Nation-municipal partnership perspective;
- Circulate the Strategic Plan critique to the other six affected First Nations for comment;
- Host a regional First Nations meeting in support of securing collective direction on how the affected First Nations would like to become more engaged in the NSFC initiative.

During the month of March, 2008 a first draft of the NSFC Strategic Plan critique was circulated to the affected First Nations and NSMG for review. A regional First Nations meeting was subsequently held which led to the following conclusions:

- there is a need to create regional economic partnerships between First Nations and neighbouring municipalities;
- a First Nation-municipal relationship building theme needs to be built into the NSFC process;
- a regional Chiefs group needs to be formed, running parallel to the NSFC corporate structure;
- there needs to be First Nation representation on the NSFC Board;

The draft First Nations critique of the NSFC Strategic Plan was subsequently approved and a relationship building work plan prepared. Notably, a relationship building protocol between six regional Chiefs and six regional Mayors has been developed, possibly the first of its kind in Canada.

**Conclusion #54: CCFN Chief and Council will continue to support the relationship building exercise between area First Nations and neighbouring municipalities.**

#### **6.10.4 Chapleau Crown Game Preserve First Nations Consensus Building Process**

The Chapleau Crown Game Preserve (CCGP) was created in 1925 in response to an alarming drop in fur-bearing animals. With a surface area of 7,000 square kilometres, it is the largest crown game preserve in the world. The area was historically inhabited by Ojibwa, Cree and Oji-Cree people who used the area to sustain their families through hunting, fishing, trapping and other harvesting activities. Several sites with pictographs and numerous other sites of cultural-spiritual significance are located within the CCGP boundaries.

Since its inception, the CCGP has been a source of frustration for a number of First Nations, particularly the people of Brunswick House First Nation (BHFN) who were forcefully removed from their ancestral home. According to oral history, several generations of Aboriginal people have been harassed and otherwise discouraged to harvest meat and furs from within the CCGP boundaries even though they had a right to do so. Several years ago members of Chapleau Cree, Brunswick House and Missanabie Cree First Nations chose to undertake community hunts within the Preserve. Charges were laid by the Ontario Ministry of Natural Resources and although subsequently stayed, these charges generated a tremendous amount of tension between the Aboriginal and non-Aboriginal people in the Chapleau area, some of which remains to this day.

In the spirit of reconciliation, a movement was launched in 2007 to advance a First Nations consensus-building process as a means of breaking OMNR's "command and control" and "divide and conquer" approaches to decision-making as it pertains specifically to the Crown Game Preserve. OMNR agreed to resource the exercise as a means of reducing tension. At a meeting held in March, 2008 the First Nation representatives in attendance endorsed the following concepts, building on the results of community meetings held at each community:

- the continuation of the CCGP consensus building process and expressed enthusiasm in advancing the multitude of constructive suggestions;
- a resource co-management approach within the CCGP;
- a five to seven year phased approach to curtailing forestry clear-cutting activities within the CCGP – with no accelerated cutting during this period;
- a softer, gentler approach to forestry practices within the CCGP, moving away from clear cutting as soon as possible, introducing tree planting activities that would promote greater forest diversity, stopping all aerial spraying as soon as possible, and promoting value-added forestry and the development of non-timber forest products;

- an aggressive research agenda to be comprised of scientific and traditional Aboriginal knowledge research;
- an information management system that will help First Nations and OMNR make better decisions with respect to the stewardship integrity of the CCGP.

A final report on year-one activities was submitted to OMNR in April, 2008 and the Ministry has agreed to fund the continuation of the exercise for at least another year. CCFN Chief and Council passed a Band Council Resolution supporting the continuation of the process. Topics expected to be advanced over time include the development of a CCGP co-management structure; a CCGP Aboriginal Hunting and Trapping Action Plan; primary and secondary research in a number of areas including environmental and cultural protection; value-added forestry, eco-tourism and cultural tourism assessments; as well as watershed management and fisheries management planning.

**Conclusion #55: CCFN Chief and Council will continue to support the Chapleau Crown Game Preserve First Nations Consensus Building Process.**

#### **6.10.5 Northeast Superior Regional Chiefs' Forum**

As a result of their collaborative involvement in the Northeast Superior Forest Community Initiative and the Chapleau Crown Game Preserve First Nations Consensus Building Process, a group of First Nation Chiefs have launched the creation of the Northeast Superior Regional Chiefs' Forum (NSRCF). CCFN and five other First Nations located within the area of study have passed supporting Band Council Resolutions. A proposed model of cooperation has been developed to connect the NSRCF to its member communities, to the CCGP initiative, to the NSFC initiative from a regional resource partnership perspective, to regional resource development activities through relationship building protocols within energy, mining and forestry sectors, and to the Province of Ontario through relationship building and duty to consult activities. The philosophy and purpose of the NSRCF is entirely consistent with the philosophy of this paper given that it is the CCFN community development process that acted as a catalyst to the regional process. There are therefore a number of other strategic activities being advanced by the NSRCF that are directly relevant to the CCFN community planning objectives, as outlined in the draft NSRCF Vision Statement attached as appendix to this document.

**Conclusion #56: CCFN Chief and Council will continue to support the advancement of the Northeast Superior Regional Chiefs' Forum (NSRCF) in light of the fact that the process is unfolding in a manner that is entirely consistent with a traditional approach to comprehensive community planning.**

## **7.0 NEXT STEPS**

### **7.1 Resourcing the Community Development Approach**

Like so many other First Nations, CCFN does not have the necessary internal capacity or financial resources to advance many of the elements of the community development approach. There are however numerous federal, provincial, Aboriginal and private funding agencies that have mandates or areas of interest that are relevant to the various elements of this strategic blueprint. It is therefore important that a comprehensive review of related funding opportunities be undertaken, perhaps in collaboration with other area First Nations given recent progress made in the area of regional partnership and cooperation.

**Conclusion #57: Chief and Council will oversee the development and implementation of all community development work plans and deliverables as well as ways in which various provincial, federal, Aboriginal and private organizations may be able to support the advancement of the comprehensive community plan.**

### **7.2 Community Engagement**

The Medicine Wheel model reminds us that everything is related to everything else, that an Aboriginal community is only as strong as its weakest link, and that the relationships between various community development components are at least as important as the components themselves. The energy required to drive community change from a traditional perspective comes from the hearts and minds of the people. It is therefore of critical importance that community members remain engaged in the community planning process.

**Conclusion #58: Chief and Council commits to fully engage its membership in the development of a comprehensive community plan, starting with the circulation this draft strategy.**

### **7.3 Continual Improvement**

Continual improvement focuses on increasing the effectiveness and/or efficiency of an organization to fulfil its policies and objectives. It is becoming an increasingly popular approach to promoting change, started in Japan with the Kaizen process and spreading around the world through such processes as Total Quality Management (TQM) and the International Standards Association (ISO) 9000 quality system. A growing number of First Nation in Canada have received or are striving for ISO certification.

**Conclusion #59: The CCFN community development approach will adopt a continuous improvement element to implementation, consistent with ISO certification standards, including a regular Chief and Council review of work plan deliverables and related results.**

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