

of which are urban based and headed by women. As part of a larger report on child care, aboriginal concerns were briefly addressed in the Report of the Special Committee on Child Care (Sharing the Responsibility, March 1987). Aboriginal people have expressed their concerns that any funds allocated to address childcare needs in the aboriginal community should be administered directly by aboriginal governments instead of provincial governments. The study of childcare needs in the aboriginal community is a relatively recent phenomenon but is likely to increase over the short and long term.

25. Traditional Economy (Hunting, Fishing, Trapping and Gathering)

The critical importance to aboriginal cultures of traditional pursuits such as hunting, fishing and trapping was referred to above. The legal status of aboriginal hunting rights varies considerably by region depending on the existence of treaty protected rights, statutory provisions, claims settlements, provincial law and the current status of common law respecting aboriginal rights. Since s. 35 of the *Constitution Act, 1982* was enacted, affirming and recognizing "existing aboriginal and treaty rights", considerable litigation has ensued to determine its impact on aboriginal hunting, fishing and trapping rights. Eventually, decisions by the Supreme Court of Canada will provide guidelines on the extent to which provincial and federal powers to regulate such activities have been limited by s. 35. In the meantime, aboriginal people wishing to engage in such activities in their traditional lands are faced with an uncertain and complex legal situation. Added to this are the continuing confrontations in all parts of the country between different sectors of society competing for the same resources or seeking to use the land in a way incompatible with other users. The traditional aboriginal economy is often in conflict with mega-development projects, resource exploration, mining, clear cut logging and even military activities. With the nature and scope of aboriginal title yet undetermined by the courts, the resolution of such confrontations is especially difficult. These confrontations also tend to be highly emotional when each side (aboriginal and non-aboriginal) feels its particular way of life and economic well-being is at risk. Litigation will only provide some of the answers and then, only as quickly as cases can be brought before the courts and appeals exhausted or abandoned. In