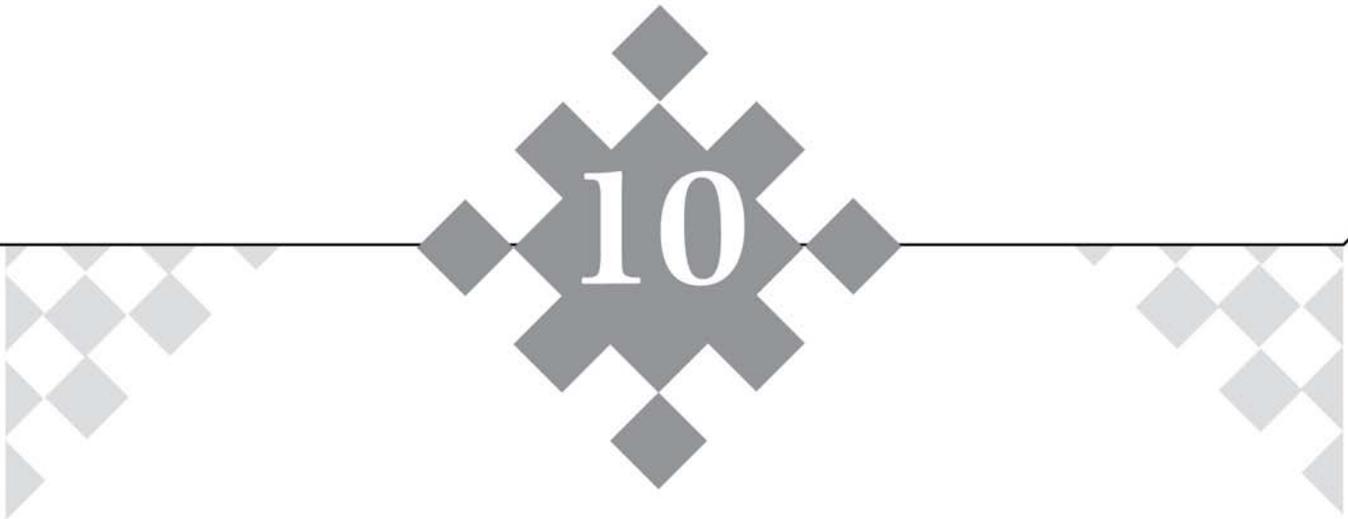


**IMPLEMENTATION –
A BLUEPRINT FOR RETURNING
JUSTICE TO THE COMMUNITY**

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IMPLEMENTATION – A BLUEPRINT FOR RETURNING JUSTICE TO THE COMMUNITY

INTRODUCTION

The Commission on First Nations and Métis Peoples and Justice Reform has been very aware of the need to work with all parties to create an implementation vehicle that would succeed this Commission and ensure that the recommendations presented were addressed by the appropriate levels of government and were implemented as quickly as possible.

Recommendation 10.1

This Commission recommends that, the governments of Canada and Saskatchewan, the Federation of Saskatchewan Indian Nations and the Metis Nation – Saskatchewan be required to report to their respective legislatures within six months of the release of this report on what action it has taken relating to the recommendations contained in this report.

The Terms of Reference for the Commission contain this important directive:

The Commission will recommend short and long-term implementation strategies and identify a vehicle to oversee the implementation of its recommendations.

Recommendation 10.2

This Commission recommends that, the governments of Canada and Saskatchewan, the Federation of Saskatchewan Indian Nations and the Metis Nation – Saskatchewan, through discussions at a working group initiated by this Commission, jointly support and establish an Office of the Implementation Commissioner.

With this in mind, the Commissioners have devoted considerable time to the discussion regarding an implementation vehicle. The Commission invited a number of people to participate in two roundtables focussing on the concept of an implementation vehicle. Other individuals with experience in designing and working with an implementation process have been consulted. As well, a working group with representatives from the federal and provincial governments, the Federation of Saskatchewan Indian Nations and Metis Nation – Saskatchewan has been holding meetings regarding an implementation strategy.

With respect, the Commission believes that the failure of previous commissions to initiate reforms that would have had a significant impact on the lives of First Nations and Metis people and their relationship with the justice system has been a result of a failure to create an implementation vehicle or to monitor and lobby for reform. As a result, despite the many recommendations the numerous commissions have tendered over the past three decades, little positive change has

occurred. And while many recommendations have been implemented – either legislatively or through policy or procedural reform – there has rarely been a process to measure the success of these recommendations. For these reasons, it is important that an implementation vehicle be designed that will truly propel a climate for change in Saskatchewan.

Throughout the consultation process, community members voiced a number of concerns pertaining to implementation. We were reminded that numerous commissions that have gone before us, such as the Royal Commission on Aboriginal Peoples, Aboriginal Justice Inquiry, and Alberta Task Force, have failed. While they made many excellent recommendations, many were not implemented. This could be attributed to a lack of an implementation vehicle, to ensure that recommendations were implemented. This is why the development of an implementation vehicle is key to the success of the Commission on First Nations and Metis Peoples and Justice Reform. The Metis people of Saskatchewan want to see action and this is only possible through the implementation of recommendations. This will be the true measure of the Commission's success. (Submission by Metis Family & Community Justice Services Inc.)

In order for the Commission on First Nations and Metis Peoples and Justice Reform to leave a lasting legacy that would truly “Return Justice to the Community,” it is essential that the Working Group continue discussions to establish an Implementation Office.

MOVING FORWARD

The four partners, the Government of Saskatchewan, the Government of Canada, the Federation of Saskatchewan Indian Nations and the Metis Nation – Saskatchewan, are in agreement that the creation of an implementation vehicle is vital to the success of this Commission. Discussions have been underway for several months and there is agreement on the subject of creating a vehicle that will ensure the work of the Commission is taken seriously after the release of our final report on June 21, 2004.

As well, it is important that we gather momentum and support for the Commission, as we must gain political will. We will require strong political will, from all partners, to ensure that these recommendations are followed through. There must be “Champions for Change,” at both the political and community level. However, the most critical issue is the development of an implementation vehicle. There must be some form of implementation, or this



Commission will fail, as did its predecessors. The development of an implementation vehicle must be inclusive and respectful of the Metis Nation – Saskatchewan governance structures as well as the Metis community. Any implementation discussions or negotiations should be based on a government to government (or Nation to Nation) relationship with all parties involved: MN-S, FSIN, provincial and federal governments. (Submission by Metis Family & Community Justice Services Inc.)

Recommendation 10.3

This Commission recommends that the Working Group consisting of the governments of Canada and Saskatchewan, the Federation of Saskatchewan Indian Nations and Metis Nation – Saskatchewan continue to meet regularly following the release of this final report. Their objective should be to lead the way in the creation of an Office of the Implementation Commissioner by October 1, 2005.

IMPLEMENTATION COMMISSIONER

At the helm of the implementation office will be the Implementation Commissioner who will ensure that the mandate is achieved and the recommendations of the Commission are implemented.

What actually sustains implementation is leadership. You have to have champions. In all areas that are dealing with the implementation process there needs to be champions. People who are prepared to continue to issue the positive messages that we can do this, that this is not hopeless, this is not beyond us as thinking, reasoning, good-willed people who can make a change. (Speaker, Implementation Roundtable)

Recommendation 10.4

This Commission recommends that the Implementation Commissioner be an independent officer who has inter-jurisdictional authority and will annually report to the respective Legislative Assemblies through an identified mechanism (a standing committee, a council, regional body or commission).

Recommendation 10.5

This Commission recommends that the Implementation Commissioner is appointed, by agreement of the governments of Canada and Saskatchewan, the Federation of Saskatchewan Indian Nations and Metis Nation – Saskatchewan by April 1, 2005.



THE IMPLEMENTATION OFFICE

The establishment of the implementation vehicle will take place through a working group with representation from the Government of Saskatchewan, through an all-party committee, the Government of Canada through the Saskatchewan Council of Senior Federal Officials, the Federation of Saskatchewan Indian Nations through its Justice Secretariat and the Metis Nation – Saskatchewan through Metis Family and Community Justice Services Inc.

This office would be an independent, permanently funded agency that would serve as a link to and between communities. This body would require legislation that would give it authority to act independently on behalf of communities to ensure that recommendations are being implemented.

The Commission's approach to the issue of implementation is to build on the potential of the people. Communication in general is a big problem and this needs to be addressed head on. Trust and the building of relationships is the first of many challenges. Any implementation plan needs "buy in" at every level – individual, family, community, institutions and all forms of government. We need to be frank about what this Commission is expected to take on, as the problems have developed over generations and addressing those problems will take time. (Speaker, Implementation Roundtable)

Recommendation 10.6

This Commission recommends that the governments of Canada and Saskatchewan share the cost of establishing and operating this office with the percentage to be negotiated by these two levels of government.

MANDATE

To provide a vehicle with legislated authority:

- To monitor the implementation of the recommendations of the Justice Reform Commission.
- To advocate for individual and systemic changes that affect the justice system but are not restricted to the justice system.
- To educate and inform leadership and their respective governments on the need for change.
- To exchange information with community about First Nations and Metis issues and concerns.

- To report annually to the public through the respective Legislative Assemblies.
- To effect change, supervise and ensure compliance with the spirit and intent of the Commission's recommendations regarding the well-being of First Nations and Metis people.

Recommendation 10.7

This Commission recommends that in addition to the authority to execute a defined mandate, that adequate resources be provided by the governments of Canada and Saskatchewan, to the Implementation Commissioner to establish an office and a process to receive advice from others to ensure that the work of the Implementation Commissioner remains future focused and accountable to the community.

PRINCIPLES OF IMPLEMENTATION

- Inclusivity – the principle of inclusivity requires that all people have the ability to make or influence the decisions that affect their lives.
- Holistic – the principle of holism requires that a healthy balance of a person's spiritual, emotional, mental and physical aspects be considered. Given that justice is the response to the failure of other institutions and systems in society, the response to justice reform needs to be an integrated one.
- Future focused – the principle of building on the past and looking to the future is important.
- Mutually responsible and beneficial – the principle of participatory democracy provides for meaningful participation in the democratic process between governments and peoples, including First Nations and Metis peoples.
- Shared resources – the principle of sharing requires that the promise of Treaty and Aboriginal rights is respected.

JURISDICTION

In order to meet its mandate, the implementation vehicle must have broad jurisdiction. The Commission has recognized that the solutions to the problems of First Nations and Metis people as they relate to the justice system are often to be found by addressing shortcomings in other areas. For this reason, and in the spirit of addressing the problems of First Nations and Metis people in a holistic fashion, it will be necessary for the Implementation Commissioner to have access to information across sectors and jurisdictions.



GRANDMOTHER'S AND YOUTH ADVISORY CIRCLE

A Grandmother's and Youth Advisory Circle would be established to provide the implementation office with the wisdom of the Elders and the perspective of young people. This circle would meet regularly and be available to consult with the Implementation Commissioner and staff as the need arose.

CONCLUSION

Now that the work of the Commission has been completed it is essential that the positive momentum that has been generated and the lines of communication that have been established not be lost. Reform is an ongoing process that must be started immediately.

