

Access to Justice in the NAN Communities

There are 49 communities within Nishnawbe Aski Nation, with an on-reserve population of approximately 30,000 people. The geographic area inhabited by the members of NAN extends from the Manitoba border on the west to the James Bay coast on the east, and occupies approximately two-thirds of the Province of Ontario.

The remoteness of the communities, together with the vastness of the region, has meant historically very poor access to legal services by members of the Nishnawbe Aski Nation. In fact, until the formation of Nishnawbe-Aski Legal Services Corporation in 1990, there were no community legal workers available to assist the courts traveling in the NAN communities, nor were there regularly scheduled duty counsel to any of these communities. Access to any legal services other than criminal court lawyers was almost non-existent prior to the establishment of the Corporation.

Clearly, provision of legal services in these remote communities is relatively recent and there is a huge untapped demand for legal advice, education, and assistance amongst the members of Nishnawbe Aski Nation.

The people of Nishnawbe Aski speak one of two distinctly separate languages: Cree and Ojibway. These both belong to a common stock known as the Algonquian group of languages. Cree is spoken by the coastal people and Ojibway by the interior groups. Within both of these languages, there are many dialects, each associated with a particular First Nation and location. In Northwestern Ontario alone, there are over 30 Cree and Ojibway dialects.

Some serious problems are caused by the physical vastness of the Nishnawbe Aski territory, in addition to other social, legal and economic factors. Apart from the isolation and lack of employment opportunities, there are other difficulties, including inadequate housing, community services, medical and dental services and education. Problems are also caused by the rapid disappearance of a traditional way of life, which includes the pursuit of hunting, fishing and trapping, due to advancing resource development.

Development of NALSC

In 1985, Nishnawbe Aski Nation (NAN) and the Ministry of the Attorney General established the Working Group on the Administration of Justice in the Remote North to respond to justice issues in the north. This group had 16 members with equal representation from NAN on the one hand, and from the Ministry of the Attorney General and the Ministry of the Solicitor General, Legal Aid Ontario and the private bar on the other. At the first meeting of the working group, NAN representatives presented a brief suggesting the establishment of a Legal Services Corporation to serve the residents of the fly-in communities. The Working Group, through its Steering Committee undertook a number of detailed studies to provide a better understanding of the issues related to the administration of the Public Legal Education needs of the communities and a feasibility study, which looked at two existing legal services corporation models servicing First Nations in the Eastern Arctic and in Arizona.

In 1988, the Chiefs of NAN selected a mixed legal service model as one, which would be best suited to the needs of the communities. With support and forthcoming financial assistance from the Ministry of the Attorney General, Legal Aid Ontario and the Department of Justice Canada, the NAN Chiefs passed Resolution 89/40 Creating an Interim Board of Directors charged with the task of implementing the Corporation according to the recommendations made by the Technical Team of the Working Group on the Administration of Justice in the remote north

By Letters Patent dated March 1, 1990, Nishnawbe-Aski Legal Services Corporation was created to begin addressing the legal and justice issues of NAN communities and to begin delivering

services and programs in a culturally appropriate manner in furtherance of the original vision of the NAN leaders who saw the need to find ways to address the shortcomings of the administration of justice in the NAN territory.

NALSC has grown steadily since 1990 and has worked hard to develop a professional image and to hire qualified staff to carry out the corporation's mandate.

Innovative and creative programs have made NALSC a leader and at times, an example, in alternatives to justice programs, and have met with success in these areas.