COMMISSION ROYALE SUR LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON ABORIGINAL PEOPLES

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"for the record..."
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NOVEMBER 5, 1992 **ROYAL COMMISSION ON ABORIGINAL PEOPLES**

Merritt, British Columbia

--- Upon Commencing on Thursday, November 5, 1992 at 9:05 a.m.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: I will call order. Clyde.

CLYDE SAM: Welcome here this morning. At this time I would like you to be in a comfortable atmosphere here. This is a great day and also at this time I would like to ask an elder from the Valley here to give a prayer to begin this day that we are going to have. I will ask Mabel to do the prayer, please.

(Opening Prayer)

COMMISSIONER OF THE DAY CHIEF PERCY JOE: (Native dialect, no translation): Thank you very much, Mabel.

We will carry right on with our agenda. I would like to welcome René Dussault, the Co-Chairman of the Commission, along with Paul Chartrand, a Commissioner. We met with them yesterday. We gave them a whirlwind tour of the Valley. Once again I would like to welcome you to the beautiful Nicola Valley.

I would like to turn the microphone over

to René and let them further introduce themselves.

CO-CHAIR RENÉ DUSSAULT: Thank you very much.

I would like, first of all, to say how happy we are that you have been able to come and meet with us during this day of Hearings here in Merritt. We are very grateful to the City and the various bands and the Tribal Council who have enabled us to use this very nice facility, this room, for this day of Public Hearings.

We are particularly happy this morning because we are going to have an opportunity to hear the concerns of aboriginal peoples in this area of British Columbia and also the concerns of many non-aboriginal peoples. As you know, this Commission was created a year ago by the Government of Canada, following the advice of the former Chief Justice Brian Dickson. The Chief Justice of Canada recommended to the Government of Canada both the terms of reference of the Commission and the membership of the Commission.

Mr. Justice Dickson had been working as a special representative for the Prime Minister in order to prepare the mandate of the Commission and also recommend the membership. This was the first time a Commission was

created that way. The Canadian government felt that it was important to have the contribution and the collaboration of everybody in this country to support the work of the Royal Commission on Aboriginal Peoples.

The Commission was created at a very important and delicate time because the constitutional process was just about to start last September. The reasons for the creation of the Commission were numerous, but overall it was because it was felt absolutely necessary to build a new relationship, a relationship based on trust, autonomy, self-sufficiency, respect, a new relationship between aboriginal people in this country and aboriginal peoples.

It was felt that it was not possible to continue to do a patchwork job in trying to cope with the problems that have plagued aboriginal people in this country and also the relationship during the last decade and that an examination in depth had to take place.

The Commission is formed of seven Commissioners, three are non-aboriginal persons and the four others are aboriginal persons. My name is René Dussault, I am a judge with the Court of Appeal for the Province of Quebec and I am co-Chairing the Commission

1 with Georges Erasmus, the former Chief of the Assembly
2 of First Nations.
3 The non-aboriginal Commissioners are
4 Allan Blakeney, the former Premier of Saskatchewan for
5 more than a decade, Bertha Wilson who has been a very well
6 known and respected judge of the Supreme Court of Canada
7 in the 1980s.
8 I have with me this morning Paul
9 Chartrand who is a Métis from Manitoba, a law professor
10 with the University of Manitoba.
11 There is also Viola Robinson who is a
12 Micmac from Nova Scotia who was prior to her appointment
13 to the Commission President of the Native Council of Canada
14 and Mary Sillett who is an Inuk from Labrador who was
15 Vice-President or Vice-Chairman of the Inuit Tapirisat
16 of Canada.
17 In order to visit as many communities
18 as possible, there are over 1,000 communities in this
19 country where aboriginal peoples live and we have as a
20 target to visit over 125 communities. To do that we have
21 to break the Commission into three panels.
22 This morning while we are sitting here,
23 Paul Chartrand and I and our Commissioner of the Day, there

is a panel sitting in Ontario and also one in Nova Scotia and Labrador. This enables us to have a bigger view of the aboriginal people in this country.

We have a transcript. Everything that is said in this room is on the public record. The transcripts are there to be available for those who presented it, their share of their presentation.

Also, we have planned to have four rounds of Hearings and this is the second one. We started last week, the day after the Referendum and there was some symbolism in this because we deeply feel as Commissioners and we felt that as a result of the vote, whatever the result, a yes or a no, the job has to be done and the practicalities of self-government, how it is going to work, also the living conditions that are sometimes difficult, have to be worked out.

The Commission has probably a bigger role now that the constitutional process is gone because it put a lot of pressure for success.

One of the things we heard in the first round of Hearings is the degree of hope that a process like this one raises among the aboriginal communities. Even if there is a lot of scepticism because many

1 Commissions have tried to tackle some of the problems in
2 the past and more often than not their report was shelved
3 by the various governments. This Commission has a unique
4 opportunity because our mandate is so broad and it was
5 done on purpose. We have an opportunity really to
6 establish the link between the various elements of our
7 mandate.
8 Everybody knows there is a strong
9 relationship between economic development and social
10 conditions, that the notion of self-government as it
11 relates to the delivery of services has to be well thought.
12 These are services in education, health services, social
13 services, in the area of justice also. So this Commission
14 has an opportunity paint the big picture. That might be
15 its major contribution.
16 There are many fears and ghosts that have
17 to be erased, a lot of unknowns and we have noticed that
18 during the constitutional debate. So we hope that when
19 we come up with our report in September 1994, in less than
20 two years from now, we hope that this will create a better
21 understanding of the problems, but also of the solutions,
22 how it is going to work in practice and will help the
23 Canadian public and the various governments in this

country, first of all the federal government, to go ahead with implementation.

I just want to remind you that the creation of this Commission had the support of the three parties in the House of Commons, the three major political parties. The Report of the Commission is certainly something that will be important inasmuch as presenters, like you are today, will be putting effort into it.

I am saying and repeating that a Commission like ours, it is not because it is a Royal Commission, there is no royal road for success and success means public education and implementation, action. We need the support of the presenters, of the public. We hope we will be able to channel those major ideas into elements of solutions that will be both acceptable and understandable by the aboriginal peoples and the country, the larger public.

One of the challenges we are going to have at the end of this process is really to take the information that is given to us in a day of Hearings like this one, in a day of special consultation and on-site visit, as we had yesterday, where we were given a lot of information. This is a very important stream of

1 information, very often grassroot information. We feel
2 this kind of information is certainly as important,
3 probably much more important than the information coming
4 from the academic stream, from the research or more
5 scholarly research. But at the end of the process we will
6 have to put those two streams of information, coming from
7 the public participation process and also the more academic
8 and scholarly research into a single discourse; a discourse
9 where we hope that you as presenters will recognize
10 yourself by our choice of words, by the way we are going
11 to express ourselves.
12 We want to do more than just use the best
13 quotes from the transcript. We really want you to
14 influence the writing of the reports and, obviously, that's
15 a major challenge, a challenge that not all Commissions
16 are able to live up to. That is the reason why we are
17 putting so much emphasis on the consultation process.
18 We are going to have four rounds of
19 Hearings. This is the second one and will be lasting until
20 Christmas. We are going to have two other rounds until
21 next fall. The reason for this, and each time we are coming
22 back not to the same community, but to each of the provinces
23 and the territories. We are going to publish a document

like this one after each round. This is a document that gives an account of what we heard and what we feel were the questions that flowed from the first round of Hearings. This document is entitled "Framing the Issues" and as we are moving towards this second round of Hearings we hope we will be given some element of solutions to some of these questions that are quite difficult.

We realize also that we will have more questions after this round, but at one point we will have to become more focused, come down on priorities and test solutions with the Canadian public and, of course, the aboriginal people.

Again, I would like to thank you for being here, coming to meet with us and share your thoughts, your hope for a better future, not only for aboriginal peoples, but for the whole of the country. The young people in this country, i particular young aboriginal people, deserve a future. I think it belongs to everybody in this room and elsewhere in the country to make sure that this will happen. Canada will only be a better country. Thank you.

I would like to ask Paul Chartrand to give some opening remarks.

1 **COMMISSIONER PAUL CHARTRAND:** Good
2 morning. I will be brief. We are all anxious to get on
3 with hearing your presentations.
4 The Commission, it is said, is committed
5 to doing what it can to establish a new relationship between
6 aboriginal peoples and other peoples in Canada. I think
7 it is fair to say that probably all of us, I certainly
8 am, are committed to one thing, that things must change.
9
10 As to the substance of those changes,
11 we have to wait. We have to hear from all sides and that
12 is why we are here.
13 It is an onerous task, but there must
14 be some optimism and I am optimistic. On the one hand,
15 it would be easy to say, I believe, that our work might
16 herald a brand new day in the life of aboriginal peoples.
17 It might herald a brand new day in the life of Canada
18 because finally the vision of the aboriginal peoples has
19 become the vision of Canada.
20 But the task is an onerous one and I think
21 the optimism must be mixed with some caution. We are
22 particularly sensitive to the view that has been put to
23 us that there have been too many commissions. My own

1 investigation reveals that there were Royal Commissions
2 into aboriginal issues for over 250 years in colonial North
3 America.
4 People hope that this is the last
5 Commission. People are sensitive that the works of
6 Commissions are put on shelves and gather dust. It's not
7 an easy job to try to reconcile all interests and to make
8 recommendations that will probably not gather dust, but
9 we have I hope enough optimism to try, so we are here today
10 to solicit from you some of those dust-resistant
11 recommendations and that's why we will be keen to listen
12 particularly careful to your counsels. Thank you.
13 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**
14 Thank you very much, Paul and René.
15 I guess before we get into the
16 presentations, I would like you to note in front there
17 are three microphones, so those people presenting their
18 briefs to please come forward and use the microphones.
19 You may bring along other people that you comfortable with
20 having at your side for the presentation. Once again,
21 I would like to inform you that we are going to try and
22 stay as close as we can to the time we have allotted you,
23 so keep in mind also that after your presentation to leave

1 some time at the end, as I am sure the Commissioners may
2 be asking clarifying questions.
3 With that in mind, Clyde will be keeping
4 track of the time and letting us know when your time is
5 starting to run out.
6 We have a lot of presentations to be made
7 in a very short time. We also have scheduled late in the
8 afternoon those people that want to make oral presentations
9 or further questions by the Commissioners on the
10 presentations we've had during the day.
11 With that, I would like to call upon the
12 first presenter, George Saddleman.
13 **CO-CHAIR RENÉ DUSSAULT:** Good morning.
14 **GEORGE SADDLEMAN:** Good morning. I
15 would like to welcome the presence of the Royal Commission,
16 as well as the Commissioners that are here in the Nicola
17 Valley. I would certainly like to pay respect to the Chief
18 and Council that are here today and the elders to listen
19 to what I consider another historic day as far as the
20 aboriginal people are concerned.
21 I would certainly like to welcome the
22 rest of the presenters that are here today. You have the
23 opportunity to make your deliberations.

The historical information I will give is of more recent, the historical is already into the record books of times past and what we are attempting to do here I suppose is attempt to rewrite the history as it is known today.

The total membership of the Nicola Valley Tribal Council is currently 2,252 members. The bands are situated in the Nicola Valley, within a 50-mile radius of the City of Merritt and 60 miles south of the City of Kamloops.

The five bands in the Nicola Valley are the Upper Nicola, the Lower Nicola, Coldwater, Nooaitch and Shackan.

The bands of the Nicola Valley are some of the most aggressive bands in the Province of British Columbia. Our memberships are generally involved economically in farming, ranching and logging. There are a number of other people also involved in farming, ranching and logging. There are a number of other people who are also involved in commercial retail ventures, a number in the light construction industry and a number in residential construction.

These bands have come together for the

first time in 1971 to provide a central administrative function and to take advantage of the economics of scale that are created by pooling funds and sharing facilities, plus service delivery mechanisms and human resources.

The first centralized organization was known as the Nicola Valley Indian Administration and functioned from 1971 with a beginning staff of an Administrator and secretary, who administered the operation and maintenance funds for the local bands. This happened until 1975 with a significant change up to 1988, with a staff of up to 220 individuals and administrating our own education, social development, economic development and including resource management and band administration. Through the efforts and energies of the NVIA co-operation, there was a rollover of about $38 million by NVIA and related entities.

In 1988, there was a name change to the Nicola Valley Tribal Council of which there was a decentralization process initiated, with three bands relocating their facilities and staffing their own offices, which took over the administration and management of their own education, social development, economic development, community O&M and band management.

The above is a demonstration of the capability and commitment of the five bands to deliver the best quality service that is possible, considering financial constraints.

The goals and objectives that we have been established, I should say, by the bands are as follows: To improve the educational, social, cultural and political well-being of the Nicola Valley Indians through the security of a broad base of economic development;

To attain self-sufficiency, self-government and local autonomy;

To improve the quality and quantity of the natural resources of the five bands;

To provide business and investment opportunities for band members;

To create public awareness and acceptance of Indian culture and customs, aspirations, rights and values.

The Nicola Valley Tribal Council will continue to assist and facilitate each band as follows: Exercise band self-government;

Improve the educational, social, cultural and political well-being of band members through

1 the security created by a broad base of economic
2 development;
3 Attain self-sufficiency and local
4 autonomy of the band through the development of resources
5 to achieve the following:
6 Band control and administration of
7 education, social development, economic development
8 programs, et cetera;
9 Financial control of band activities.
10 Improve the quality and quantity of the
11 natural resources of the band;
12 Create public awareness and acceptance
13 of Indian culture, customs, aspirations, rights and
14 values;
15 Assure and increase land base for the
16 continued use and benefit of the Indians for the bands;
17 Co-operate with nearby bands and joint
18 efforts where the greater benefits can be created.
19 While it is commendable that the
20 department is attempting to address the large question
21 in consultation with the Indians of the country, it should
22 be considered that choices must be allowed. There are
23 various stages of development and a requirement that the

1 Indians take part in information sharing and imparting
2 gatherings, as well as decision-making gatherings.
3 There is also a greater necessity that
4 bands are to be consulted together more often. This allows
5 a greater consensus gathering process and possibly
6 smoother negotiations with parties outside.
7 The bands of the Nicola Valley have
8 through the years continued to document and research their
9 land claims and their rights, although the activity has
10 not been as in-depth as could be possible. They have
11 continued to work the Nlaka'pamux Tribal Council and,
12 again, details are required.
13 Much activity has been directed in
14 accumulating and documenting, where possible, information
15 that is relevant to water rights, fishing and lands.
16 In the area of water rights, gaps exist
17 where it must be clarified as to whether or not Indian
18 reserves were designated and assigned to Her Majesty the
19 Queen, with or without water rights. It must be clarified
20 why in some cases water rights were lost. Land without
21 water is difficult to manage.
22 Fishing and hunting rights are being
23 assumed and used by the bands and their membership as

1 precisely, rights.
2 The land question must be documented as
3 it has been handed down historically and with all parties
4 to any claims. While much has been done, there is still
5 much more to be done. Information is available and to
6 date there have not been the resources, or at least adequate
7 resources to do a complete job.
8 The leadership of the Nicola Valley have
9 been working towards a comprehensive package for a "Just
10 Settlement" to our forefather's grievances. The
11 following is a direct quote from the historical memorial
12 presented back at Spences Bridge, B.C. on May 10th, 1911
13 to the Honourable Frank Oliver, Minister of the Interior,
14 Ottawa.
15 "Dear Sir and Chief, - We the undersigned Chiefs of the
16 Shuswap, Couteau or Thompson, Okanagan,
17 Lillooet, Stalo or Lower Fraser,
18 Cihlcotin, Carrier, and Tahitan tribes
19 in the interior of British Columbia,
20 assembled at Spences Bridge, B.C., this
21 tenth day of May, 1911, hereby greet you,
22 and make known to you as follows: -"
23 This illustrates from an historical

1 sense that there has been numerous situations that our
2 leadership wanted the attention of both levels of
3 government then, and as well as today.
4 A further quote:
5 "Then we were promised full freedom to hunt, fish and travel
6 over our country unrestricted by
7 regulations of the whites, until such
8 time as our lands were purchased or at
9 least until treaties were made with us.
10 Another promise broken, and so on with
11 all. We can tell you all of them if you
12 want to know, and prove them through
13 witnesses still living."
14 Again this illustrates issues that
15 concerned our leadership of yesterday, as well as today.
16 A further quote:
17 "What we know and are concerned with is the fact that the
18 British Columbia Government has already
19 taken part of our lands without treaty
20 with us, or payment of any compensation,
21 and has disposed of them to settlers and
22 others. The remaining lands of the
23 country, the Government lays claim to

as their property, and ignores our title. Out of our lands they reserved small places here and there, called Indian Reserves, and allowed us the occupancy of them. These even they claim as their property, and threaten in some places to take away from us, although we have been in continuous occupancy and possession."

Again, this illustrates issues dealing with our grievances towards a just settlement from yesterday, which forms our current concerns and energy towards a new and better relationship.

During the course of today's program we shall be addressing some of the major sectors dealing with our leadership positions, plus receiving some clear recommendations towards some equitable direction for today's and possibly tomorrow's needs of our membership. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you. I would like to thank you for providing us with very useful information as to the membership of the Tribal Council, the way it came to life and this completes I think the

1 picture that we got from our special consultation
2 yesterday. I understand that there will be a presentation
3 by the Tribal Council itself. This is an historical
4 perspective and so I will retain questions, more specific
5 questions for a later discussion. Thank you.
6 **COMMISSIONER PAUL CHARTRAND:** If I may,
7 Mr. Saddleman, I want to thank you for your presentation
8 and say that you while you have given us the general
9 information, you touched upon some fundamental issues as
10 well, in particular the objective of the Council to
11 establish a broad base of economic development. It is
12 certainly a fundamentally important matter that has to
13 be dealt with.
14 I think it is worth emphasizing too your
15 point regarding the uncertainty about water rights. That
16 is a point that applies quite generally to aboriginal
17 peoples in Canada. We have a situation where almost every
18 small statutory infraction raises a major issue of
19 constitutional law or a major issue of fundamental rights.
20 That kind of uncertainty in the law would not be tolerated
21 by Canadian generally and it is something that is not right,
22 as it applies to aboriginal peoples now and it must be
23 dealt with.

I am sure we will be hearing more today. I thank you for your introductory remarks. **GEORGE SADDLEMAN:** Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, George.

We will continue on and the next person is the Nicola Valley Tribal Council presentation, representing the Nicola Valley Tribal Council, the Upper Nicola Band, the Nooaitch Band and Lower Nicola; Don Moses, Freddy Scottie Holmes and Linda Shackelly.

CO-CHAIR RENÉ DUSSAULT: Good morning.

CHIEF FRED HOLMES (Upper Nicola Valley Band): Good morning. I am Chief Fred Holmes from the Upper Nicola Band, also a member of the Okanagan Nation and also a member of the Nicola Valley Tribal Council.

First of all, I would like to say welcome again to the Commissioners and also to their staff. I hope they enjoyed their swift tour around the country yesterday.

COMMISSIONER PAUL CHARTRAND: We did.

CHIEF FRED HOLMES: I certainly enjoyed your visit up at Upper Nicola. Our students again want to thank you for giving them the opportunity to make their

presentation. I hope you didn't get upset stomachs on our breakfast. I am sure you all look healthy yet.

My presentation is going to be in regard to the environment, but it is going to have a kind of a different twist than the common issues of forestry, pollution, et cetera. Before I get into my presentation, I would like to caution the audience that is listening to the comments I am making that it be not conclusive as to what I am saying in my report or my presentation. I would hope that the audience and the Commissioners would keep an open mind and use your imagination as to the contents that I am speaking of. It is not intended to be carved in stone and also the representations of other organizations or peoples within these confines, hopefully they will also keep an open mind and draw their conclusions or add to the conclusions that I am giving.

My topic, as I mentioned, is the environment versus the environmentalist. The definition that I am giving in this term only pertains to this particular paper. Environment, as I am making the definition to it in my presentation, is the condition or circumstances of living organisms. This usually is associated with the land, water and air.

My definition of an environmentalist is a human concerned about the quality of the human environment. This is usually associated with legislative systems and stewardship.

Given these definitions for this paper, there are several positions by our people that have stated our concerns regarding the environment and are often solutions to those areas. Therefore, I will not repeat what the majority of society is already saying and doing.

As you have mentioned, you have heard a lot of the concerns in the first round, so I will pertain to those areas.

There is another area of the environment that this paper will address and this is the society environment. This section will start out with the statement: There is an unbalanced philosophy among native and non-native users of mother earth. Let us use this conceptualized theory of our generations of teaching. One, good health is a gift from the Creator and it is our responsibility to take care of it.

Good health is a balance of physical, mental, emotional and spiritual elements. Good health is ours when we live in a balanced relationship with the

earth and the natural world. Everything we need has been provided by our common mother, the earth. Whole foods, pure water and air, medicines, the laws and teachings which show us how to use these things wisely.

A parent who fails to heed the teachings of the Creator and of mother earth risk injury to his or her child. What does this mean? Simply put, we as the half of our environment must live in harmony and that means with mother earth and what it has created.

We are not living in harmony because of society and its differences. Dominant societies are taught power, wealth and fear are important characteristics to progress and maintaining control of the elements. An example, the resources; again without getting into details, pollution or the extraction of trees in huge volumes and control of large parcels of land are only a few of the symptoms of a non-balance in our environment.

Legislation and stewardship is another symptom of unbalanced principles that impact our willingness to survive equally in this world.

How do we see the balance in the future? Self-education is a starter. Accept the fact that

1 dominant societies are myths, history shows that dictators
2 and empires have come and gone. Native people are still
3 here and will continue to be here. Native organizations
4 in communities are offering solutions or resolutions to
5 this non-balance. I will give you what our contributions
6 and suggestions are;
7 (a) education. We invite
8 cross-cultural opportunities in our surrounding areas.
9 Government personnel should become involved and it should
10 be a prerequisite, not pre-emption, to known the native
11 ways;
12 (b) in regards to land claims, land
13 claims should be better understood by the non-native
14 society and that is offered by public awareness and
15 communities are working within to ensure the membership
16 is in tune.
17 To improve the system and government
18 levels can assist by co-operative legislative structures.
19 (c) Political organizations.
20 Political organizations at district levels need to involve
21 users of resources in consultative processes in the
22 development of policies and with equal representation.
23 Government authorities should ensure

1 and promote this process.
2 Unity. In terms of our unity, racism
3 is a factor in our non-balanced environment. Until we
4 address the matter at all levels of our society we will
5 continue to plunder the native right to equality in this
6 country.
7 (e) New residents of our territories.
8 The government officials need to improve their
9 immigration laws to better educate new people to our
10 country that our country is overburdened by use and the
11 misconception that everything is free for the taking.
12 When they occupy a piece of land, they are adding the burden
13 of settling our land questions.
14 These suggestions are not only for our
15 environment. This is only one small fact to the
16 Commission's mandate to accept and recommend to the powers
17 to be to insure there is follow-up, progress and changes
18 that will meet the natives' needs. This will be achievable
19 when equality among societies are acknowledged and
20 accepted.
21 I thank you for your patience in hearing
22 me out and I wish you success in your endeavours because
23 your success will contribute to our success. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you very much for your presentation. You focus on the necessity of public education and rightly so. We are too much aware that it is easier to work on legislation, on administrative structures than to change the attitude and mentalities of people.

This being said, it seems to me that your presentation shows very well the necessity of this public debate and discussion. I will just take as an example what you mention on the second page of your brief about immigration. I think these concerns have to be aired and discussed publicly. It shows that aboriginal people have concerns of their own with immigration and immigration laws in this country. Unless this is discussed publicly, it remains there and I give that as an example.

Non-aboriginal people have concerns also about what is going to happen with self-government, with the land claims and this also has to be aired and discussed publicly because until we succeed in doing that it's going to be more difficult to move ahead for major reform. As I said earlier, we certainly need to work on this relationship. The relationship involves not only those who came to Canada at the period of contact, but

1 also those who followed.
2 I would like to ask you to be more
3 specific in your comments on immigration. It is quite
4 obvious that Canada is a land of resources and Canada has
5 duties for the whole world somehow. I would like you,
6 if you could, to be a bit more specific of what is your
7 concern about immigration. I understand that you are
8 demanding land in the various land claims and when I am
9 saying you, it is not only you here in the Valley, but
10 all over Canada and very often the public discussion on
11 immigration goes and it is not always a very enlightening
12 discussion because these questions are difficult, but
13 often it goes on the jobs more than the territories.
14 I think this concern of yours about the
15 link between the territory and immigration is one that
16 is raised before us for the first time. It was not raised
17 in that way. Could you tell us a bit more about your
18 concern?
19 **CHIEF FRED HOLMES:** Thank you.
20 The basic principle of the concern is
21 that the allowance of a large number of people into the
22 country and most times it deals with populations where
23 there are a number of violences or civil wars or wars that

are taking place. Usually the countries that receive the recipients of these are countries where they are free and democratic and because of that there is also the emphasis that Canada is such a large country and has ample room in terms of space. Therefore, it is usually one of the countries where immigration of this type is allocated to.

For those reasons, we do receive a huge number of people coming in at various times and because of that when we do receive them there has to be some type of allowances for the opportunity to receive the same benefits and the original Canadian people are receiving, those that do exist presently.

That means that when we do have an influx of people in that respect, then it means that they are also given the same opportunities as we, as people living here, to the land and its resources. When that happens, then you have more people that deal with these same resources or are in competition for the same resources and the story goes on.

CO-CHAIR RENÉ DUSSAULT: Thank you.

It is quite obvious to us that when we speak of a new relationship it is an inclusive one. It

is important that these issues be discussed.

I would like to say that when we were in Cranbrook two days ago what was raised to us concerning immigration was the fact that the federal programs for a secondary language were available in this country for immigrants to learn English or French, but were not available to aboriginal peoples because they were not understood as having their own language and having English or French as their secondary language. This is certainly quite a valid concern and something we are going to look at very carefully in our recommendations.

Paul.

COMMISSIONER PAUL CHARTRAND: In the time available I only want to remark that you have done a good job of laying out before us some of the most fundamental issues that we have to deal with and that must form a part of the ongoing dialogue that must be institutionalized between aboriginal peoples and other people in Canada.

I want to thank you for your presentation.

CHIEF FRED HOLMES: Thank you.

CO-CHAIR RENÉ DUSSAULT: I would now

like to call our next presenter to come and meet with us at the table.

I understand that the three bands already have a representative at the table, so you may proceed whenever you are ready.

CHIEF KOWAINTCO SHACKELLY (Nooaitch Indian Band): I am Chief Kowaintco Shackelly, otherwise known as Linda, that is my English name. I would like to again welcome you to the Nicola Valley.

This is new for me to be sitting here and giving a report before the Royal Commission. I want to say that I am glad that we have some members here sitting and listening to the Royal Commission because I feel it is a very educational process.

I have two reports that I am going to give. There is one that is going to address the health concerns, but I will start with mine on the Constitution.

The Constitution on the Charlottetown Accord, the Referendum on October 26th shows that a good percentage of Canadians voted no to the Charlottetown Accord. One of the questions that comes up in aboriginal leaders' minds after the Referendum is did Canadians vote

1 no because they were afraid of native self-government as
2 a third order of government, or did they vote no because
3 they simply did not have enough time to make an informed
4 vote? We will never really know.
5 However, we cannot let the aboriginal
6 package in the Charlottetown Accord be ignored.
7 Recommendations for the Charlottetown Accord that I have
8 is multilateral process with provincial and federal
9 governments and aboriginal people to continue the work
10 done on the aboriginal package in the Charlottetown Accord
11 and to avoid this would be letting all the work accomplished
12 to date go to waste, not to mention the thousands of dollars
13 that have already been put into it.
14 The other concern I have with the
15 Constitution, the Charlottetown Accord, and which has been
16 coming up quite often in the national news is the Native
17 Women's Association of Canada. I feel the Native Women's
18 Association of Canada must be addressed. A study needs
19 to be done on how many native women support the NWAC
20 concern.
21 First Nations have Bill C-31s on
22 reserve, which means a duplication of some of NWAC's
23 concerns. If we don't try to bring the concerns of First

1 Nations and NWAC together, we will end up dividing our
2 aboriginal people even more. This could become a costly
3 process and a duplicating of unnecessary work.
4 I feel that one of the questions that
5 should be asked in this study is how many native women
6 registered on a reserve support NWAC. I feel it is so
7 important to address this because we have four aboriginal
8 groups across Canada and I know the question that is going
9 to come up is how many support the Métis, how many are
10 under the NWAC and then with the AFN, so when we are going
11 to address it then fundings get distributed amongst them
12 and we don't know how many we are representing. I feel
13 it is important to do the study with NWAC.
14 One of the things I want to mention is
15 Indian organizations. We have a number of native
16 organizations in B.C. that I feel duplicate some of the
17 First Nations' concerns. For example, the First Nations
18 Summit Task Force and the Union of B.C. Indian Chiefs and
19 First Nations Congress and Aboriginal Fisheries and
20 Interior Indian Fisheries.
21 I feel it would be really helpful to the
22 aboriginal First Nations people and B.C. if we could have
23 a report done listing all the native organizations in B.C.,

with their objectives and how much money is spent annually with them, so it would help us better see, you know, all the native organizations in Canada and better plan where we want to, you know, fund our dollars or plan better anyway with the self-government area.

With the Indian languages, I feel the government spends thousands of dollars printing French and English on packages of cigarettes and informational government pamphlets and books and I could go on listing a number of other things. I feel that not even half of Canada speaks French, so I see it as pointless to spend so much money on a French language when we have other languages besides French.

My recommendation for that which I would like to make is that the printing of the French language on government informational documents or whatever should be done only in Quebec. In this way it would free up some dollars for Canada to preserve aboriginal languages.

The other point I want to address is justice for aboriginal people. I feel often the aboriginal people need more justice in the court systems. I feel judges are not sensitive to the backgrounds of native people. I feel that judges should be required to

take courses on native issues, like native history and to go to the communities and meet the community members and meet the leaders and understand the environment of the community.

To add to that further, I would like to mention that we have a number of aboriginal people that are in our prison system. It seems like when they go in they are a forgotten tribe. I feel like it's so important to look at the sort of tests that they are put through and that aboriginal people be trained or have some sort of education so that they can understand the assessment tests which are put in because some of them who are illiterate are asked to do the same tests that a person who has a high education. They end up being kept in there longer because of their illiteracy.

The other things I would like to address there is when the native people are inside they should be provided native programs-- not so much native programs, but they should be provided educational programs so that when they come out they are ready to go back into the workforce. I feel that more funding needs to be put into that area and more prevention dollars to prevent native people going into the prison system.

1 The other one I would like to address
2 is on health. In the Nicola Valley the health services
3 for the status Indians living on reserve in the Nicola
4 Valley is very little and none exists in the area of
5 services, while many Canadians who live off the reserve
6 enjoy a lot of these services. These services I am going
7 to recommend that we need in the Nicola Valley for on
8 reserve people are continuing care programs with
9 assessments, individual program development,
10 co-ordination of health care systems, referrals to
11 appropriate community services. These do not exist on
12 our reserves.
13 The others that we need are home support
14 services. Homemaker service does not (sic) exist, but
15 so meagre that it is an insult to our seniors. Four
16 homemakers are poorly paid, $3 to $4 less than their
17 provincial counterparts. Four homemakers attempting to
18 service 140 elders or chronically disabled people. This
19 service needs to be investigated, so that our seniors would
20 also enjoy the support and assistance to maintain their
21 independence.
22 Adult daycare programs and meals on
23 wheels are non-existent on reserves also.

1 Clinical services. Home nursing
2 services are non-existent on reserves. Examples of no
3 services are the long term chronic care, care following
4 discharge from acute care from hospital, care at home as
5 an alternative to hospitalization, care for the terminally
6 ill persons. Other Canadians enjoy these services, but
7 this is not available to natives that live on a reserve.
8 Professional therapy services are
9 non-existent for natives living on a reserve. For
10 example, rehabilitation and habilitation programs for
11 persons with disabilities, treatment at home as an
12 alternative to treatment in acute care hospital and
13 educational programs.
14 It is mentioned that it is possible that
15 the provincial government could have funds set aside for
16 this and maybe these sorts of funds and services never
17 reach on reserves. I feel some sort of study or
18 investigation should be done to see that maybe dollars
19 are allocated in the Nicola Valley, but the services never
20 reach on the reserve.
21 The other one that needs to be addressed
22 is what we would like to recommend that is needed in the
23 Nicola Valley also is residential care. Our natives have

1 access to intermediate and extended care facilities, but
2 family care homes are non-existent, residential care for
3 one or two people in a private home.
4 The above issues have been addressed by
5 local Indian politicians in previous submissions to
6 government, but it is our hope that the Royal Commission
7 will investigate the services that are non-existent for
8 natives on reserve in the Merritt area.
9 Another thing we would like to recommend
10 is the traditional health practices. We need the
11 traditional health to be incorporated in programs with
12 parenting for positive Indian parenting, Indian herbal
13 medicines, mental health along with chronic psychologists
14 and family therapists. We need to establish policies and
15 financing for Indian medicines.
16 We need to have courses, but I don't know
17 if you want to call it courses, but sort of like programs
18 to teach the native background. Through the native
19 background we have in the teachings in the past where they
20 went through traditional teachings to understand when they
21 went through the stages of puberty, womanhood and
22 understanding pregnancy. We would like to see programs
23 put in place where the elders come in and teach them to

1 understand when a woman and a young man goes through
2 puberty. It is one of the things that was taught in the
3 past with the people and these are one of the programs
4 that we need. We need funding put in place to put this
5 in place for better health.
6 There is a lot of concern with people
7 out of the workforce. We have a lot of native people that
8 aren't working. We feel it is really important that job
9 programs be put in place. Somewhere along the levels of
10 government there are financiers who can develop a working
11 program that will lead our people back to the work ethic.
12 Any job program will promote and provide self-esteem and
13 self-sufficiency. The welfare system fosters
14 victimization, attitude. You are victims of economic
15 forces and discrimination.
16 Society is to blame for your plight.
17 It is the dehumanizing process that destroyed both
18 individual responsibility and dignity.
19 To treat our Indian people as victims,
20 rather than morally responsible individuals only
21 reinforces an expectation to failure, an expectation too
22 often fulfilled.
23 The other area is when aboriginal people

1 go into the jail system. It is an unhealthy environment.
2 We feel that when they go in it's like free board and
3 they have TV and all that. It's like they need to have,
4 like I have mentioned before, more programs put in place
5 and job training provided inside, so they will make more
6 use of their time while they are in there to regain their
7 self-esteem and to prepare them for when they come back
8 in the workforce. Also just to encourage them so that
9 they are not going back into the system again.
10 One of the recommendations I would like
11 to make in the health area is the organizational framework
12 that exists now in British Columbia. There is a Treasury
13 Board, there are Medical Service Branches in the Pacific
14 Region area that employs approximately 50 people, four
15 zones in B.C. that employ 15 in each zone, a total of 60
16 and 11 Indian Health Centres in the South Mainland Zone
17 with 11 nurses.
18 Lastly, services to First Nations in the
19 Merritt Health Centre and the Medical Services Branch
20 staffing has four people employed. This has not changed
21 for 18 years, although the population count for this area
22 has increased to 3,390 status Indians to date.
23 With the above organizational framework

and all its employees, it's plain to see that First Nations health dollars are consumed at the administrative levels, at the Medical Services Branch, Pacific Region and Medical Services Branch zones. The question is: Can these levels be eliminated so that these dollars can be used for services so badly needed in the community levels.

The recommendation we would like to make is to have an organizational framework that can be considered for the aboriginal health services is: One, establish a B.C. Indian Health Care Commission, examples, similar to the Alberta Health Care Commission;

(a) establish our own territorial boundaries;

(b) establish health boards locally, regionally and nationally.

That concludes my report. Thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for providing us with a very substantial brief. One thing that struck me while you were talking is that in many areas, like justice, like health and others, you raised very good questions. Some of them are exactly ones that we have raised in our discussion document "Framing

1 the Issues" and coming from the first round of Hearings.
2
3 I will just read one to establish the
4 link, in health, for example, the traditional practice.
5 It is Question No. 36 in "Framing the Issues" we asked
6 this question:
7 "How can traditional health practices be incorporated in
8 the modern health system? What changes
9 would this imply for the way doctors and
10 nurses deliver aboriginal health care?
11 How can medical and nursing schools
12 assist in recognizing the value of
13 traditional approaches to health?"
14 and so on.
15 What I am saying here is that in fact
16 in most cases the questions are there. It's how to reach
17 the solution and move toward changing things.
18 In the health sector my question is:
19 We feel that one of the ways to do that is certainly to
20 have more aboriginal people in the health professions.
21 It has been a great concern for this Commission that despite
22 all the efforts on education it seems to be very difficult
23 to convince young aboriginal people to go into the health

field and to become nurses, to become of course medical doctors. We feel that there will have to be a critical mass somehow of people in a field like that to help to make these changes occur from within.

This being said, in fact I am asking you and also the Tribal Council on the topic of education and, for example, yesterday we visited the college and the institute and there are programs, one in social work. What do you feel could be done to have young aboriginal people who graduate from high school to pursue their post-graduate training in the health professions? That would help us to start seeing the solutions to the problems because we feel that there is a problem there. Is it a lack of interest?

There are more lawyers, there are going to be administrators obviously with the coming of self-government, but also if self-government has to be meaningful in the delivery of services, health services, educational services and justice services, we would need to have young aboriginal people going into this kind of training.

I am asking you how do you see that? What do you think should be done to bring more young

aboriginal people to get into the health professions, to get the training, to go and get the training?

CHIEF KOWAINTCO SHACKELLY: I feel like in the health area if natives always have this understanding from their ancestors that we had different types of herbs that were healing and helpful to our people, different types of medicines. I feel this needs to come back. We need to bring it back into the community and teach people the different types of plants, so that they will feel a connection with their background.

One of the recommendations we made is that we need to provide funding to have our different types of herbs protected and some sort of guidelines put in there for medicine.

I feel that when you have something like that in place it sort of stimulates the native people to feel like when they are going to be taught it's more of their traditional backgrounds and the traditional teachings of people, like in the younger generation there is still some that practice where the elders put the young people through teachings, like when they reach puberty to get up early and to have respect for who they are and to go down to the water and to -- it's more like a discipline

to teach them to get up and feel good about themselves.

It's things like this that need to stimulate the younger generation to feel better about themselves. There is really nothing in place that does this for them. I feel these sorts of things are something that would interest native people more and it would make them feel -- it would build their self-esteem and I feel it would generate more of an interest in the health area. But we do need more programs in the health area, also to talk about the different types of foods and stuff that is right to eat.

CO-CHAIR RENÉ DUSSAULT: Yes.

CHIEF DON MOSES (Lower Nicola Indian Band): I would like to add to Chief Shackelly's comments with respect to creating better opportunities in the health field for native people. In the Nicola Valley we are roughly 25 to 30 per cent of the population. There are in excess of 50 people working at the Nicola Valley General Hospital in the various health services provided by the provincial government and the Nicola Valley General Hospital.

At best there are probably five to six native people working in the hospital service industry.

1 My view is that the federal government has to be more
2 aggressive and the provincial government has to be more
3 aggressive in supporting native people access to these
4 job opportunities.
5 These funds come into the Nicola Valley
6 in the name of native people and in the name of native
7 health care and we should benefit more directly from it.
8 I guess what I am suggesting is that the federal government
9 has to put more teeth into the conditions that are attached
10 to funding public, which includes the hospital, perhaps
11 the education system. It should include the education
12 system and so on, to guarantee jobs for native people so
13 that a young person that is looking at becoming a nurse
14 can be assured of having a job when they come out and
15 hopefully work in their own communities.
16 **CO-CHAIR RENÉ DUSSAULT:** Thank you.
17 Maybe a brief comment on a couple of
18 other points. In the justice area we are pretty much aware
19 of the problems. There have been many inquiries, the
20 Manitoba Justice Inquiry, one in Alberta, the Law Reform
21 Commission of Canada also.
22 We are having a national round table on
23 justice at the end of November, where we are really going

1 to look at the possibility of modifying the existing system
2 to meet the needs of aboriginal people because obviously
3 it has been documented that in many areas it has failed
4 aboriginal people, not all the time, but in some stunning
5 examples. We need to know if the present system can be
6 adapted to meet the need to know if the problems are only
7 administrative or if they are also attitudinal, the
8 attitude of the person working within the system.
9 We also want to see how a local justice
10 system could work and the design of those systems has not
11 been done yet.
12 I am just giving this as information to
13 say that justice is a key priority for the Commission and
14 because it's a component of self-government, a major
15 component. We are going to keep you abreast with the
16 output of this round table. If you have additional
17 thoughts to share with us they would be welcome. It's
18 a shame to have the proportion of young aboriginal people
19 in provincial jails and in penitentiaries.
20 We were in Stoney Mountain near Winnipeg
21 in April and we had a Public Hearing within the
22 penitentiary. There were over 200 young aboriginal people
23 out of 450. It was quite striking and, of course, it is

1 a cluster of problems that leads people to go to jail,
2 but we have to address that.
3 The question of representation is a
4 major one and, of course, the Commission is the first one
5 after the Referendum trying to see what aboriginal peoples
6 have said through the vote. There is very little to grasp
7 because in urban areas, as you know, there was no distinct
8 vote. We know the vote on the reserves, but it's very
9 difficult for the Commission to really see what is the
10 signification. We do feel that it didn't have anything
11 to do with the push for getting self-government as a way
12 for regaining self-identity and control of one's life.
13 We are very much interested now in
14 building the proposals from the bottom up, instead of the
15 top down, as it has to be when you deal with the
16 Constitution. We have an opportunity at the Commission
17 to do that with you as presenters and many others.
18 The women's issue, I must say, has been
19 part of our Public Hearings during the first round. We
20 have heard many concerns by women about self-government.
21 We know, on the other hand, that also there are a larger
22 component or the major organizations do represent women,
23 but to what extent, here again it is not easy to know exactly

1 what is involved. We feel that this question of who
2 represents who is certainly first and foremost a question
3 that belongs to aboriginal peoples to decide, but we can't
4 as a Commission be unconcerned like that because it's
5 fundamental for getting a good grasp of the representation
6 of those who present briefs before us.
7 We are looking at it carefully, but I
8 wish, I hope that the aboriginal people themselves will
9 also try to clarify it, though it is not easy because there
10 is so much variety, as you know.
11 But that's a valid concern and it's a
12 concern for the Commission.
13 Paul.
14 **COMMISSIONER PAUL CHARTRAND:** I will
15 add some brief remarks and try not to go again over the
16 points that have already been raised.
17 Some of your suggestions have been
18 expressed elsewhere as well and I will comment on some
19 of the big ones. I invite you to tell me if my remarks
20 about them make sense or not. You talked about openness
21 with respect to spending, expenditures. You referred to
22 organizational spending.
23 We have also heard similar concerns in

other places, including a concern about government spending. Some of said, yes, there is a concern about the cost of land claims. On the other hand, we have heard people express concern about the cost of fighting land claims for the public purse. We have heard also concerns about the way in which the funds, the band funds now administered by the Department of Indian Affairs will be accounted for in the process of devolving responsibility to the bands themselves. I think these are aspects of the big issue of openness of expenditures.

Your points regarding the welfare system are well taken. They appear to be a general problem that must be faced. If you are able to offer some suggestions there, you might be able to offer some suggestions that will help all Canadians.

With respect to the quality of services issue, that is one we have heard before and it is one that at first looks very complex. It certainly is not clear to me, far from clear, what the reasoning might be for the provision of unequal levels and unequal substantive services to people who happen to live on Indian reserves, as opposed to other communities of similar size. It is not at all apparent to me. I do not know who would support

that. I think that falls in the big category of concerns, like your other one, about top-heavy administration to provide services.

We have heard also similar concerns about the services being devolved to the local level and the people at the top remaining the same in number. So, these are questions that we must look at carefully. I think that underscores one of the reasons for establishing a Commission of Inquiry as opposed to getting the government to get its own officials to give it advice. I think it certainly underscores that particular reasoning for establishing a Commission.

I thank you for your submission and, as I said, if anything I have said does not seem to accord with your views, I invite you to say so.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, Paul.

Don.

CHIEF DON MOSES (Lower Nicola Indian Band): Thank you, Mr. Chairman.

I am Chief Don Moses, Chief of the Lower Nicola Indian Band. Before I begin the main body of my presentation and summary of my recommendations, I would

like to talk a bit about the economic history of this Valley and our people.

To say the very least, our grandparents were not treated fairly and, in fact, they were discriminated against and taken advantage of by the early settlers and by the church, by the provincial government and by the federal government.

The federal government stood by and watched while the native economy and culture was being destroyed and, therefore, we have what I call today a welfare economy, with poor housing, up 70 per cent unemployment, low education standards, which has contributed today to our low social standards, to the drunkenness as observed by many people, to family abuse. We are only 2 per cent to 3 per cent of the general population in this country, while we are up to 60 per cent of the prison population.

In my opinion, it was a planned conspiracy against our forefathers to keep them ignorant, destroy their self-respect, rob them of their resources and a means of livelihood by unjust laws, which included to accommodate the early white settlers, our cattle and horses were forced off the range and they were shot or

stolen, all in the name of some kind of order, at our expense.

The provincial government passed laws that prohibited Indians from pre-empting land, while the white settlers had a heyday. In the end we were allowed less than 20 acres per family of five, while the white settlers were allowed to pre-empt at no cost a minimum of 360 acres per family of five.

Our reserves were set up long after the best lands were taken by the white settlers and we have absolute proof of that.

Our people were not allowed to be educated above grade school. The provincial government passed laws that prohibited Indians from applying for cutting rights off reserve lands.

The Government of Canada outlawed our right to pursue our land claims in 1927 by passing legislation. Bank loans became impossible for our people. Our right to hunt and fish was denied, a basic right to at least feed ourselves and that is still happening today.

Finally, our people were never allowed to vote in the federal or provincial elections which is the basic right of every Canadian.

The total sum of all of that today is we are unemployed, we are uneducated, we are imprisoned, we are poorly housed, we now have a welfare economy dependent upon the very people that took advantage of us. I ask you, Mr. Chairman, who had the free ride? It certainly wasn't us. It has all been at our expense.

I want to now make some recommendations on how we might address some of the current problems we have which was directly contributed to by the treatment of our people in the past.

The goal of your Commission is to find ways to achieve equality, dignity and full participation of aboriginal peoples in Canada's prosperity and political life. The focus of this presentation is to give you our recommendations on the action required by the federal and provincial governments to encourage economic development in the Indian communities in British Columbia.

The Lower Nicola Band, which I am the Chief of, is one of the 16 bands that for,m the Nlaka'pamux Nation. We co-ordinate many of our development initiatives with the other five bands located in the Nicola Valley through the Nicola Valley Tribal Council.

The Indian population is approximately

1 3,000 out of a total of 10,000 in the Nicola Valley. Our
2 reserve base totals approximately 80,000 acres.
3 Therefore, the Indian communities are a significant factor
4 within the local economy. Band and individual business
5 development is a high priority in all of our communities.
6 The Nicola Valley has depended on the
7 ranching and forest industries for the majority of business
8 and employment growth. The Indian people had a history
9 of ranching that goes back to the 1800s when we supplied
10 beef to the work forces building the railroads. We had
11 a number of band and individual cattle operations and many
12 of our people manage small forest contracting businesses.
13 In recent years, the local economy has
14 been diversified into new areas as the Coquihalla Highway
15 has greatly improved our accessibility to the Lower
16 Mainland and Okanagan populations and markets. Traffic
17 along the highway has steadily increased since its opening
18 in 1986, reaching 20,000 vehicles per day on the August
19 long weekend, the most recent one. This activity has
20 generated a surge in local construction activities with
21 building permit totalling $8.4 million in the year 1991.
22
23 We believe this growth and development

1 creates major opportunities for our people. The tourism
2 field has been a main focus of our attention. The five
3 bands jointly own one of the largest hotels in Merritt.
4 We have developed plans for an Indian Village project
5 which will support a variety of related small business
6 opportunities for our people. The ranching and wildlife
7 attractions of the Nicola Valley offer many possibilities
8 in the adventure and ecological tourism field.
9 One of the Lower Nicola Band reserves
10 is located at the south entrance to Merritt from the
11 Coquihalla Highway. We have begun plans for a major
12 commercial and light industrial development on that
13 acreage. This site could be the location for a new campus
14 for the Indian controlled Nicola Valley Institute of
15 Technology. With a potential staff and student population
16 of 700, we also see education as a field for new business
17 development providing accommodation and support services
18 to the Institute.
19 We know the opportunities are here. The
20 question is how do we take advantage of them.
21 First and foremost, settlement of land
22 claims and support of aboriginal self-government is
23 essential.

1 The next recommendation I have is to
2 establish a system between the First Nations and the senior
3 governments to co-ordinate and control future development
4 within the traditional tribal territories of First
5 Nations.
6 The next recommendation I have is
7 improve the access of small privately-owned businesses
8 to existing government and other financial resources, such
9 as the program, the First Citizens Loan Fund would be a
10 good example for the Commission to look at. It is
11 currently under review to see areas that can be improved,
12 but I would recommend you look at that.
13 Another recommendation is develop
14 taxation and resource allocation policies to facilitate
15 Indian development on Indian land. That should include
16 both federal and provincial.
17 The CADES program is by far inadequate
18 for the need across this country.
19 Finally, develop an adequate land title
20 and registration system for Indian reserve lands that will
21 accommodate and rectify many of the internal problems that
22 have arisen, for example, in our community. Land has not
23 been properly administered with the assistance of the

1 Department of Indian Affairs and if adequate funds are
2 put into it, resolution can be brought about more quickly.
3 Finally, we are prepared to participate
4 in the follow-up work, if required, by this Commission.
5 Thank you for the opportunity to make a presentation.
6 **CO-CHAIR RENÉ DUSSAULT:** I would like
7 to thank you very much for presenting us with such a solid
8 and concrete brief. As you know, we are looking for
9 specifics, for recommendations that have a chance to work.
10 You have certainly given us something to look at very
11 carefully.
12 We realize that the bands and the people
13 living in the Valley form a very tight network. It seems
14 to us that it is one of the major advantages that is here.
15 We were struck by the desire and also the concrete
16 possibilities seen for economic development. As I said
17 earlier, it is certainly a key for self-government to get
18 the resources to self-manage and govern.
19 We are going to have a careful look again
20 at your brief. We hope to be in touch with you for some
21 follow-up on this while we will develop our
22 recommendations.
23 Again, we don't want this to be one event

1 and then go back to our office to prepare recommendations.
2 We will come back to B.C. and even if we don't come back
3 for formal Hearings in your community, we will get in touch
4 with you to test some ideas for concrete solutions. It
5 has been very helpful and we thank you very much.
6 **COMMISSIONER PAUL CHARTRAND:** I will be
7 very brief and add very little, but you have, as has already
8 been said, given us some very good, concrete
9 recommendations here. They will be carefully looked at.
10 You have made good recommendations about
11 some very, very fundamental issues; the need to rejig
12 taxation, policies for example, taxation issues, the need
13 to look at the matter of small businesses and their
14 contribution to the development of the economy, small
15 private businesses on the reserve and off reserves. We
16 were shown some of those examples yesterday and that is
17 all very useful. You have brought our attention the First
18 Citizens Loan Fund and these other matters. There is not
19 time now to engage in a dialogue on them, but I thank you
20 for them and I too hope that you will be involved in the
21 follow-up work of our staff. We are putting this on the
22 record to be followed up. Thank you very much.
23 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**

1 Thank you.
2 Maybe we can break for a short coffee
3 break, just to stretch our legs and we will make it as
4 brief as possible. We are running slightly behind by
5 approximately 15 minutes.
6 --- Short Recess at 10:50 a.m.
7 --- Upon Resuming at 11:00 a.m.
8 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**
9 May we have the people out in the hallways return now,
10 please. Please take your seats so we won't be disrupted
11 once the presentation start.
12 Would you come to order, please. I
13 would like to call upon the next presenter, Nicola Valley
14 Indian Development Corporation, Lorraine Moses.
15 **LORRAINE MOSES (Nicola Valley Indian**
16 **Development Corporation):** Good morning.
17 **CO-CHAIR RENÉ DUSSAULT:** Good morning.
18 **LORRAINE MOSES:** I bid you welcome, as
19 has everybody else. I am absolutely positive that we have
20 accorded you with every hospitality and that you have spent
21 an extremely comfortable stay at our Grasslands Hotel.
22 I do acknowledge your presence there and do appreciate
23 that the Commission chose to remain, in spite of the

1 inconvenience caused by our recent misfortune. Today
2 I would like to address my comments from three perspective:
3 One, from the First Nations Tourism Association of British
4 Columbia, of which I am a member of the board. The second
5 from the operations perspective of the Nicola Valley Indian
6 Development Corporation, of which I am the manager and,
7 thirdly, from a personal perspective and we'll deal with
8 that later. It may feel very much like the old two by
9 four across the head, but I will begin.
10 The other comment I would like to make
11 is that I do appreciate having my board members from NVIDC
12 join me here. I was beginning to think I was going to
13 have to sit here all by myself and go through this process,
14 so thank you very much.
15 First, from the First Nations Tourism
16 Association, tourism as an industry is the second-largest
17 industry in British Columbia and in Canada is recognized
18 as an industry which aboriginal communities may choose
19 to develop as a sector of their economy. To facilitate
20 the development and growth of aboriginal tourism, certain
21 key issues must be clarified.
22 First, tourism jurisdiction is claimed
23 by the provincial governments which impacts all aboriginal

1 tourism products and services, even those products and
2 services which are located on reserves. This identifies
3 a need to establish protocols and agreements between
4 aboriginal, provincial and federal governments clarifying
5 roles and responsibilities as they relate to aboriginal
6 tourism.
7 Second, the federal government must
8 commit sufficient resources to ensure that aboriginal
9 tourism representative groups can effectively work with
10 the provincial governments and the tourism industry as
11 a whole.
12 Third, aboriginal tourism as a land user
13 group must be invited to participate in Indian land
14 management discussions at the provincial and federal
15 levels.
16 Fourth and lastly, aboriginal cultures
17 have been misrepresented and exploited to promote the
18 tourism industry, provinces and Canada which calls for
19 a need to develop countermeasures to stop the cultural
20 infringement.
21 The comments that I present to you in
22 each of tourism and in the NVIDC should not be considered
23 to be comprehensive or conclusive in either instance.

These are simply items which you have probably heard many times up to this moment and likely you will hear repeated and repeated and repeated from various parts of the country.

The second portion of my delivery will be from the Nicola Valley Indian Development Corporation.

We have a corporation which was incorporated in 1981 under the Canada Corporations Act. Its purposes are several: To held achieve a progressive integration of local Indian businessmen or persons I guess, we haven't changed that one, with relevant sections of the business community in order to help optimize Indian peoples' opportunities for economic development;

To participate in the financing of enterprises which provide training, employment and business experience to the Indian people of the Nicola Valley;

To provide employment opportunities to the membership through an involvement in resource management, real estate management and communications.

Although one of the many objectives is to reduce dependency on governments, it is recognized that

on the short term it is necessary to interface with all government and private institutional resources and to increase participation in provincial and regional economic development activities to help the Indian people attain self-sufficiency.

I am going to review and make several recommendations in very limited areas here. First, in the area of the economy.

At present there is not something that you could specifically identify as an economy in many First Nations communities. It simply doesn't exist. This is in terms of the human infrastructure that is needed, the type of infrastructure that is needed for normal economic communities, including streets and sewage systems and very basic elements.

I have a series of recommendations:

One, that agencies providing financial assistance include provisions for the development of infrastructure. This includes the human resource infrastructure as well as the other.

That management and leadership skills development be made a priority. This is in order that the human infrastructure that is necessary be developed.

1

2 That the devolution of Indian and
3 Northern Affairs include the devolution of man years to
4 the First Nations communities. We have a situation where
5 the devolution process has been initiated and we are being
6 left with what is being called economic development money,
7 but I believe if we reduce it to a per capita allotment
8 we'd all be very embarrassed about what we are making
9 available for economic development.
10 That there be some sensitivity to the
11 fact that all First Nations' communities are not
12 progressing at the same pace. This is a commentary on
13 being painted with the same brush. We are not all West
14 Banks, Kamloops, Musqueams or Squamish. We do quite often
15 exist in more remote communities and right at present with
16 the infrastructure being what it is, Merritt and the Nicola
17 Valley, in my mind, is a remote communities as remote
18 communities are described by organizations and
19 institutions like Indian Affairs.
20 That micro-enterprise be recognized as
21 a legitimate form of business. It seems, as I look around
22 and deal with my clients of the Corporation, that
23 micro-enterprise is abundant. There are many, many

activities that individuals out on the reserves carry on in order to supplement the resources that are available to them from the social agencies. These are everything from jewellery, arts, crafts, the various other art forms. The list is endless. In some cases some of our agricultural activity could also be almost described as a micro-enterprise where we are looking at individuals who raise a number of head of livestock and the numbers cannot be described and sold so that they could be said to be making a living at this. It simply supplements the income. I think that type of activity should be legitimized and recognized as a real thing.

In terms of equity, at present the dynamic of equity just simply eludes most First Nations' peoples. This is done through legislation and through implication as a result of that legislation.

The recommendations:

That programs such as the Special ARDA program, which was available in select provinces and territories in Canada, be reinstated. That was the one program, however many failings it had, it was the one program that would allow for the creation of some equity on reserve lands.

1 The second recommendation is that every
2 effort be made to ensure that the First Nations' Fund
3 continues and to have an equity component in it. It at
4 present is the only remaining program that will allow the
5 building of even a very tiny bit of equity. It allows
6 also for some leverage for other financial resources.
7 Third, this particular recommendation
8 may be in the wrong segment in your packages. It might
9 more appropriately belong in the employment segment.
10 However, I will read it anyway. That financial
11 institutions put they money where their mouths are. At
12 present there seems to be some inclination from the major
13 banking institutions towards employment equity for First
14 Nations' people. However, we seem to have a very odd sort
15 of circumstance here where the local budgets don't
16 accommodate enough money for training or for initial
17 placements.
18 I do believe that some effort has to be
19 made to encourage the Canadian Bankers Association to
20 review that. It basically means put your money where your
21 mouth is. It seems quite funny that the Royal Bank of
22 Canada cannot come up with enough money to place people
23 in training positions, but that's basically what the

1 situation is.
2 That legislation like the Indian Act be
3 reviewed for the purpose of encouraging growth and change
4 within the communities that are sort of governed by this
5 particular piece of legislation at this time. That
6 includes everything that Don has mentioned earlier in terms
7 of making I guess changes in terms of the land itself.
8 Without the land we don't have an economy.
9 That sufficient resources be made
10 available to First Nations' financial institutions so that
11 we don't sort of get a contradiction in terms. First
12 Nations' institutions are supposed to be the alternative
13 financing resource for First Nations' projects. What we
14 have in fact happening is because of the fact that their
15 base is simply too small, that their interest rates must
16 be higher in order to cover their core operating costs,
17 it's beginning to become a bit of a joke as well. When
18 you go to those institutions and you are looking at 14
19 to 15 per cent at a time when the prime rate is down at
20 7 per cent. It sounds to me like a really funny one we've
21 pulled on ourselves here.
22 In terms of employment, the fundamental
23 fact of excessively high unemployment rates in most First

1 Nations' communities should be cause for very extreme
2 measures to be instituted. In the Nicola Valley
3 community, and this is the whole community and not just
4 the five bands, the figures are diluted to an extremely
5 high rate, in excess of 30 per cent. It seems to me that
6 anywhere else in this country if we had rates that high
7 we would be facing uprisings. It surprises the hell out
8 of me that we are not facing some real objections to the
9 simple fact of unemployment in a community like Merritt
10 in the 1990s. It's ridiculous.
11 The first recommendation, more
12 flexibility in the application of the safety net programs
13 is necessary. This is both at the provincial and at the
14 federal level.
15 That input for policy development for
16 these programs be encouraged for development at a local
17 level.
18 That sufficient funds be available to
19 communities that are in dire need. Right now it seems
20 to me that the community of the Nicola Valley is in dire
21 need.
22 Fourth, that self-employment
23 initiatives should include micro-enterprise among the

1 eligible. Again I note that the comments I have made
2 should not be considered to be comprehensive or to be
3 conclusive in any way.
4 Finally, from a personal perspective,
5 the reason that the document isn't much longer than it
6 actually is, that on a personal level I find it extremely
7 difficult to be making this kind of presentation to this
8 type of a Hearing. It seems to me we've been saying this
9 kind of thing for so many years, to so many task forces,
10 to so many Hearings that it is becoming incredibly
11 difficult to I guess give this particular one as much
12 credibility as most people might think it is due. That
13 again is on a personal level.
14 On a personal level, in terms of economic
15 development for First Nations' communities, I am employed
16 as the Manager of the Nicola Valley Development
17 Corporation, whose function is to encourage and in any
18 way enhance that growth and development. On a personal
19 level, I feel an incredible rage from time to time and
20 the time to time is probably 55 minutes out of every 60.
21 This is not a job that you leave at the office.
22 The thing that really enrages me more
23 than almost anything else, I have become very accustomed

to being on my knees with my hands out. What really enrages me is that I am beginning to get used to it. It's beginning to become a very natural part of what I do and who I am and I don't like it.

Thank you for your time. Again I do appreciate that the Nicola Valley was on the list. Again, I do acknowledge your stay at the hotel and do appreciate it. Thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for your very eloquent presentation. We are certainly fortunate to be in the Valley. Also, we realize that a tool like the Indian Development Corporation that was created 12 years ago now or close to that, is a very important instrument for the promotion of employment of aboriginal people into various sectors of the economy.

I was particularly interested in what you said about the fact that the major financial institutions in this country, like the Royal Bank, like the Montreal Bank, are coming to trying to have special concerns and interests in their dealings with aboriginal peoples. My question is, if I understood what you said, while there seems to be priorities given for aboriginal peoples, there is no time and money for training and to

accommodate this to in fact happen in real life as often as it should.

Is your comment made to say that it is one thing to have additional positions and priorities for aboriginal employees and peoples, but if the money is not there to give them the training, it will remain vain somehow and the efficiency of the program will not be as great as it should be. Could you expand a bit more because this came to life in the last year with a major national bank.

LORRAINE MOSES: In my discussions with the local people and with the regional people at the Royal Bank of Canada and I use it as an example, I have worked personally in a bank for ten years and so I have a bit of an understanding of how they go about developing how they utilize their budgets or how much is available to each community. The balance of it, God knows where the hell it gets to, but it certainly doesn't remain with us.

The discussions we have been having so far is, yes, they are willing to take the people into the various branches on a training basis at entry levels, which is fine, it's great and fine. My last conversation was very clearly that, yes, we would dearly love to have these

1 people come in here, but we are going to have to find the
2 money for salaries somewhere else, because we just don't
3 have them inside our own budgets. It's incredibly comical
4 when you stop and think about are we talking about the
5 Royal Bank of Canada here whose annual report shows all
6 of these humungous profits on a fairly regular basis.
7 They probably could support the country of Canada on their
8 own, but they can't come up with training dollars for entry
9 level positions. We are not talking about a hell of a
10 pile of money here.
11 **CO-CHAIR RENÉ DUSSAULT:** What you are
12 telling us is that while the will is there for getting
13 more aboriginal people into the banking system, there is
14 no additional money that is available to get the training?
15 **LORRAINE MOSES:** Basically, what they
16 are saying is that, yes, we are committed to aboriginal
17 peoples within the banking system. We will take them on,
18 provide some training at the entry level, but right now
19 we don't have the money.
20 That's not true. They've got the money.
21 Basically, what they have to do is from the senior levels
22 change some of the policies so that there is an allocation
23 at the local level for the training that is necessary.

I do know that the major institutions do run training programs that they have funded from various headquarters throughout each of the institutions, but that's different money. That's not what I am talking about here. What I am talking about is that it is necessary for them to change policy so that they increase local budgets for employment.

Could I ask Gordie to make one comment here with regard to this very same issue?

CO-CHAIR RENÉ DUSSAULT: Yes.

CHIEF GORDON ANTOINE (Coldwater Indian Band): It is my understanding that the relationship between ourselves and the major banks of this country is centred around the issue of old legislation that is taught at the first year commercial law program at the universities of this country. It is that there is a group of people that the banks cannot deal with, imbeciles, minors and Indian people residing on reserves, number one. That's still part of this country's university first year law program.

Second, it appears to me in my conversations with Lorraine regarding her work with the banks that the banks are saying to us if you want us to

1 employ your people, then you will have to pay us to train
2 your people to work for us.
3 **LORRAINE MOSES:** It should be noted that
4 the commitment from the Canadian Bankers Association I
5 understand is a bit more than, yes, we will allow the
6 training or provide the training. It is my understanding
7 that they have developed a program that is being delivered
8 by the Native Education Centre in Vancouver, but Vancouver
9 is two and a half hours away. We are looking at additional
10 cost there. Again, it is really quite astounding that
11 we provide the training for their staff.
12 **CO-CHAIR RENÉ DUSSAULT:** I think the
13 answer is pretty clear for now. We are going to as a
14 Commission follow up on this one because we feel it is
15 a major event and that the bank system finally start
16 recognizing that it is in their interests, as much as the
17 interest of aboriginal people, to give not only thought
18 but in fact to move ahead toward employment more aboriginal
19 peoples. This is very helpful because it is concrete and
20 we are going to follow up with the national banks on this
21 particular issue because there is certainly room for
22 improvement. The door is open, the system has opened the
23 door and we have to make sure that we understand exactly

1 what is meant by that and the situation is such that as
2 great a benefit as possible will flow from that new openness
3 from the bank.
4 I would like to maybe just in going
5 through your brief ask you what is your assessment of the
6 life of the Indian Development Corporation for the last
7 11 years? Can you tell us of some concrete successes that
8 you've had, apart from of course all the disappointments
9 that you've mentioned?
10 **LORRAINE MOSES:** There have been lots
11 of good things that have happened. The Development
12 Corporation was initiated in 1981. After a six-year
13 contract with the CEIC Lead Program ended the agreement
14 and it had $1.2 million available to it. It had through
15 those years provided in excess of 200 loans to various
16 developments, both on and off reserve, but to the members
17 of the five Nicola Valley bands in activities that ranged
18 from agriculture, construction, forestry, arts and crafts,
19 retail/commercial, the whole thing.
20 Today, of all of the various loan
21 portfolios that we had out there, we have about 63 loans
22 outstanding. Of those loans, I would suggest to you that
23 we have probably 88, 89 or 90 per cent of the businesses

are still successfully operating and meeting their obligations to the Development Corporation.

By normal standards some of these might not be considered to be economically viable. However, measured by the standards from the community itself, these activities have enhanced the assets of the various individuals or groups that have taken these out. We have some land that has been developed as a result of these loans. If we had something that you could call a market value on reserve, we have basically taken something that is raw land, hasn't been touched for 50 years and is now producing. These aren't huge acreages. They are smaller acreages, but they are considerable in the eyes of the individuals who have taken on both the debt obligation and the commitment to improving their own properties.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Paul.

COMMISSIONER PAUL CHARTRAND: Thank you very much for your presentation. Beginning first with a comment on your personal remarks which you mentioned, the one about getting used to being on your knees with your hands out. I think that is a significant condemnation of the system that we are reviewing.

I must say that I am happy that we are able in a very small way to publicize the views that you have been able to submit to us here today. If I may say so, not only is it full of solid substance, but also has been delivered with an exceptionally high degree of competence.

I think it is best to resort to the colloquialisms to express my reaction to your presentation. Now we're talking! I think that with the recommendations that put the Commission on such solid ground in the sense of pointing us in the directions that we work on in making solid recommendations, I think it's safe to say that now our staff can take this and really go to town, to use some more colloquialisms.

These are, if I may say so, extremely helpful suggestions. I thank you for them.

With respect to your other remarks, that it is difficult to make a presentation to this type of Hearing because you have made presentations to Hearings before, obviously without the success you would like to see. All I can say is I hope that this is a different Commission and what I can do is say that we will do our best, at least I will do my level best, which is all that

we can do. With these kinds of recommendations I think we assisted significantly and these are the kinds of things that we can fight for. If you see down the road, and I concur that I hope we will have the opportunity to follow up with you in the development of our recommendations and if you see down the road that we are not doing our best, I invite you to let me know. I will give you my card and I ask you to call me and let me know if we are not doing our level best to meet the expectations regarding these solid recommendations. Again, thank you very much.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you, Lorraine.

Next we have from the Nicola Valley Tribal Council, the Language Advisory Committee, Mandy Jimmie.

MANDY NA'ZINEK JIMMIE (Nicola Valley Language Advisory Group): Thank you, Percy.

---- (Native language, no translation).

I am pleased to be here. I greet you all, friends.

During the fall and winter of 1991 and 1992 a feasibility study was conducted and during this study it was revealed that there was a great deal of

1 community support that there be language development done
2 in the Nicola Valley. Members of the five Nicola
3 communities, Spexmn and Quilchena, which comprises of the
4 Upper Nicola Band; Neey'k, Lower Nicola; Nc'eietku,
5 Coldwater, Sxexn'x, Shackan and Nweyc consider the
6 language important. This was shown by the language survey
7 which was a questionnaire and also the Scw'exmxcin
8 Conference which was held last year, in fact October 12th
9 will be a year since it happened.
10 The rationale, philosophy and goals for
11 language and culture as addressed by community members
12 were continuously repeated in terms of work that should
13 be done in the language. I am going to address some
14 of the comments that were presented during the Scw'exmxcin
15 Conference and also comments that were made during the
16 feasibility study.
17 First of all:
18 "We were the first people in North America."
19 "When I practice my tradition and culture, it has more
20 meaning in my own language, my own
21 tongue is more meaningful than
22 English."
23 "Our languages provide a healthy, gentle nurturing way

of life that would make me stronger."

"Language instills pride, esteem, control, unity within the family and the community, respect, values, beliefs, identity, self-esteem, history, family tree, and so on."

"Language identifies you and gives us direction. Language is the more important part of culture."

I again say that these are direct comments from people that were present.

"Language has something important that nothing else can give. It is important to strengthen from within, to know who we are and to whom we belong to. We can learn about ourselves and to teach others. It is part of who I am, and it proves who I am."

"Know my language will make me a complete or whole person. It gives you a feeling of belonging and wholeness. It connects us to our ancestors, and

we have the responsibility to carry it on. It gives us a complete identity. It is our responsibility and ownership of it, and it creates bonding amongst us."

"Language is our survival; it expresses who and what we are."

I may be repeating some things, but just to show you that this was very common throughout the entire feasibility study. One individual's dream, from my particular community, his dream is to:

"Awake from sleep and hear all the people speaking in our language."

Further comments were:

"There was nothing for me until I went back after residential school to my grandfather. I wasn't whole until I went back. Cleansing myself helped. When you sing your singing must come from deep within yourself to be meaningful, then it comes easy. My grandparents made

me do it over until I did it right. They picked my teachers."

"Storytelling is more meaningful in our language, it comes from our heart. I learned a lot at the Prince George conference. I went to the New Zealand conference where people spoke their language, and it sure sounded nice."

"Personally I would get a sense of what this community is as opposed to imposing my own."

This was said by a white person who was at the Scw'exmixcin Conference.

What I will present to you next are statements that were made from the Language Use Survey, that is the questionnaire. It is only a partial representation of what community members said.

One, many community members stated their interest in learning the language and consider the languages of the Nicola Valley important. This was also shown by comments made at the community language consultation meetings.

Two, the majority of the community

members who speak or understand the language are adults. That is, that the children do not speak a language or not as many children as we would like to have.

Three, the majority of the respondents from each of the communities want to use their language.

Four, the majority of the respondents, both male and female, who want to use the language are over 20 years of age.

Five, conversational use of language is used primarily in the home, community and traditional situations. I should elaborate here that it was stated that it should be used more in some cases. For example, at the governmental type, I am not too sure what I should call this, like for example at band meetings, at Annual General Assemblies and what have you and at the schools.

Six, language in conversation is used primarily with elders, people who understand and with our friends, whereas language used in conversation is used less with children.

Seven, the majority of all respondents' first language is English.

Eight, very few respondents stated that

they had Nlekepmx or Silx names, although my understanding is that there are a great many people who have the Nlekepmx or Silx names, that is the Okanagan and the Thompson.

Another area I wish to discuss is the community consultation. In regard to language and culture it revealed the following:

All community members will benefit from the project by participation in the research, in the delivery of the language program or in special events, such as various cultural programs that will be available, either as a consultant, a participant, organizer or a person who is an expert in language and culture.

Two, language and cultural curriculum needs to be further developed for all levels of education, that is for both the community schools, the native community schools and the provincial schools, from early childhood immersion to post-secondary and also by using different models, that is immersion or first-language teaching and second-language teaching.

Three, language and cultural teaching programs need to be developed and implemented.

Four, production and distribution of language and cultural resource materials need to be made

available for educational and personal use.

Five, cultural and language research needs to be done in all areas.

Six, language and cultural programs need to be offered as soon as possible.

I should elaborate further here that there are programs that are in place now, but we need to have more.

Seven, promotion of language and culture use should be done throughout the community.

Eight, the root of our cultural identity needs to be passed on to younger generations through role modelling from those who already know the language and culture.

Nine, effects of institutional experiences, that is the residential schools, the prisons and I'll just mention those two, on the Nekepmx and the Silx language and culture need to be addressed.

At this time I would like to make further comments, just to bring you back to some things that the people at the community level said. One elder's concern was:

"Many foster homes have spoiled our children."

1 That is, they have been influenced by teachings of another
2 culture and language.
3 Another person's view is:
4 "I'd like to teach the people on their own terms. I teach
5 school. There is a lot of history.
6 I want to learn from the
7 people...what is here. People
8 have a lot to say. We have to
9 understand what they are saying."
10 And another:
11 "Language is much more than just words spoken, it is from
12 the heart. It doesn't matter if
13 you can master other language, your
14 own language should be the first
15 one. Our territory ends where our
16 language ends."
17 And another:
18 "Its taken a long time to take our language away which
19 started at residential school,
20 it's going to take a long time to
21 get it back. It is good that
22 people are starting to see that
23 language is important, and it will

take a long time before we're one again."

Others stated:

"I never went to school and I am not good at English. I know my language. The native language is good."

"I don't want to die or become extinct, loss of language brings fear and sadness."

"I'd like to see a little more traditional culture and believe what the forefathers said from generation to generation and be thankful for what the land has to offer."

Based on the conclusions of the feasibility study there were a number of issues that were presented. I am not sure if I should read them. I was prepared to read the ten, but I think I will go ahead with it, that should be implemented to ensure the culture and language of the Nicola people is passed on to the younger people in future generations.

One, that the language and Cultural Comprehensive Plan be seriously considered and that if there are any necessary revisions that they adequately

meet the needs of the communities.

Two, language and cultural initiatives need to be offered or provided to interested people, that is so adults, children and adolescents can pass on cultural knowledge and the language to future generations.

Three, community members recognize that various types of language and cultural programs be made available to meet the different needs and different levels of requests of community members. The community initiative should be family focused by offering language programs to all ages in a natural setting.

We have people who are fluent and who want to attend language programs. We have people who have limited exposure to the language who want to learn the language. As a result, we have to address those various needs, that we don't offer just one type of program.

Four, language and cultural programs should offer teacher training, curriculum development, professional development and community awareness workshops as identified in the implementation chart presented in the Nicola Valley Feasibility Study.

Five, there should be community and individual initiatives which would provide promotion and

appreciation of language and culture of the Nicola Valley people.

Six, language and cultural research should be on-going to ensure all the appropriate information is relayed to future generations, to our children, to our grandchildren. On-going research should be done as the needs of the communities change as language and cultural goals and objectives change from year to year.

Seven, funds be readily accessible and available to the Tribal Council and other entities.

Eight, community members wish that language and cultural programs, language and cultural staff, adequate facilities and materials be made available in all the schools and other entities.

Often what happens is because of a lack of facilities -- well, there are limited facilities and the teachers have to work with what there is available. Also, there are no materials that are developed, so they are working to develop them as they actually teach the course.

Nine, many community members would like to ensure there is increased use and continuation of language use in the community.

1 Ten, a locally recognized governing and
2 legislative authority be set up to develop policies and
3 administer programs so all levels both internal and
4 external of the communities can be dealt with on an on-going
5 basis.
6 In summary, the following solutions, in
7 addition to the recommendations put forward earlier, would
8 address language and cultural issues in the Nicola Valley;
9 that the First Nations of the Nicola, the Nlekepmx and
10 the Silx come to an agreement with the federal and
11 provincial government on the following:
12 One, that the Nlekepmx and the Silx have
13 an inherent right to practice their traditions, values,
14 skills, knowledge and language.
15 Two, that the Nlekepmx and Silx have a
16 strong commitment to retain, maintain, protect and
17 preserve their language and culture.
18 Three, that the Nlekepmx and Silx have
19 a clear rationale, philosophy and goals in regard to
20 language and culture. Thereby, legislative acts,
21 governmental policies and procedures must reflect the
22 language and cultural goals and aspirations of the Nicola
23 Valley.

1 Four, that the Nlekepmx and Silx
2 languages have official national status.
3 The federal and provincial governments
4 must provide adequate financial resources to the Nlekepmx
5 and Silx to ensure their language and culture is preserved,
6 maintained and protected so that it can flourish to future
7 generations.
8 I have a couple of final comments. I
9 have a copy of our Feasibility Study that I did not submit,
10 but it is available. I would like to give you that. Also,
11 my personal vision is that children from the Nicola in
12 the future will have opportunities so that they may have
13 the Nlekepmx or Silx as their first language. I think
14 that is very important.
15 --- (Native language, no translation).
16 **CO-CHAIR RENÉ DUSSAULT:** Thank you very
17 much for sharing your concerns and thoughts about a very
18 difficult question. In fact, the loss of aboriginal
19 languages across the country is a very sore point. It
20 has been mentioned to us in every community. It has been
21 mentioned also, if there is a common denominator among
22 all the aboriginal people in this country that is coming
23 out of the Hearings, it is that self-government is

1 necessary for the affirmation of the aboriginal languages
2 and cultures.
3 That being said, everybody acknowledges
4 that a lot of work will have to be done. The problem of
5 materials, written materials in schools is a major one.
6 You have mentioned that the production of this material,
7 this kind of material is fundamental to forge ahead.
8 On the other hand, we have to recognize
9 that there needs to be a will by the people to recover
10 and affirm their language. Otherwise, whatever the money
11 put in, it remains in vain.
12 I would like to ask you, there are two
13 band schools on at least two reserves that we visited
14 yesterday, at Douglas Lake, but can you tell us what is
15 the training, the language courses that exist at the
16 primary level, but also the Douglas Lake school goes from
17 kindergarten to grade 12. We discussed that a bit
18 yesterday with the teachers, but I think your message is
19 not only the ability to build the curriculum, but to get
20 the material to do it. Could you tell us what has been
21 done at those band schools for trying to turn and shift
22 towards a greater learning of the languages?
23 **MANDY NA'ZINEK JIMMIE:** Since the

1 beginning of the operation of the schools in the early
2 1980s, it is to my understanding that all the schools have
3 offered language and cultural activities at the elementary
4 level primarily, but most recently language and cultural
5 activity has also been addressed at the secondary level.
6 In terms of how they are taught, there
7 are language and cultural instructors in all the schools,
8 if not full-time, at least at the part-time level. As
9 mentioned earlier, the curriculum that is developed in
10 the schools itself is on a per-needs basis. Does that
11 address your concern?
12 **CO-CHAIR RENÉ DUSSAULT:** What is the
13 situation of the material available, the written material?
14 **MANDY NA'ZINEK JIMMIE:** There is
15 limited material. It is not in a publishable form. I
16 think there is opportunity for a great deal more to be
17 done. There are audio-visual tapes that are done that
18 could benefit from a professional editor.
19 There also needs to be standardization
20 of the alphabet within the community, so that literature
21 can be provided. There also needs to be training of the
22 staff, so that they could benefit from some of the available
23 materials that have been developed, but are still not

accessible to some of the staff.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Your recommendation No. 9 states that many community members would like to see an increase in the use of the language in the political structure, the band structure, the Tribal Council. How do you think this could be done because this is something that belongs to those concerned. From the point of view of your group what could be done to make this possible to a greater extent in the future?

MANDY NA'ZINEK JIMMIE: I see a number of things that can be done. First of all, from the political level, I think the Tribal Council could officialize language and state those to other governing agencies. I also feel that those at the political level and there are a great many who know the language use it more frequently, not only at the political level, but throughout the community. There are a lot of people in the community who know the language and that there be more use.

Another area would be the development of training programs so that band staff or Tribal Council staff have opportunities to participate in language and

1 cultural programs. I am speaking specifically of the
2 language activity, that it can meet the needs of the
3 community in terms of the language being used.
4 In many cases and in the job descriptions
5 and what have you that understanding the languages be
6 required. To be able to do that, I think different
7 measures should be taken so that they can learn and in
8 fact speak the language and use it.
9 **CO-CHAIR RENÉ DUSSAULT:** Thank you. I
10 understand that you certainly discussed that with the
11 people involved and what kind of a response have you had
12 so far? Is it moving? Is it improving?
13 **MANDY NA'ZINEK JIMMIE:** One of the main
14 issues I see in the community and in my experience in the
15 community for language for about the last 12 to 15 years
16 it is that because of the influences of the residential
17 school and what have you that there are many people, many
18 adults, many of the elders who for whatever reason, because
19 of their bad experiences and what have you, the punishment
20 that they had at the residential schools, they don't feel
21 comfortable speaking the language.
22 I see that as an integral part in terms
23 of the people in the community using the language. I think

once that is addressed and I think that can be addressed in a number of ways; for example, through the social development programs in dealing with the grief and the hurt that people have with regard to language loss, that once that is overcome I think people would be able to learn the language perhaps more quickly. Once these various barriers have been lifted I think it would be a real integral thing that could happen at the community level.

A most recent thing that has happened is I have been involved with a post-secondary level course, the Nlekepmx language that is offered through Simon Fraser University. Quickly the class was filled. The maximum I had intended was to be 20. We have more than 20 and in fact people are making inquiries as to what other courses will be offered in January and also what other courses would be offered in future years.

When there are opportunities or programs that are delivered to the community there is a great deal of interest.

The community members are very busy. They have their family responsibilities, they have their priorities in terms of what they need at the community level, so that there are a number of things that happen.

I see that within the last ten years, the last five years, the last three years and even in the last year that the attitude toward the language and the interest in the language has pretty well doubled within each of those years that I talked about.

I probably could address a couple of other things, but did you have further comments?

AMY THOM (Language Instructor): Yes, thank you.

I was sitting there and I couldn't be quiet about what Mandy probably overstated, but I work full time in the Douglas Lake School. I am a language instructor and my name is Amy Thom.

What I have seen and what I hear is that in order to be a language instructor I get paid from the regular funding in our school system, which takes away some of the other things that it was really meant to be allotted for. It was saying that servicing the people and looking at their needs, I think we need special funding for my wages, special funding for my needs.

Every time we move, when we need to go and visit an area, name an area, we need some money. We need a vehicle. We need to get gas to get there. We need

another body to drive us there and we do need those things. We need to go and get food that we use to eat. Us people in Douglas Lake, we travel long, far and wide for the food that we have. It is not there.

Another thing about our area is that it is beautiful, but it doesn't grow everything that we need. We have to go as far as the States for roots, right to the Coquihalla Valley for the huckleberries. We go to the big mountains for our meat. We don't just go out our back door. The beauty is there, but it doesn't hold these things and we are people who have to travel, almost like nomads a long time ago when we went to the Fraser River and all over the place. It is still like that today.

If you want to teach our history, if you want to teach your culture, you have to have that. It is not put in our budget.

I feel guilty sometimes that I have to go and say "I have further needs. I need this," and it has to go to the board and be approved. I sit there and I say it's almost an impossible question sometimes.

The government says they are going to give us these things. This is provided. It was taken away from me. I couldn't tell you how much and how far

it is in my being in the English language. I could tell you in my own language.

--- (Native language, no translation)

It is very emotional for me.

When the white man came and told me, "I'm going to better your life. I'm going to put you -- I'm going to educate you. I'm going to give you what is necessary for a human being." He took me, put me into an area where when I opened my eyes I said, "What is this land good for? How could I survive here?"

He took prime, everything, and put me where there was nothing. But I lived and I'm still alive and it's very, very hard for me. I go around -- my home at the Douglas Lake Indian Reserve is very small. I house nine people in my home and I look around and I say how come. I really work hard to employ myself, I really, really do.

I want to say in ending, I will say it first in the language I love:

--- (Native language, no translation)

History is right here.

--- (Native language, no translation)

We are blood relatives. I have real

1 praise for the leaders to sit here -- to sit here all the
2 leaders and who they invited and who they allowed to come
3 in. It wasn't a closed door meeting. I am really happy
4 today that the young people are here, our children.
5 Without children we have no life.
6 When we began our meeting, our Chief gave
7 us an order, have the children put a presentation on the
8 table. Our first 15 minutes of our talk our children said,
9 "We are going to lock the doors and the gates to Douglas
10 Lake Reserve. No one is going out, no one is coming in."
11 So, we sat there and they sat there.
12 We had ten students. They looked at each other. "I can't
13 marry you. You can't marry him and he can't marry him."
14 They laughed and they said, they will say this is there
15 the Douglas Lake Indians lived because there will be no
16 more people. It was very tiring and a very real situation
17 that they went through. Then they had to redirect their
18 thinking. We had a lot of work done by those young people.
19 We have many, many things to go through,
20 many, many trials to go through. When I look at this Royal
21 Commission, you know my greatgrandfather talked about the
22 Royal Commission, John Itsuhitsa (ph), my father Dan
23 Emmanuel went to the Royal Commission and here I sit in

the midst of going through a Royal Commission. I exposed my children to go to the Royal Commission.

I want to thank you for being a part of our trials and I am going to say triumphs too because I know we are not going to lose everything we want. I want a lot of things. I want a lot of things.

--- (Native language, no translation)

I get too emotional to write down what I have to say. One day that emotion will settle down and I will write. Thank you very much.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for your contribution. I think the testimony that you gave gives life and complements in a very important way the brief that was presented to us on the language issues. We thank you very much for taking the opportunity to have done it.

Paul.

COMMISSIONER PAUL CHARTRAND: I want to take only a short time to thank you for your outstanding presentation with, of course, the equally outstanding assistance that was provided. Many Canadians are informed about the way in which in far away places people are forced to take strange names when they are subjugated by foreign

1 governments. Perhaps fewer Canadians know about what is
2 taking place right here. I think you have brought this
3 matter to us today, the matter of aboriginal peoples in
4 this country, First Nations being engaged in a great
5 movement to seize their identity. It is a big movement
6 that is taking place in Canada, in the United States and
7 in other countries as well, as you have indicated.
8 This is one of the great issues before
9 us. In our travels around the country I have been
10 concerned to ask questions about it. I was particularly
11 pleased to see that you have many of the answers to the
12 questions that I have been asking in this most excellent
13 brief here. When I look at some of these recommendations
14 that you make, I think you assist greatly in showing how
15 the solutions that come from the First Nations can assist
16 not only themselves, but all of Canada. I will cite only
17 one small example to make this point concrete.
18 You talk about the ways of teaching the
19 language and you talk about doing it in what you have
20 referred to as a natural setting. I noticed that
21 not very long ago I was reading about some recent research
22 that people involved in assessing our educational systems
23 in Canada, some of the points that they have been making

and they have been remarking on how people learn languages very early on and they do it in a family setting. Then they pointed to the failures of the school systems and they say what is wrong? Well, one of the things we see is that learning of the languages in the families takes place in a very, very different situation, as does the learning in the schools. So, all Canadians are concerned with these big problems in the educational system. Right here you are concerned to do that, to address the same issues in your own way.

I wanted to emphasize that. It is only one of the many useful points that you have in here, but I do recognize it and I wanted to underline it. Again, thank you very much for your most excellent presentation.

CO-CHAIR RENÉ DUSSAULT: Thank you.

AMY THOM: Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much.

Mandy, will you please make arrangements to have that translated into English or whatever so that it can be recorded. Thank you.

Next, once again the Nicola Valley Tribal Council, Indian and Child Family Services, Warren

1 Williams.

2 **WARREN WILLIAMS (Nicola Valley Tribal**
3 **Council, Family and Children's Services Advisory Board):**
4 Thank you for having me here today. I am very honoured
5 to be here, not only to appear before the Commission, but
6 I think much more importantly to be given the opportunity
7 to speak on behalf of the Family and Children's Services
8 Advisory Committee of the Nicola Valley Tribal Council
9 and to speak to some issues that I feel are very emotional
10 as well for aboriginal people. I guess I am also very
11 honoured to be able to say these things in the presence
12 of elders, chiefs and aboriginal youth.

13 I want to preface my presentation with
14 paraphrasing three or four things that I have heard in
15 the past two days and tying them in to Family and Children's
16 Services. In today's Vancouver Province Chief Mercredi
17 was quoted as suggesting that natives move immediately
18 by framing their own laws based on custom and tradition
19 to protect Indian children. Part of the reason I am
20 prefacing my remarks is I feel these things that I have
21 to say are equally important to what is contained in the
22 presentation.

23 Yesterday I also heard at the Nicola

1 School at Upper Nicola, Commissioner Dussault make
2 reference that self-government belongs to First Nations
3 and, more importantly, Family and Children's Services
4 belongs to First Nations.
5 Chief Holmes yesterday talked about
6 education suited to our way of life, again Family and
7 Children's Services suited to the Indian way of life.
8 George Saddleman mentioned the importance of bringing
9 traditional values within current First Nations' programs,
10 again something that has to happen in terms of the
11 development of child and family services.
12 On behalf of the Family and Children's
13 Services Advisory Board, recent history has seen a renewed
14 energy within Indian communities in the Nicola Valley,
15 an energy reflected in a range of services being developed
16 to address the family and childcare needs of Indian
17 families and children. Triggered by the "big scoop" of
18 the post-war era, when many Indian children disappeared
19 into the "black hole" of the foreign child welfare system,
20 the Nicola Valley First Nations have embarked on a process
21 to ensure the safety and protection of our families and
22 children.
23 To this end, Indian controlled services

have been established and will, through a development process, lead to the creation of an Indian Family and Children's services agency in the Nicola Valley. This planning is anticipated to culminate in the establishment of the agency in mid-1993 with the agency becoming fully operational the following year.

It is within the context of this developing agency that the following service programs, and you will hear about some of these this afternoon, will be the foundation for Indian services to families and children. Services include, but are not limited to, Maysencut - healing services rooted in counselling for families and individuals; S-yem/yi.'m - a shelter for victims of abuse, children and women; committees - community based child and family services committees to advise elected leadership on childcare matters and on policy impacts arising from provincial and federal initiatives; contracts - community enforced contracts to support the healing and renewal process for families at risk.

The guiding principle supporting all of these initiatives has been the desire within Indian communities and Indian families to continue our role in

1 the development of services for our children. This
2 community renewal process parallels the development of
3 Indian control of Indian education and will provide the
4 foundation for the development of an Indian justice system.
5 The Nicola Valley bands, through their
6 Tribal Council, are in the midst of a process of building
7 the parameters of the model for our Indian child and family
8 services agency. An integral part of the process will
9 be the development of such a model from within the
10 communities, for only then will the model describe a
11 structure and programs which truly reflect the values and
12 the aspirations of the Indian communities to which the
13 agency will be of service to and be accountable to.
14 It is in the context of the foregoing
15 that we respectfully submit to the Royal Commission the
16 following series of recommendations. The intent of the
17 recommendations is to support the developments to date,
18 the developments which form the building blocks for the
19 establishment of an Indian family and children's services
20 agency here in our territory of the Nicola Valley.
21 No. 1, we recommend the establishment
22 of a mechanism to ensure ongoing dialogue takes place on
23 a regular basis between First Nations involved in existing

1 and planned development of Indian childcare agencies.
2 We also suggest senior management personnel having the
3 mandate from provincial and federal ministries for
4 childcare matters be involved in such discussions. The
5 osmotic effect of such discussions will ensure the cross
6 cultural learning involved in such a process provides much
7 needed support for the development of Indian controlled
8 family and children's services rooted within Indian
9 standards and values.
10 No. 2, we recommend the establishment
11 of funding bases which will recognize the responsibility
12 vested within Indian governments to provide services to
13 their membership wherever they reside. The wholistic
14 needs of Indian families and children must not be subjected
15 to artificially imposed external boundaries which in any
16 way diminish the capacity of an Indian family and
17 children's services agency to respond adequately to the
18 service needs of its constituents, our band members. Such
19 an approach will also enable the agency being developed
20 in the Nicola Valley to extend services to families and
21 children of First Nations' students resident in Merritt
22 while in attendance at the Nicola Valley Institute of
23 Technology.

1 No. 3, we recommend consideration be
2 given to the development of much more comprehensive fiscal
3 arrangements which will enable First Nations' family and
4 children's services agencies to implement not only the
5 full range of services for care, but a full range of
6 parallel services devoted to healing victims of all forms
7 of abuse.
8 No. 4, we recommend the introduction
9 federal Indian childcare legislation as soon as possible.
10 Not only is such legislation consistent with the inherent
11 nature of the right to aboriginal self-government, but
12 it ultimately protects and respects the rights of Indian
13 children and Indian parents. Federal legislation will
14 enable a much needed consistency to be established within
15 the policies developed by Indian family and children's
16 services agencies and beyond into the broader context
17 within which provincial childcare systems operate. As
18 a result, the authority over and responsibility for Indian
19 children will develop and flow directly from the community
20 through the extended family.
21 In conclusion, the committee takes this
22 opportunity to once gain welcome the honourable members
23 of the Commission to the Nicola Valley and to the territory

of the Nlaka-pamux and the Okanagan peoples. We wish you success and safe travel during your deliberations throughout the First Nations communities from coast to coast. Thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you very much for your presentation. Again, we are given specific recommendations that of course are addressed mainly to the Valley, but also some of them are the larger spectrum, like the idea of a federal Indian childcare act. This is certainly food for thought and reflection by the Commission.

We hope that we will be able to come up in this whole sector that is fundamental with ideas and solutions that we are going to test at a later date with you and others. I would like for now to thank you for your contribution today.

COMMISSIONER PAUL CHARTRAND: Thank you. I would like to ask two or three very brief questions, if I may.

First of all, and this stems perhaps mostly from personal interest, I noticed and I prefaced my question by saying I have almost no experience in this particular field, so the question comes from an outsider

1 who is almost totally ignorant. I see the expression
2 "child and family services," "child and family
3 legislation" here and there. Are you able to enlighten
4 me as to the expression? I had always thought that
5 families included children. Why do we have that
6 disjunctive "and" "child and family"? Can you assist me
7 with that?
8 **WARREN WILLIAMS:** I guess I can only
9 speak to the experience I've had here in the Valley. I
10 think the priority in developing that particular area of
11 programming is to ensure that the protection of children
12 and the care of children remains with the family. I think
13 the reference is being made on that basis. I am not sure
14 if any of the people here would want to add to what I've
15 said about that.
16 **COMMISSIONER PAUL CHARTRAND:** Thank you
17 for that.
18 The more important issue is the
19 suggestion for federal legislation in this area. I know
20 that in the United States there is such federal
21 legislation. I wonder if you are in a position to advise
22 us? In your view do you believe that the American model
23 ought to be examined, at least considered very carefully

1 or do you take the view that that model needs significant
2 re-examination and restructuring in Canada?
3 **WARREN WILLIAMS:** I guess I can speak
4 best in terms of listening to the American experience at
5 forums that I've attended and particularly to one Chief
6 from the United States whose band has been involved in
7 that childcare area.
8 I think there are two things there.
9 There is the question of legislation. There is also the
10 question of tribal courts and the experience and tying
11 those two together and trying to determine which in fact
12 has had maybe the greatest impact in their being able to
13 provide services in the whole area of family and children
14 services.
15 From my observations, I would say they
16 are equally important. The tribal courts certainly have
17 a much longer history. They have about a 150-year history,
18 as compared to the Indian Child Welfare Act in the United
19 States which is much more recent. I get the feeling from
20 listening to those leaders that without the Act, the
21 complete Indian childcare service could not have been
22 developed, that the tribal courts have a very significant
23 impact and that's why I think there's a lot of connections

between what happens in Child and Family Services, what happens with Indian justice, what happens in education and, as importantly, what happens in the healing process that is a part of that.

COMMISSIONER PAUL CHARTRAND: Thank you for that. It is good to put it on the record so that our people involved in the development of our own work can be aware of it.

My last comment is just that, not a question. You have pointed to the need for co-ordination amongst First Nations with respect to the issue of family services. I think it is an important question before us, the big question of how is co-ordination going to be structured, not only for this particular sector, if I may call it that, but for all sectors. I think it touches upon the big question of what kind of large political institutional structures might be appropriate, if any, to facilitate the kind of co-ordination that you state here is necessary. I thank you for emphasizing that point as well. Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you very much.

COMMISSIONER OF THE DAY CHIEF PERCY JOE:

1 Thank you very much, Warren.
2 Along with the presentation that Warren
3 has, he also has attached to it his qualifications and
4 work-related experience, plus a model building workshop
5 agenda.
6 **WARREN WILLIAMS:** Thank you.
7 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**
8 Thank you very much, Warren.
9 Next, we will move on to John Zahradnik.
10 I hope I pronounced that correctly.
11 **CO-CHAIR RENÉ DUSSAULT:** Good morning.
12
13 **JOHN ZAHRADNIK:** Good morning, Mr. René
14 Dussault, the honourable co-Chair and Mr. Paul Chartrand,
15 Chief Percy Joe, Commissioner of the Day, members of the
16 Commission and all my Aboriginal and my non-Aboriginal
17 friends of the Nicola Valley in British Columbia, with
18 a special greeting to the young people who are sitting
19 in the back of the room.
20 I have a very special relationship with
21 those, since I was Santa Claus at the Upper Nicola Band
22 last year.
23 What I have to share with you this

morning, and I've been advised to make it short and I will do so, is some observations on the application of the native land ethic in the Nicola Valley of 1992. These are my personal observations which I wish to share with this body corporate. They are only my personal observations.

I am here because I identify with the native peoples and the ranching community of the Nicola Valley. I want to contribute to the building of an improved relationship based on kindness, honesty, sharing and growing together, through a public education process. That is not to say that these characteristics of kindness, honesty, sharing and public education have not been present to date. As a matter of fact, these characteristics are what have made our relationships and the Nicola Valley unique in our modern society.

I want to share with you, to compare my insights with those of this body corporate, some observations on the native land ethic in light of today's knowledge base and environment.

I am aware of certain concepts, such as the spirituality of the earth as described by Thomas Barry. I will not give you the full quote, but mainly the conclusion of his quote. He says, and I agree with this:

1 "The fate of the continent, the fate of the Indian and
2 our own fate are finally identical.
3 None can be saved, except in and
4 through the others."
5 I firmly believe in that and I think most
6 of the people in this room believe in that.
7 This next section I call "How it Was".
8 In the 1700s, the numbers of people living off the land
9 in Canada were relatively small compared to today. The
10 area available per person was much larger. The effect
11 of the population on the eco-system was much like the effect
12 of a Volkswagen Beetle on a Canadian Pacific freight train.
13 The Beetle might derail the train, which is sometimes
14 an ominous thing in our present eco-system because
15 sometimes it doesn't take very much of an impact t make
16 a very big disturbance. But also, the freight train might
17 go on as if nothing had ever happened when this Beetle
18 got in the same.
19 This was the impact of the population
20 in the 1700s, virtually nil. The nature of the
21 relationships between the population and the eco-system
22 was one of what we call low input and low output, with
23 great conservation of the natural resources because the

1 demand was not great. It was what is called a low entropy
2 generating system, that is one which created very little
3 disorder in nature. Both the inputs were low, as well
4 as the outputs, as the population was not only small, but
5 also did not have demands for automobiles, electricity,
6 television, formal education and all these other things
7 that we've been hearing about this morning.
8 The system was practicable and it was
9 practical. It approached long-term sustainability.
10 Now, that's how it was. Later on, I have a little model
11 here t show you how it was.
12 "How it Is" is my next section. Today
13 the population to be sustained in Canada is manyfold larger
14 than in the 1700s and the population, both Aboriginal and
15 non-Aboriginal has very great expectations, as you have
16 heard this morning. As far as standards of living are
17 concerned to cope with this demand, society has required
18 the development of high-input and high-output land
19 management. The nature of the relationship between the
20 consumers, both Aboriginal and non-Aboriginal and the
21 eco-system has resulted in a high entropy generating
22 system. That is one that creates disorder in nature and
23 is not sustainable, even into the very near future, but

it does allow for the present a very high standard of living and does support a much larger population.

This little section here I call "Conclusion". What do these observations mean? Number one, we cannot turn the clock back to the 1700s. To do so we would have to get rid of an awful lot of people. I don't think that's acceptable.

Number two, we must develop a system that is more sustainable than that which we have at present.

Number three, and this one is a tough one to swallow, we must all reduce our standard of living.

Now, some of us must reduce our standard of living relatively more than others for justice to be done. This is what we have been hearing today.

How can we cope? We must have more sharing and interaction between all peoples. We must tap the wisdom of the corporate body, both Aboriginal and non-Aboriginal.

There are encouraging signs in the Nicola Valley. We have real-life demonstrations of high entropy land management systems which are not sustainable and may not even be profitable. We have medium entropy

systems with relatively high productivity and also we have low entropy systems with relatively low productivity and little environmental impact.

We have a great learning situation if we will but understand what is before our eyes. Our hope lies in a land ethic that minimizes disruption of nature, while it maximizes production and tries to approach sustainability.

Where do we begin? A major shift in paradigm or a major shift in our thought and perceptions patterns, both Aboriginal and non-Aboriginal is required.

I have here small physical models of our thought and perception patterns as in the past and how they might be in the future. This one here, you might say that's a plastic bag, it has three stones in it. It has a tie on it and it looks like some coyote pelt. The plastic bag represents today, the coyote pelt represents the past and there are three stones in here. The one stone represents the Aboriginal community and the other stone represents the non-Aboriginal community.

In the centre here is this large stone. Do you notice it's in the way of the two small stones

from contacting each other. Only with a great deal of difficulty can those two small stones contact each other. Most of the time it's through this big stone. That big stone is our past thought process. There has been a big blockage there.

In discussing this model with some of my friends, they say, "John, do you know what that big stone is?" What do you think it is -- the Indian Act. That's the past.

The future has got to be more like this model here. We still have the plastic bag of the present. We have the coyote hide of the past, but we have lots of small stones in here, lots of contact. That, my friends, is the kind of thought pattern we need. We need to have much more inter-action. We must submit to the wisdom of the corporate body, both Aboriginal and non-Aboriginal, but it will take time, mutual respect and honesty.

The Commission is interested in specifics. What can we do about this? They say, "John, you made a nice picture," and some of my students would say that they are going to give me another native name besides High Water John. They want to give me the name

Talk a Lot John, but I realize we are in a hurry.

What I would suggest to be very specific and the Nicola Valley is an ideal place for this, that we not wait this long time that it will take, that we try to make a sort of a pilot demonstration site in the Nicola Valley.

We have here a lot of the infrastructure that already exists. We have a very co-operative ranching community. We have a well-organized Aboriginal community and this would be the place for such a thing to happen. Thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for your highly pedagogical presentation. I think you have made your point very well. In fact, your message is two-fold, as I receive it. First, that the major target should be to get rid of the major obstacles to the relationships and that a structure system that would enable more relationships with the parts will be much better than the one we have now.

Obviously, the Indian Act is a major component of the terms of reference of our mandate. We are looking for solutions to move from the Indian Act to self-government. There will have to be a transition, an

1 orderly transition, so you have made the point effectively
2 that this should be done. The how is still pretty much
3 to be designed by the people that are presenting briefs
4 to the Commission.
5 The second point, and maybe the most
6 important, is the importance of solidarity and certainly
7 given the example of what is happening in the Valley you
8 are on a strong footing to help us to understand the big
9 difference that it could make. Of course, this again can't
10 be legislated. It's something that has to be built on
11 a day-to-day basis.
12 I would certainly like to thank you for
13 coming to make this presentation. I understand better
14 why you have been a Santa Claus with the school. Thank
15 you.
16 **COMMISSIONER PAUL CHARTRAND:** Thank
17 you, Mr. Zahradnik. You have certainly put a new concrete
18 twist to the Commission's idea of a new relationship
19 between Aboriginal peoples and others in Canada. I
20 enjoyed very much your presentation, particularly so as
21 the former owner of a Volkswagen Beetle who has now moved
22 up to a smallish Toyota pickup. I hope that's not moving
23 too far from the ideals you have impressed upon us.

1 You have brought before us a very
2 important issue of course and one of the characteristics
3 of a body corporate such as ours is that it has a corporate
4 base of knowledge. You have put that into the record for
5 development by our people. We thank you for your
6 suggestion that the Nicola Valley is quite an appropriate
7 case study situation. Thank you very much.
8 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**
9 That concludes the presentation for the morning. There
10 is lunch available here, but before everyone takes off,
11 I would like to ask Mabel to say grace before lunch.
12 --- Grace said by Mabel Joe
13 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**
14 Thank you, Mabel.
15 Lunch is provided here. We will resume
16 at 1:30 sharp.
17 --- Lunch Recess at 12:45 p.m.
18 --- Upon Resuming at 1:30 p.m.
19 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**
20 We will resume with our agenda. I would like to start
21 off with the Coldwater Band School presentation.
22 **JANICE ANTOINE (Principal, Coldwater**
23 **School):** My name is Janice Antoine. I am the Principal

of the Coldwater School. The Coldwater School has five presentations to make to you, Commissioner Dussault and Commissioner Chartrand. The first presentation is going to be given by our youngest intermediate group. Let me introduce Thelma Oppenheim who is at the other end. She is one of the instructors at the school. Thank you.

CARMEN ANDREW: Good afternoon, Mr. Commissioners, ladies and gentlemen and elders. My name is Carmen Andrew. My classmates Sylvia Bill and Kristen Pop and I would like to share our ideas with you.

We are from the Coldwater Indian Band School. We will take turns reading the six points from our paper.

Number one, we want sex abuse to stop. We want to have all kids taught how to protect themselves and how to stay safe.

SYLVIA BILL: Number two, we want to see other kids staying in school and get a good education. It will help if grownups listen. Kids learn to make and keep friends and to do their homework and to deal with bullies.

KRISTEN POP: Number three, we want to have music teachers and musical instruments and classroom

space for music classes. **CARMEN ANDREW:** Number four, we want more camping trips with our elders, so we can learn more about our culture and our language.

SYLVIA BILL: Number five, we want to feel safe from bullies. There needs to be more supervision on all schoolgrounds.

KRISTEN POP: Number six, it is important to protect our plants and wildlife from oilspills and fire. There needs to be a way of making sure our land is protected.

JANICE ANTOINE: That is the end of presentation number one. Did you have any questions for the students?

CO-CHAIR RENÉ DUSSAULT: I would like to say on behalf of the Commission that we had the privilege yesterday to meet with the presenters in their own environment, the school. I must say that it makes a big difference to be visiting the schools where they are. I would like to congratulate them for taking the time and the effort to make those six points.

Very often the comments by people like you are more important than comments by big corporations or institutions. We really appreciate that you have come

to share your concerns with us. We hope we will be able to help you in getting a better future. Thank you.

COMMISSIONER PAUL CHARTRAND: I would like to take just a brief moment to say that this kind of presentation presents us with one of the more pleasant aspects of our duties. I want to congratulate you on your most professional presentations here this afternoon.

As you can see, it's a good thing I learned to swim not in water but in paper, and even though you may think that what you have said is going to be lost in the torrent of paperwork, I want to say that it will not; both because of what Judge Dussault has said and also because we have everything recorded. We have people over there whose job it is to make sure that everything is written down.

If you look over there in fact, behind the cameras, you will see a gentleman there with what looks like a large ice cream cone stuck on his face. What he is doing is recording every word that is said here, so everything you've said is being recorded and it is going to Ottawa in a big computer bank and everyone will know about it.

Again, I want to thank you very much for

your presentation.

CARMEN ANDREW: Thank you.

SYLVIA BILL: Thank you.

KRISTEN POP: Thank you.

JANICE ANTOINE: As the next presenters are getting ready, this is a senior intermediate class. I wanted to comment that all the children spent hours brainstorming, working together and these ideas are their ideas. Sara Antoine.

SARA ANTOINE: Mr. Commissioners Dussault and Chartrand, we welcome you to the Nicola Valley. My name is Sara Antoine and beside me is Kurt Oppenheim and on my other side is Tracy Brooks. We represent the senior intermediates of Coldwater School. We are happy to have you here with us.

We want you to know something about us. We all have dreams. I want to become an author, a psychologist or an artist. Kurt wants to play in the NHL and Tracy wants to be a police officer. Other students wish to become a chiropractor, a nurse, an architect and a marine. We all want a better future and a better life.

We want jobs so we can afford a house, a vehicle and so forth, but most of all we want a good

future and a push in the right direction would be money for a bigger school with a gymnasium and for more teachers and more classes.

We need equipment for a better science lab and equipment for P.E. class. We need books for our library. These are some of the things we need for a better education.

Once we have gotten a better education, we are qualified for better jobs which would give us the freedom to take vacations. Some of us want to be able to travel around the world.

KURT OPPENHEIM: As well as having good jobs for a better future, we need to have our lands, fish, wildlife and forests protected, so we can access them in the future. We need more space for people to build and live and wildlife to roam.

We would like clearcutting of our forests to stop and instead use selective logging to preserve our forests. We would like to see more trees and have the present fish stock protected because in the past few years they have been overfished and very few fish are coming up Coldwater River.

The deer also need to be better protected

because in the past few years it seems there are less deer for us to hunt. Salmon and deer are important foods for most people on my reserve.

For the teenagers on my reserve, sports are important. Students would like to have football fields and a baseball field, a bike track and a radio ground and a baseball court. We don't have any of this at the present. All we have is a small blacktop area where we can play. A good shot in the arm would be some money to make fields were teenagers can play sports, especially at school. If we had these areas, probably teens would not be bored and would it would keep them out of trouble.

SARA ANTOINE: In closing, Mr. Commissioners, we want to leave you with a quote from Chief Dan George which says:

"Oh Canada, I am sad for all the Indian people throughout the land, for I have known you when your forests were mine and they gave me my meat and my clothing. I have known you and your streams and rivers when your fish danced and flashed in the sun, when the

waters said 'come and eat of my abundance'. I have known you in the freedom of your winds and my spirit like those winds once roamed your good land."

We hope you have learned something about the intermediate students of Coldwater School. We thank you for listening to us.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for your excellent presentation. You spoke about your dreams. You spoke also about the practical things that you would like to have and those who will follow you in the schools, sports equipment, libraries, books, better labs and so on.

I would like to congratulate you for coming and sharing your dreams and thoughts with us today. The message I would like to give you is you should keep your high aspirations because they could be fulfilled. I thank you for what you did today, coming and speaking to us, the three of you signing a written brief is a very important gesture. It's on the public record and it will be pretty much on our mind as we travel across the country in the coming months.

We hope we will be able to come up with solutions that will make many of the things of your dreams possible and for those who will follow you in your school. Thank you.

COMMISSIONER PAUL CHARTRAND: I would like to say that your presentation is one of those that jars us into an appreciation of the heavy responsibility that the Commission has when it has to deal with the substance of children's dreams. I think we may take some comfort in believing that working towards them itself brings its own rewards.

I want to wish you the best in your studies. I hope you will read a lot. I think that is particularly important in striving towards your ambitions through an education.

I appreciate deeply your views about sports. I grew up in a situation where I had no access whatever to sports and eventually had an opportunity to become very much involved in that, so I can say that I do take your points very seriously and I will see to it that the Commission addresses that point very seriously. I do hope we can make some very meaningful recommendations in that area.

Again, thank you very much for your most excellent presentation.

KURT OPPENHEIM: Thank you.

JANICE ANTOINE: The next group is from the intermediate class as well. We have six students and I will let them introduce themselves.

CO-CHAIR RENÉ DUSSAULT: Good afternoon.

ANNE VOTE: Hello friends. My name is Anne Vote. The intermediate students of the Coldwater School have been learning about the medicine wheel. We have been learning about the need for a balance between the physical, emotional, mental and spiritual parts within us.

We worked on a vision that would create a balance and we wrote this book. We would like to present this to you.

RENÉE ALGAM: Hi. I my name is Renée Algam. What do we want physically?

Our vision is for everyone to be healthy. We want to eat the rights foods and get good rest. We want activities to keep us fit, like hockey, basketball and football and the place to play them.

We want homes for our old people and our poor on the reserve. We want clean water and clean air. We want equal fishing rights and hunting rights. We want to learn how to become doctors and nurses and dentists.

ROBERT QUILL: Hello. I am Robert Quill. What do you want emotionally? Our vision is to be happy. We want to relax and have dreams and laugh. We want to love and talk. We want more Indian counsellors. We want nobody to hurt us and make fun of us. We want to feel safe. We want our own police. We want a justice system that works. We want to know our native culture. We want to draw and do art and have music. We want to respect each other. We have to have a better future.

BOB CLARK: Hi. My name is Bob Clark. What do we want mentally? Our vision is to have a good education. We want to know lots of things. We want to have bigger Coldwater School and more funding for teachers. We want travelling buses to bring us to new places to learn. We want a museum with changing displays. We want to read more books. We want to learn our native language. We want to know how to be an artist, a nurse, an author, editor, publisher, fireman, marine biologist, lawyer, architect, police officer, waitress, chiropractor,

business manager or astronaut.

DIONNE ALGAM: Hello. My name is Dionne Algam. What do we want spiritually? Our vision is to know our native beliefs, our language, our culture. We want to listen to the elders and hear their stories. We want our elders and our people to hear. We want to be dancers, drummers and singers. We want to have sweats and pow-wows. We want the eagles protected. We want nature around us. Thank you for hearing us.

CO-CHAIR RENÉ DUSSAULT: I would like to congratulate each and every one of you for taking the time and putting the effort to put your thoughts together and to bring them to us. I think your presentation shows that team work can do things that a single individual can't do. Your presentation was certainly stronger and better with the ideas of the six of you. I thank you very much and we are going to think of it throughout our work. Thank you.

COMMISSIONER PAUL CHARTRAND: I also want to add my expression of thanks to you. When I read your presentation it makes me both happy and also sad to appreciate the historic truth of what you are saying. You are putting in very understandable language things

that people who make a living studying things are always struggling to try to explain. You have done a marvellous job and I thank you very much. Your presentations certainly will get the consideration they deserve. Thank you very much.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, Coldwater. Are you through? You've got one more.

JANICE ANTOINE: Mr. Commissioners, we have our primary students. We have 32 of them. They are from Grade 1 to Grade 3 and they have a short presentation. I am going to turn the microphone over to their teacher Linda Baird.

LINDA BAIRD: Greetings, Commissioners, elders, chiefs of the Nicola Valley, ladies and gentlemen, boys and girls.

A song written by an acquaintance of mine, Ray Thompson, tells you how I feel about the Nicola Valley and how these children do. I will share with you a verse. It says:

"Come with me to the beautiful Nicola Valley,
This wonderful place that I know, with its wide green valleys and sparkling lakes, where

the gentle Nicola flows."

We hope you enjoy your stay here and enjoy the Nicola Valley as much as we do.

It has been my privilege to teach at the Coldwater School for seven years. In these seven years, I have seen many, many positive changes. At this time, the primary students wish to share with you some of their ideas and dreams. These words are theirs. We did help them put them together, but the ideas are from them. I am going to move the microphone from one to the other.

A STUDENT: "C" is for Canada, our culture, our Chief and Council.

A STUDENT: "O" is our old school - nine years in all.

A STUDENT: "L" is listening and learning our native language.

A STUDENT: "D" is new directions and developing self-government.

A STUDENT: "W" is the wisdom we can offer for a brighter and better future.

A STUDENT: "A" is for our ancestors who gave us a rich heritage.

A STUDENT: "T" is teacher, traditions

and travels.

A STUDENT: "E" is the elementary class - 32 of us in all.

A STUDENT: "R" is about respecting, responsibilities and rights.

A STUDENT: "S" is a new school, we're sure you will consider

A STUDENT: "C" is Coldwater community, where we live, work and play.

A STUDENT: "H" is hope for happy, healthy students.

A STUDENT: "O" is our openness to new ideas and learning.

A STUDENT: "O" is also open doors for visitors and parents.

A STUDENT: "L" is for laughter, love of live, our lost land and life-long learning.

THE STUDENTS: This spells Coldwater School. A place that we dearly love. We're sure you will notice, we're a very positive, perky crew. And hope you'll be as positive, as you recommend and review.

CO-CHAIR RENÉ DUSSAULT: I would like to congratulate you for coming here in such a great number.

I think I will express what everyone in this room thinks from looking at you and hearing what you just told us. I think everyone in this room is proud of you. We certainly got the message coming from the Coldwater School, but also under each of the letters. They were very important words. I know you've been working hard to prepare this.

We were happy to be in your school yesterday, but it is even better today because now we see the result. We thank you very much for coming us your dreams, your thoughts and your hopes. I wish you the best of luck in your school year, in the years ahead and keep up with your dreams, they are possible. Thank you.

COMMISSIONER PAUL CHARTRAND: I would like to add that these were 32 great presentations, but I think, as in fact has been admitted, you had just a little help and I think your teachers had a lot to do with these presentations. If you little ones agree, I wonder if you would like to give them a hand for all the help they gave you.

Thank you to all the teachers as well who have done a marvellous job of assisting these young ones. I could tell early on that the teachers helped. I think I saw suggestions in there for a raise, did I?

JANICE ANTOINE: Just for a new school.

Our last presentation will be by representatives from the high school, Dianne Oppenheim, Candice Oppenheim and Tracey Aljam.

DIANNE OPPENHEIM: Mr. Commissioner Dussault and Mr. Commissioner Chartrand:

DIANNE OPPENHEIM, CANDICE OPPENHEIM AND TRACEY ALJAM: "Hanthla Gux Gux mean shnuk nookwa ush shyeet gin ma

Eea dash kl ash enaya

Eea nook n shwow"

DIANNE OPPENHEIM: The English translation for this is "Greetings, elders, friends and people. I am glad that you are here today. My heart feels good."

I am Dianne Oppenheim. On my right is Tracey Aljam and on my left is Candice Oppenheim. We welcome you to the Nicola Valley.

We are honoured to have this opportunity to meet with you and to share our feelings with you. We represent the Coldwater High School students and we are speaking on their behalf.

The teenagers on our reserve are no

different than any other teenagers, but in some ways we are. We want our future to be filled with a good career and a good education. The youth in our school have dreams to become a lawyer, actress, mechanic, doctor, police officer and a rancher.

As future leaders, we would like to see our dreams fulfilled and jobs and economics to be improved for the better of our people. Part of our dreams is to have a better lifestyle for our people. We feel that having jobs available for our people would further their education and lead a better life for the children. We think if jobs were available on the reserve instead of having to go downtown to work, drugs and alcohol would decrease from most of our people.

With the education system, we as students feel it is necessary to learn about our cultural background before it is lost. At our school we are learning our native language and things about our old ways. We are thankful to the school that they teach us about our culture. By starting to learn about our history, we feel better about ourselves. We recommend that all schools teach the students about their culture. But we also feel it is necessary to have more funding for band

operating schools. With this extra funding, we can expand our school with other native and non-native students. We can also have extra classes, such as mechanics, woodwork, art., music, law, drama, computers, a proper gym and a proper science lab.

With these hands-on classes for the youth, it would be easier to choose a career we like. That way, if we have a career to plan ahead for, it would lead us into further education, which then we will be able to to achieve our dreams and goals in life.

CANDICE OPPENHEIM: On this land in the past, our ancestors took great care of and respected the land. We, as youths, feel we should not be moved onto small land properties. We feel this is very important because of our relationship with the land, water and the environment.

The inherent self-government right provides an opportunity for First Nations' people to set their own new paths for their future. Self-government can lead us into building better educational systems such as more band schools and colleges. Self-government gives us the opportunity to use our language and to discover our identities and traditions.

What we discover now in our lives will be an involvement in our future and we feel it is important to have self-government today. With self-government in our community, we can provide experience, responsibility and a good start on our future. Having self-government doesn't change everything and it doesn't make everything better all at once, but it would give us, the youth, a chance to plan ahead and to experience bits and pieces of our future, and that to us is what we need.

Self-government will support us in our health needs, in our dental clinic needs and in our medical needs, that we so greatly appreciate being taken care of in the past, present and future. With self-government we can create our own jobs and in that we can provide the money that we need to make proper health care a success on our reserve.

TRACEY ALJAM: We, as part of the youth, notice that most teenagers are involved in alcohol, drugs, crime and suicide. To begin with, we would appreciate funding for a recreational co-ordinator and for activities. If we had recreational activities on our reserve, the youth would have other options to turn to.

1 Some suggestions that we would like to
2 have as activities are: rodeo grounds, pow-wow grounds,
3 a baseball field, trail rides, a swimming pool, track and
4 field or a recreational centre for indoor games. With
5 different activities to do, the youth would begin to look
6 towards a better life for themselves.
7 We think that with different things to
8 do, we feel it would improve the regular routine that
9 happens every weekend. Also, we would like to see a Native
10 World Youth Exchange Program to begin, so we can learn
11 and experience about other cultures and customs. We feel
12 it is important to join all Aboriginal people as a group
13 to work together as one like the way we did before.
14 Again, we thank you for giving us this
15 opportunity to be heard. We hope and trust that some of
16 our opinions and feelings will be kept within your hearts.
17 Kook Shtem. Thank you.
18 **CO-CHAIR RENÉ DUSSAULT:** Thank you.
19 I would like to thank you for giving us
20 maybe what is the best definition of self-government so
21 far. It is not a nuts and bolts and technical definition,
22 but I think it says it all. As such, it is a very important
23 contribution.

1 Also, I would like to share your concerns
2 about problems like alcohol, drugs, crime and suicide
3 within the young Aboriginal people. We feel that these
4 problems are rooted in many, many other problems, but we
5 are happy that you show your readiness to fight those
6 problems through concrete solutions, like sports,
7 recreation facilities and also it was quite clear from
8 your presentation that the building of self-government
9 will be pretty much come on your shoulders. It is
10 refreshing to hear that you are ready to forge ahead and
11 get the training to handle those jobs, both governmental
12 jobs and management and accountancy, but also in the
13 services.
14 I can only hope that we will be able to
15 open the doors for you to be able to have a choice of making
16 what you want to make of your life professionally. Also,
17 we know that if you are given that choice, you will make
18 sure that life in your communities will be what you want
19 it to be.
20 Thank you very much for your
21 contribution.
22 **COMMISSIONER PAUL CHARTRAND:** Thank you
23 very much. You have emphasized that the things you want,

the things you want to change are the things that young people everywhere want to change.

I think you have assisted us in a very significant way to give the message to Canada that what the First Nations want is right, to give the message to Canada that what the First Nations want for the children is what the rest of Canada wants for their children as well and that what First Nations want is long overdue. I thank you very much and congratulate you. I wish you well in your studies and your life endeavours. Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much.

I would now like to call upon the Shackan School.

MARTHA ASPINALL: Good afternoon everybody. Good afternoon, elders, Chief and Council, Commissioners Chartrand and Dussault.

This presentation is from the Shackan Band School. My name is Martha Aspinall. I have been working with the school for six years now. I would like to let you know that I am very proud of these students because when I'm working with young people at risk it's a great job that has been handed to me and I believe that

I've fulfilled many of the things that my bosses have asked of me.

To introduce the presenters I have Glen Michel to my right. Glen is the Treasurer of the Student Council. Next to Glen is Charmane Sheena who is the President of the Student Council. Next is Ally Holmes, Secretary, and our teacher Daphne Randall. I support of their Student Council Executive Board are Rhonda Phillips and Kathleen Berg.

Charmane will start out with the presentation.

CHARMANE SHEENA: We, the students of Shackan School, would like to welcome the Royal Commission on Aboriginal Peoples. We welcome the elders, Chiefs, Band Council, other schools and people from near and far. We also thank you for the invitation to hear our concerns.

Why do we have separate schools? We students who attend the Shackan School don't feel comfortable in public schools because of past experiences dealing with racism and cruelty. Some of the disadvantages are that the colour of our skin, the way we dress stopped us from being accepted. We were put down and assume that we were slow learners. To us, the public

1 school didn't care whether we learned or not. Many of
2 us were pushed through the grades and, therefore, our
3 learning was inadequate.
4 In public schools we could not learn
5 about our heritage, culture or history. To top that, we
6 think band schools provide these very important courses.
7 Also, public schools direct us to take the French language
8 instead of our own languages. We disagree with that
9 because without our languages our identity as native
10 peoples are at risk of becoming extinct instead of
11 distinct.
12 Our languages are now being accepted by
13 the universities. That tells us that Canada is now
14 recognizing and acknowledging our way of life and our way
15 of thinking.
16 At Shackan School our passing mark is
17 80 per cent, in comparison to the public school. People
18 around us put us down by saying all kinds of harsh things
19 just because we did not make it in the public schools.
20 Many of the non-native people say we should stick to our
21 kind.
22 We also find that the Department of
23 Indian Affairs is cutting back on post-secondary education

1 funding. Native schools get less funding. Therefore,
2 we did not have available to us the proper books, equipment
3 or proper credits even though we work just as hard to
4 complete the required work.
5 We students are afraid for our children
6 and afraid that we won't be able to go to university.
7 We want our children to learn about their rights as First
8 Nations' citizens. This is something we cannot get in
9 public school. The future to us has to change so that
10 our children may have the opportunities for a better life.
11 **SALLY HOLMES:** Federal
12 responsibilities. The Commission should look at funding
13 allocations that are at parity with public schools. Just
14 because our teachers work at band schools does not mean
15 they should be paid less. The operational funds should
16 not be less than the public schools. The band schools
17 have just as many upkeep problems as public schools. The
18 materials and labour costs are the same.
19 At Shackan School the Year 2000
20 curriculum frame is being followed. However, there has
21 been no compensation for the B.C. Ministry of Education's
22 recommendation to use the suggested resources.
23 Provincial Responsibilities. Band

1 school curriculum should be recognized and accredited by
2 the B.C. Ministry of Education.
3 Community Resources and Training. In
4 our school there are two language groups. We feel there
5 should be adequate funds to cover costs for teachers and
6 curriculum development for both languages.
7 School Facility. We need a larger and
8 more permanent facility to include the following:
9 gymnasium with proper equipment and a P.E. teacher; updated
10 computers and relevant technology; funds to update
11 textbooks and improve library resources; funds to
12 accommodate a broader selection of subjects, such as
13 accounting, mechanics, business ed., consumer ed., peer
14 counselling, wildlife/forestry and conservation
15 education, outdoor survival and traditional education;
16 funds to access testing and assessment
17 resources for the students who require special education;
18 credit programs for career
19 shadowing and work experience;
20 funds to cover costs for audio/visual
21 equipment;
22 science laboratory and equipment;
23 larger kitchen facilities for our home

ec. classes;

funds to cover costs for sergers and sewing machines. We presently have one machine and one serger for 15 people;

funds to bring elders to school and field trips for advice and direction and guidance in cultural teachings;

funds to develop a cultural healing centre for young adults and to be staffed with on-site counsellors.

Shackan School Professionals and Para-Professionals. More funds to cover professional development and training in the following areas;

aptitude assessment;

career choices computer assessment;

janitorial;

curriculum development;

current training programs in dealing with youth at risk for all staff.

Transportation. A larger bus as the Shackan School program involves and includes travel as means to enrich and enhance the school program. Adequate funds to maintain the bus as the present funds cover fuel,

repair and maintenance and bus driver wages and benefits.

MARTHA ASPINALL: Commissioners, that ends the Shackan School presentation. I am very proud of her.

CO-CHAIR RENÉ DUSSAULT: Thank you very much. I would like to extend congratulations to all of you. I think you have raised two very important issues: First, that the public school system does not work for everybody by far. Obviously, at the Commission we are going to look at the public school system because it is the main system and normally it should be designed and developed in a way where the needs of Aboriginal people will be taken into account.

Also, you have shown us that that was not a reason to give up and you've found another solution. I think you are a living example of what could be done when the will is there to develop one's own means. Of course, we realize that a lot has to be done to make it a better place, more pleasant and with all the tools that would be necessary. We are also going to look at that, but coming and presenting this brief to us this afternoon was certainly a very important gesture for yourselves,

1 but also for those who will follow you. Thank you.
2 **COMMISSIONER PAUL CHARTRAND:** Just a
3 brief moment, if I may. I want to thank the entire group
4 for your presentation. You began by telling us that you
5 were proud of these students; I think we all are. I think
6 a lot of people are here. I had the feeling it was like
7 playing a baseball game in someone else's home town and
8 the home team is being cheered by all the fans around here.
9 I think there are a lot of people who share those same
10 feelings about these young people and that is excellent.
11
12 You brought up many important points.
13 Your paper contains things about the condemnation of the
14 fears and prejudices in this country and that affects the
15 school system and many other systems, but it also contains
16 very positive things. You referred to the recognition
17 of the peoples' languages by the universities for example.
18 I found out that right across the country, in Nova Scotia
19 for example, a student presented a Master's thesis in his
20 own language, in Micmac, and had it accepted by the
21 university. That is a first, it appears in this country,
22 so some things are indeed moving.
23 We have heard also your points about the

unequal services and we've heard that many times in the context of education and elsewhere. We will certainly look into that. Thank you for telling us about what the facts are like in the school. You help us by moving us to work hard to see what it is that we can tell the government to do to change these things. Again, thank you very much.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much.

Before we go on to the next presentation, the Nlaka'pamux Tribal Council, I would like to acknowledge the presence of Senator Len Marchand and his wife Donna. Welcome to the beautiful Nicola Valley. Bob.

CHIEF ROBERT PASCO (Nlaka'pamux Tribal Council): Commissioners, chiefs of the Valley, community leaders, elders, youth, ladies and gentlemen, before I begin with my presentation, I would like at this time to make two acknowledgments. The first acknowledgment is to those people who provided the wonderful lunch that we had. I thank those people for preparing that. I guess the other point I would like to make is I would like to show appreciation to Clyde Sam for what appears to be a great job that he has done in organizing this Hearing.

1 I would like to go on by introducing
2 myself. My name is Bob Pasco, I am Chief of the Oregon
3 Jack Creek Indian Band, known in our language as the Indakum
4 (ph) is the land where I am from. The presentation I am
5 making here today is on behalf of the Nlaka'pamux Nation.
6 I have two other people from our Nation, Chief David Walkem
7 from Cooks Ferry. He is going to be making a presentation
8 and I have Mayton Spinx, previously a Chief from one of
9 our Nlaka'pamux communities at Lytton.
10 I have a presentation that I am going
11 to read. It's important that I present this submission
12 in its entirety. The presentation is the "Nlaka'pamux
13 Nation Submissions and Recommendations to the Royal
14 Commission on Aboriginal Peoples".
15 The Nlaka'pamux Nation is an aboriginal
16 nation whose territory is roughly outlined on the attached
17 map prepared by James Teit. We welcome you to our
18 territory.
19 You come as a Royal Commission created
20 by the federal Crown to gather information from and report
21 to the federal Crown on a wide range of issues related
22 to Aboriginal peoples. You are to propose specific
23 solutions to problems which have plagued the relationship

among Aboriginal peoples, the Canadian government and Canadian society as a whole. You are not the first Royal Commission that has been given this task. There have been many before you. The real challenge facing you is not in the gathering of the information, but rather in ensuring that the recommendations which flow from your work are given effect.

In telling you the information about our Nation, we are placing in your the responsibility to honour, respect and act on this information. The model of self-government evolving in our nation demands that certain recommendations, as set out later in this presentation, be put into place. It is your responsibility to work with us to understand, develop and do whatever is necessary to ensure that these recommendations are implemented. The information we will share with you today will focus on the Nlaka'pamux Constitution.

The right to self-government is an inherent right of the Nlaka'pamux Nation. The effective exercise of this right is, however, dependent upon there being a governing Nlaka'pamux Constitution. The concept of a constitution is not new to our people.

1 In 1879 a Council of the Nlaka[pamux
2 brought forward a resolution to the Canadian government
3 which set out the rules and regulations as to how we would
4 govern ourselves. This resolution was confirmed at a
5 two-week gathering of over 1,000 Nlaka'pamux.
6 The 1879 resolution was a form of a
7 constitution. The resolution defined the Nlaka'pamux
8 method of government. The resolution also defined how
9 our nation's government would relate to the federal Crown.
10 The recent proposals to amend the Canadian Constitution
11 to include recognition of self-government likewise defines
12 one government's method of governance and how that
13 government relates to others governments, in this instance
14 First Nations' governments.
15 The 1879 resolution provided for the
16 creation of a council which would manage the affairs of
17 our nation. The council was to consist of the Queen's
18 commissioner or agent, the Head Chief, the Chiefs of the
19 several tribes and 13 councillors. The council was to
20 meet at least once per year. The Head Chief and 13
21 councillors were elected by the entire nation. The tribal
22 Chiefs were hereditary to begin with and then later
23 elected.

The resolution was broad based and provided for:

(a) the establishment of a quorum not based on the Indian Act, but rather on global representatives elected by all, together with Chiefs from the various different areas within the nation;

(b) the establishment of rules and regulations related to the actions of individuals with the goals of protecting and managing the nation's resources, and improving the quality and standard of living of individual members;

(c) the requirement of at least one assembly per year;

(d) the necessity of achieving consensus amongst the leaders, in contrast to the use of majority vote;

(e) the assertion of judicial jurisdiction by the levying of fines, controlling of trespassing, and controlling fishing and hunting;

(f) the assertion of legislative jurisdiction through:

(i) the taxation of members to provide for the needs of the nation;

(ii) the establishment of a seat of government which was to move through the territory; and

(iii) a land registry system which was controlled by our people;

(g) the use of formalities, including pageantry, to show honour and respect for the leaders;

(h) the importance of education;

(i) the institution of changes related to domestic relations, including the value placed upon creating equality between the responsibilities of the men and women; and, finally:

(j) the institution of changes related to the economic system.

The federal government rejected the resolution. The reasoning behind the rejection is reflected in the words of the Canadian government officials at the time, and I quote:

"'Hitherto this great 'Nation' from the absence of any central organization such as that now proposed, have been powerless to commit mischief or intrigue against the government or people...Should they obtain the power which they have asked for, other nations will want the same...the formation of this organization

1 would create tension throughout B.C.'"
2 This was Indian Superintendent Lennihan
3 back in 1879, August 28.
4 And:
5 '"the several Bands comprising the Nl'akapxm Nation, which
6 had hitherto been divided and were
7 regarded as separate communities, have
8 united and have elected one chief and
9 13 councillors to represent them.
10 ...this amalgamation of semi-civilized Indians in a
11 country but sparsely settled with white
12 people, it is submitted is a dangerous
13 principal to initiate or countenance;
14 ...the Indians of B.C. belong to different Nations which
15 again are divided into small bands
16 having separate Reserves and not
17 identical interests and are thus
18 incapable while as divided of
19 endangering the peace of the country to
20 any great extent;
21 but should these follow the example set by the Nl'akapxm
22 by amalgamating instead of small
23 isolated Bands in B.C. easily governed,

1 there would be powerful groups capable
2 of controlling by its numbers the
3 section of country which it inhabits or
4 frequents.
5 Sproat should be informed that the Government cannot
6 approve the proposed amalgamation of the
7 Nl'akapxm Nation.'"
8 Deputy Superintendent General of Indian
9 Affairs Vankoughnet to Sir John A. MacDonald,
10 Superintendent of Indian Affairs, 1879.
11 And:
12 '"The Confederation of the Nl'akapxm people is highly
13 dangerous and should be prevented...
14 ...the only thing that has preserved peace in B.C. is a
15 large Indian population...divided into
16 small bands without a head chief
17 possessing general authority.'"
18 Anderson to Walkem 1879.
19 And finally Reserve Commission Sproat
20 is advised by the Deputy Superintendent General of Indian
21 Affairs that:
22 '"the amalgamation is not favourably looked upon by the
23 [Superintendent DIA], and that you

1 should discountenance the same.'"
2 1879, November 20th.
3 One of the results of the federal Crown's
4 rejection of our proposal was that Commissioner Sproat
5 resigned. In his letter of resignation he stated that
6 the Nlaka'pamux Chiefs had made these decisions in order
7 to "help their people in the future". He went on to say:
8 "'...no progress can be made without their intelligent
9 co-operation - the disregard of this...
10 lies at the root of past legislative
11 failures in Indian legislation in this
12 country...
13 ...having urged self-reliance on the part of the Indians,
14 I cannot go back and discourage it...'"
15 Commissioner Sproat's words remain as
16 instructive today as they were in 1879.
17 As history reveals, not only was
18 Nlaka'pamux sovereignty not respected, the federal
19 government outlawed our governing institutions and
20 practices such as the potlatch and did all within its power
21 to annihilate our culture and way of life. The early Crown
22 policies of civilization, protection and assimilation were
23 in contradiction to our sovereignty and in contradiction

to the relationship between First Nations and the Crown set out in the Royal Proclamation of 1763.

The Royal Proclamation provides the framework for the current fiduciary obligations of the federal Crown. Obligations, which to date, have often been unmet. The Nlaka'pamux ratification of our Constitution in no way detracts from the fiduciary responsibility of the federal Crown to our people.

The federal government, as a fiduciary to First Nations is entrusted with the obligation to ensure that the First Nations achieve self-determination, prior to the devolution of the Crown trust obligation. Self-determination is based upon the free and informed consent of a nation to choose their future within their territory.

As a sovereign nation, the Nlaka'pamux Nation must have a nation to nation relationship with the Canadian government which has as its hallmarks; a recognition by the Crown that the Nlaka'pamux are a distinct people with specific and unique rights over our territory, and with our own government; our link with the Crown must be by treaty which recognizes and confirms our nation to nation relationship and the unique fiduciary

1 relationship between the federal government and the
2 Nlaka'pamux.
3 The refusal of the federal government
4 to meet its fiduciary obligations and the undeniable
5 federal policy of divide and conquer has hurt our
6 communities immeasurably. However, despite all that the
7 federal government has done to us, the Nlaka'pamux have
8 never lost our understanding of who we are. We are now
9 revisiting the concept of a written constitution to reflect
10 this understanding.
11 Membership in the nation, that is, who
12 is Nlaka'pamux, will be a key aspect of the Constitution.
13 The Indian Act and the membership provisions found in
14 the Act do not reflect who is Nlaka'pamux. Status
15 non-status, on and off-reserve are concepts of divide and
16 conquer. As a nation we are directing our efforts at
17 unity. As the comments of the earlier federal government
18 officials attest to, there is great strength in unity.
19 The Indian Act will be taken into account
20 in the Nlaka'pamux Constitution as a phase in the
21 transition to self-government. Existing Chiefs and
22 Councils elected under the Act will be able to continue
23 to exercise Indian Act powers, if they so choose.

1 Aboriginal title and rights, however, cannot be dealt with
2 under the Indian Act.
3 Nlaka'pamux unity, although threatened
4 and hampered by the Indian Act, does exist and is reflected
5 in the submission of our "comprehensive claim" which must
6 be resolved through the treaty making process. I would
7 like to point out at this time that our comprehensive claim
8 on behalf of the Nlaka'pamux was presented to the federal
9 government and it was the Hon. Bill McKnight who was the
10 Minister of Indian Affairs and he accepted it I believe
11 in November of 1987. It was accepted by the province
12 within this last year.
13 All communities within our nation are
14 included in and support the claim. Nlaka'pamux title and
15 rights belong to the whole nation and are communal in nature
16 even when being exercised by individuals. The
17 Constitution will ensure that the treaty is negotiated
18 and concluded with full and proper authority on behalf
19 of all Nlaka'pamux.
20 The Nlaka'pamux recognize that with our
21 rights come concomitant responsibilities. To meet the
22 responsibilities, our authority must be recognized by our
23 own people, by other governments and by third parties.

1 The parameters of our authority will be found within the
2 Constitution. This will provide reassurance to
3 non-Nlaka'pamux within our territory, to our own people
4 and to all those affected by Nlaka[pamux title, rights
5 and responsibilities, that all people will be treated
6 fairly and all interests considered.
7 Our responsibility to protect our rights
8 is a responsibility we owe both to our ancestors who
9 struggled unceasingly to protect the same rights and a
10 responsibility we owe to future generations from whom we
11 are borrowing the rights. Our ancestors have given us
12 the values on which to base our written constitution:
13 (a) The Nlaka'pamux Nation is a
14 sovereign nation with a distinct and aboriginal culture;
15 (b) The importance of protecting,
16 preserving and allowing continued evolution and survival
17 over time of the distinct Nlaka'pamux Nation;
18 (c) The importance of protecting,
19 preserving and ensuring continued evolution of the
20 collective aboriginal title and rights held by the members
21 of the Nlaka'pamux Nation;
22 (d) The importance of managing the
23 affairs of the Nation; and

(e) The importance of a central representative council who will govern the affairs of our Nation in relation to our collective aboriginal rights and title.

Our ancestors' vision is clear in the early Declarations which they made to the federal Crown and which we include in our submission to you as a reflection of our respect for their wisdom, foresight and courage. We are confident that the struggles of the past can have a positive resolution. I want to point out that that submission that was made in 1911, you have it in your package and I think if you took a close look at it, we are almost repeating history here today. There has been very, very little movement. There has been absolutely very little movement in that direction. The basis of our recommendations are based on that particular document.

A written constitution is a means to inform others as to who the Nlaka'pamux are, how we are governed and what our relationship is to other governments, including other First Nations. This in itself should be conciliatory and should aid in the resolution of past struggles. Lack of knowledge and understanding give rise to unfounded fears and create a niche for divide and conquer

1 strategies and conflict. We do not want our future to
2 be based on conflict. Constant conflict hinders the
3 achievement of our objectives.
4 The Nlaka'pamux Nation is currently
5 meeting with neighbouring nations to reaffirm the borders
6 of our territories and our government to government
7 relationships. In recognition of our responsibilities
8 as a government., in 1989 the Inter-tribal Fishing Treaty
9 was entered into by the Nlaka'pamux Nation. This treaty
10 recognizes and protects First Nations' rights and
11 responsibilities to the Fraser River Salmon. The
12 Constitution will reflect the authority to negotiate with
13 other governments and will also reflect the authority to
14 enter into treaties.
15 The purpose and principles of the
16 Nlaka'pamux Constitution have been provided by our
17 ancestors. With the help of our youth and our elders,
18 the details of the Constitution will be developed. Some
19 of the matters to be dealt with within the Constitution
20 will include but not be limited to: The form of
21 Nlaka'pamux government, management, regulation and
22 protection of the use of Nlaka'pamux territory and
23 resources, legislative and judicial jurisdiction,

membership/citizenship and relationship to other governments.

We understand that the Royal Commission on Aboriginal Peoples seeks input on proposed resolutions to existing problems. While we have discussed our Constitution in some detail in this submission, we do not see the federal government as having a role to fulfil in the development and ratification of the Constitution. Ratification of the Nlaka'pamux Constitution will be an act of sovereignty which does not depend on the federal Crown's approval or agreement. However, in the interest of peaceful and mutually beneficial relations between our governments, we have shared with you, in our submission, our understanding of our government to government relationship with the federal government as it is reflected in our Constitution.

Although the federal government will not have an active role in the development and ratification of the Nlaka'pamux Constitution, the implications and application of the Constitution will directly involve the federal government.

Recognition of the right to self-government has recently been reconfirmed in the

Canadian Constitution discussions. This recognition must not be withdrawn. The protection of aboriginal rights within section 35 of the Canadian Constitution includes the right to self-government as well. The recent "no" vote in the constitutional referendum is irrelevant to the recognition and scope of self-government.

The recognition of self-government must go beyond political rhetoric and must result in respect for and support of inherent Nlaka'pamux authority. The governance of the fishery on the Fraser River in 1991 is an example of the federal government's lack of respect for First Nations' authority and further is a clear example of divide and conquer strategies continuing to be implemented.

The Department of Fisheries and Oceans management of the Fraser fishery this year was a clear breach of its obligations pursuant to the Sparrow, Guerin and Vanderpeet cases. There was no meaningful consultation; up-river Nations' rights to adequate fish ere ignored and promises were broken to name but a few of the federal government's breaches. Further, the Pearce Inquiry lacks the mandate to determine the underlying problems with the fishery.

The development of the Nlaka'pamux constitution and the treaties that will follow, reflect a Nlaka'pamux desire to deal with past wrongs and current issues in a peaceful and co-operative manner. The federal government is making this difficult to do. We recommend that the federal government respect Nlaka'pamux authority and rights and cease from pursuing a divide and conquer strategy.

Discussions should begin immediately between the Nlaka'pamux and the federal Crown on how mutual co-existence, based upon a nation to nation relationship may occur through treaty making. Such discussions would include the establishment of common principles to be applied during the negotiations.

The Nlaka'pamux Nation and every other First Nation must come to treaty making with the federal government with its own unique title and, on that basis, create its future relationship with Canada. At its most fundamental, our treaty with the federal government must be based upon the accommodation of our aboriginal title and the principle of informed consent of the Nlaka'pamux. That is a very important point is the informed consent.

There are many issues with which we are

1 concerned as a nation, including language, health care,
2 education, social welfare, criminal justice, economic
3 development and natural resources to list a few. These
4 are all issues to be dealt with at one level in the
5 Nlaka'pamux Constitution and at another in our treaty with
6 Canada.
7 With the Nlaka'pamux Constitution will
8 be recognition of the federal government's fiduciary
9 obligations to our people. Our recommendation to your
10 Royal Commission is that the federal government begin
11 meeting its fiduciary obligations. One example of how
12 this could be done would be for the federal government
13 to not act against Nlaka'pamux best interests by denying
14 our aboriginal rights to the fishery in the Pasco
15 litigation. To deny the Nlaka'pamux right to a livelihood
16 based on the fishery is to deny the financial independence
17 which is needed to be self-governing under our own
18 constitution. Our nation has been kept financial poor
19 by the colonial actions of the federal government.
20 Interim agreements must be reached
21 immediately with both the provincial and federal Crowns
22 which establish the ground rules for what will occur in
23 our territory prior to the conclusion of a treaty. In

1 particular, they will address the ongoing use of resources
2 within our territory. These agreements will serve to
3 avoid unnecessary conflicts during the time in which the
4 treaty negotiations are being conducted. These interim
5 agreements must include a process to be used prior to any
6 licences or permits being granted to third parties who
7 intend to access and use resources within our territory.
8
9 The Canadian judiciary, legislature and
10 public have all spoken out on the injustices perpetrated
11 against aboriginal peoples and the horrendous effects that
12 have resulted. When we were truly self-governing we were
13 a prosperous and a healthy society. We believe that any
14 viable solutions to the problems we face as an aboriginal
15 nation today must come from within our nation with the
16 support of the federal government as a fiduciary.
17 To this end, it is critical that we, as
18 the Nlaka'pamux Nation be involved in the implementation
19 of the recommendations of this Royal Commission. Whatever
20 the words of your final report and recommendations may
21 be, they will mean little if they are not met with the
22 political will, the knowledge and the ability to achieve
23 their intent. Neither the federal government nor First

1 Nations alone can achieve resolution. At a minimum, we
2 wish to receive a formal reply to our submissions and
3 recommendations indicating what action will be taken in
4 response.
5 We recommend that a preliminary report
6 be tabled for First Nations' review to ensure the
7 Commission has understood what we have told you in writing
8 and in person. When the final report is submitted, then
9 a joint First Nations - Federal Government Implementation
10 Committee should be struck with a clear mandate, a time
11 frame and authority to take action to ensure this Royal
12 Commission is a movement away from the dishonour of the
13 past and an effective vehicle of change.
14 In summary, the Nlaka'pamux Nation
15 recommends that:
16 (a) The federal Crown fulfil its
17 fiduciary obligations to First Nations and specifically
18 to the Nlaka'pamux Nation including:
19 (i) Ensuring First Nations achieve
20 self-determination prior to devolution of the Crown trust
21 obligation;
22 (ii) Acting in the best interest of the
23 Nlaka'pamux Nation;

(iii) Ceasing litigation opposing Nlaka'pamux title and rights; and

(iv) Ceasing all "divide and conquer" strategies;

(b) The federal Crown accept nation to nation/government to government relation with the Nlaka'pamux Nation in recognizing title and rights;

(c) The federal government treat with the Nlaka'pamux Nation beginning immediately with discussions on mutual co-existence based on a nation to nation relationship;

(d) The federal Crown continue recognition of the right of self-government including respect for and support of inherent Nlaka'pamux authority;

(d) The creation of future relations be based on accommodation of Nlaka'pamux aboriginal title and the principle of informed Nlaka'pamux consent;

(f) The federal government take remedial action to correct the colonial actions which keep the Nlaka'pamux Nation financially poor, including ending the denial of our right to a livelihood based on our aboriginal right to the fishery;

(g) The federal government negotiate

1 interim agreements directly with the Nlaka'pamux Nation
2 regarding third party access to our territory and
3 resources;
4 (h) The Nlaka'pamux be actively involved
5 in the implementation of the recommendations of this Royal
6 Commission;
7 (i) A joint First Nations - Federal
8 Government Implementation Committee be formed to initiate
9 the Royal Commission recommendations, and finally;
10 (j) The federal government respect the
11 Nlaka'pamux Constitution.
12 The Nlaka'pamux Nation will continue to
13 survive and evolve. In our submission and
14 recommendations, we have focused on the Nlaka'pamux
15 Constitution. The rights, the powers and the
16 responsibilities recorded in the Nlaka'pamux Constitution
17 reflect our past and are the key to our future. We ask
18 that our Constitution be respected accordingly.
19 I would like to end it off by stating
20 that the effort that has been put forward here has been
21 an effort that has been ongoing as the paper states. There
22 have been concerns that have come forward from our people
23 in terms of self-government and even the recognition of

it and how we want to proceed. This work has been ongoing, as I say, and the paper indicates that it has been right at contact, right to the present day. It is of utmost important to the Nlaka'pamux that something be done about this and that your Commission has been given the authority to deal with this. We would like to have some positive action on the recommendations that we have presented.

I would like to end off by saying Kookstaub. Thank you on behalf of all the people.

CO-CHAIR RENÉ DUSSAULT: Chief Pasco, I would like to thank you for providing us with such an informative and detailed brief as to what you see as the approach to self-government. It is always useful in these matters, as you know, to go back to history and to understand better what is at stake now.

I would like, first, to ask you a question in terms of as far as statistics are concerned. There are 16 bands within the Tribal Council. How many member does it represent?

CHIEF ROBERT PASCO: Probably around 7,000.

CO-CHAIR RENÉ DUSSAULT: Seven thousand, because we know from the presentation by the

Tribal Council this morning that for the --

CHIEF ROBERT PASCO: You see, there is a difference between Indian Act registry and Nlaka'pamux registry.

CO-CHAIR RENÉ DUSSAULT: But are you talking about the Indian Act registry?

CHIEF ROBERT PASCO: No. I am talking about the Nlaka'pamux registry.

CO-CHAIR RENÉ DUSSAULT: In your presentation you present a brief for the development of self-government for the 16 bands and that comes under your Council.

CHIEF ROBERT PASCO: Yes, the 16 communities would be involved. The]y are part of the process, absolutely.

CO-CHAIR RENÉ DUSSAULT: Just to make sure that we understand, geographically, because the five bands in this valley, so you extend -- so there are 11 bands outside the valley or communities that are under your Council?

CHIEF ROBERT PASCO: This map that you see was put together by James Teit in the late 1800s. There has been some changes, yes. But, basically, this

is the map --

CO-CHAIR RENÉ DUSSAULT: That you are working with?

CHIEF ROBERT PASCO: Yes.

CO-CHAIR RENÉ DUSSAULT: This is one of the major questions as far as self-government is concerned in our discussion paper "Framing the Issues". We asked whether this should take the form -- and it varies, depending on the areas in the country, but whether it should take the form of a nation, the nation itself or a treaty area or, in some instances it would be more at the community level. So, I understand that from your point of view it would be at the nation.

CHIEF ROBERT PASCO: I think if you look at the concept of rights and title, it's a group of people that own that. In order to deal with it through a treaty, you have to deal with the people that have that right. So, first of all, you do start with the nation, but it's up to the communities and the membership to determine how that process is going to come into place. You have to make that allowance at the very beginning. You can't cut it short like the Indian Act does.

CO-CHAIR RENÉ DUSSAULT: I understand

from your brief that you are presently working towards the development of your own Constitution, along the lines that were given to you by your ancestors?

CHIEF ROBERT PASCO: Yes, that's definitely something that is going on, yes.

CO-CHAIR RENÉ DUSSAULT: You have mentioned in your brief that the outcome of the Referendum, the vote, had nothing to do with that and, in fact, we realize that even within the Charlottetown Accord there were agreements that were necessary. One of the practical concerns I have is that we are aware that you see a relationship with the federal Crown and that in this part of the country many of these relationships were started before the creation of Canada as such. What role, if any, do you see for the provinces because it is pretty much in the minds of many people in this country.

CHIEF ROBERT PASCO: I guess it is pretty clear to us that the federal government has a very clear-cut fiduciary responsibility. I guess that is where we start.

As we bring in as a province and as others come into the picture, then we will deal with it at that basis. But I think the starting point is definitely with

1 the federal government because it does have the fiduciary
2 responsibility and it comes right out of the Canadian
3 Constitution unamended.
4 **CO-CHAIR RENÉ DUSSAULT:** But you
5 acknowledge that self-government will have to occur within
6 the Canadian context and that comprises the federal
7 government, the federal Crown and also the province?
8 **CHIEF ROBERT PASCO:** I think if you look
9 back to the earlier submission that was made to the
10 government, we haven't walked away from that point. We
11 understand that, but we have to have some place to start
12 from. We have to get going.
13 **CO-CHAIR RENÉ DUSSAULT:** I understand
14 that.
15 **CHIEF ROBERT PASCO:** We understand what
16 it is you are saying.
17 **CO-CHAIR RENÉ DUSSAULT:** Your brief is
18 very helpful because it is informative and detailed, both
19 from the historical point of view but also from the
20 principle that would be involved in your design of
21 self-government for your nation.
22 We are going to, of course as a
23 Commission, debrief after the Referendum, but we were at

work the day after in three provinces of Canada holding these Hearings because we knew the work had to be done whatever the result. We know there can't be one solution for self-government or one model, there will have to be many and depending on the situations of the various aboriginal groups across the country we will certainly have a close look at your brief.

I would like to ask at this point, I suppose that you have discussed that with the valley people because all morning -- I don't want to resume the old habit of divide and conquer, quite the contrary. As we are in the valley, we had a presentation this morning by the Tribal Council. I would like to know what kind of a relationship you have with the valley Tribal Council?

CHIEF GORDON ANTOINE: The five bands of the Swaga, the five bands of the Nicola are part of the Nlaka'pamux people.

CO-CHAIR RENÉ DUSSAULT: So you are participating full-fledged.

CHIEF GORDON ANTOINE: Yes.

CO-CHAIR RENÉ DUSSAULT: In your brief, you ask us to consider not only your brief, but your proposal. We are certainly going to look at it.

As I said earlier, we want to table our final report in less than two years from now, in September 1994. It is possible and we haven't ruled out the possibility of tabling interim reports. We want to be sure though that this will not self-defeat as we are looking at our mandate in a wholistic approach. We want to be sure that if we table some interim reports that these recommendations are the ones that are with us for good and that we will not want to change a year after with additional reflection.

On this whole question of self-government, what we plan to do is it is certainly an area where a discussion document is most likely to come with models that will flow from the information from the Hearings. So, we will have an opportunity to discuss further your presentation.

It is impossible for me to say that we are going to have specific interim reports on a situation like yours. There are many in the country and you understand that our role is while taking into account the specifics of all the regions, it is to come up with workable solutions that will enable the federal government to have the big picture because again one of the problems that

has occurred in the past is we feel too often governments have been afraid to move on one side because they didn't know if the other side of the carpet will twist. So, again we think that the opportunity we have to paint the big picture is one that should not be lost because of the urgency of certain situations.

I wanted to share these thoughts with you and to tell you that I am not ruling out at all further specific discussions with your Tribal Council. Quite the contrary, we hope that as you process you will keep us abreast and informed of the progress. We are very much interested in the development of your Constitution, rooted from the resolution of 1879. It is certainly a good example of what could be done. I would like you to react to those two comments.

CHIEF ROBERT PASCO: I guess you people know as well as I do that you can't have self-government if you don't have a Constitution. You can't have self-government and have an Indian Act. It's a contradiction. It just shows you an avenue of how to achieve that, but it's up to the communities to figure that one out. This is the thought, your Commission has asked and you have 16 points in terms of what it is that

you are out to find. I think the paper addresses your 16 points.

CO-CHAIR RENÉ DUSSAULT: So far it is one of the most detailed and specific briefs on a self-government proposal, a specific proposal, that we have been given.

CHIEF ROBERT PASCO: That was the intent.

CO-CHAIR RENÉ DUSSAULT: It is well done.

Paul.

COMMISSIONER PAUL CHARTRAND: Thank you, Chief Pasco, for an excellent presentation. It certainly goes to the root of our mandate. If I may say so, with respect, it certainly complements in an excellent fashion the submissions we heard earlier today from the Nicola Valley Tribal Council on such matters as education and economic development. I thank you very much.

In the present circumstances, I must restrain my enthusiasm to enter into a discussion regarding all of these various important points. I may say it does contain a lot of detail on that.

I might mention, by way of example, the

view that the fiduciary obligation is an ongoing obligation and not incompatible with your notion of self-government. I note that as an important contribution to this ongoing dialogue. I thank you for it and for the presentation in its entirety, of course, thank you very much.

CHIEF ROBERT PASCO: Thank you.

CO-CHAIR RENÉ DUSSAULT: I think that given the fact that we are running late on our agenda, I think your brief is in the transcript at length and we are going to consider it at length. Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Dave.

CHIEF DAVID WALKEM (Cooks' Ferry Indian Band, Nlaka'pamux Nation): First of all, I would like to thank the Nicola people here for their diligence and work in getting you people here. I mean, just looking around the room here today and seeing those young people involved in this process is key to our development in the future, of enacting the Constitution that Chief Pasco was talking about.

I have been asked to make a presentation on resource issues and territory issues. I am the Chief of the Cooks' Ferry Indian Band which is in Spences Bridge

which is at the mouth of the Nicola River to the west here. In your package that Chief Pasco presented you, there is a map there showing the territory and maybe just a quick review of it. I am sure you have reviewed the Nicola area but it goes over to the west to the Ashcroft area which north of that is Shuswap people and goes through further to the west to the Fraser River just south of Lillooet which are the Stullihom (ph) people, down south from that into the Stein River Valley over to the Harrison, all the way down the Fraser River to just north of Yale. All the bands in those areas that's where most of our people live.

Our territory is also unique in a lot of cases in that we have territory below the 49th parallel, down through the Skagit Valley and around the Mount Baker area. The Constitution that Chief Pasco is talking about has to include that area, that is our area too.

From the perspective of the natural resource development, what I have tried to do is just present some ideas on some principles to consider in how we are going to go from here. My background in this is that I have got a forestry background. I was the first native person who was a registered professional forester

in this province and I have a Master's in Business Administration.

What I will go through here is my presentation. I would like to thank you for this opportunity to present this in our territory. Although these ideas I have put down are mine in the sense that I have put them on paper, they are also the result of the teachings of my elders and discussions with other Nlaka'pamux people.

What is presented here are some general principles to guide the discussions of what must occur in the very near future between ourselves and the Government of Canada leading towards the negotiation and implementation of a treaty that will finally bring us into Canada on terms acceptable to both of our societies.

Just an overview, I don't want to go into all the details you dealt with in the first round, but in the summation of your first round of Hearings you asked two fundamental questions relating to natural resources. These were: Are more land and resources required to be under the control of Aboriginal people in order that Aboriginal people become more self-reliant? and, if so, are Canadians willing to ensure that Aboriginals achieve

1 this? To both of these questions I answer yes.
2 We are plagued by past injustices and
3 numerous social and economic problems with our people,
4 but lack any real control over the resources necessary
5 to address the problems in any significant way. We have
6 become beggars in our own land, chasing one government
7 program after another in a vain attempt to address our
8 peoples' needs.
9 Access to natural resources and revenue
10 sharing and revenue generating mechanisms is the only real
11 way to overcome our problems ourselves. In addition, the
12 recent debate on the Constitution and the advances the
13 Assembly of First Nations have achieved, are evidence that
14 non-Aboriginal Canadians are desirous to correct past
15 injustices and are willing to recognize our basic right
16 to define ourselves and our place within Canadian society.
17 What follows next is a general -- also
18 I have been reminded that what we have in the American
19 states is that the U.S. government has recognized that
20 we do have resources in their territory. They term is
21 as traditional cultural properties, but we have been in
22 negotiations and have been recognized by a federal Energy
23 Review Commission, so they are beginning to take us

1 seriously.
2 I would also like to say that one of the
3 main blocks that we have in this whole process is other
4 native people in the States. It is ironic I think that
5 we have to fight for recognition of ourselves with other
6 native people.
7 What I think the principles that I will
8 be talking about can be used to guide all of our natural
9 resources. I think that using these simple things we can
10 deal with forestry, fishing, wildlife, water, energy
11 production, rangeland, traditional foods and medicines,
12 our own people and nonrenewable resources.
13 Maybe just an aside here on the idea of
14 ourselves as natural resources. I think a lot of times
15 that we forget to recognize ourselves as a real source
16 of our future. I think what we saw this morning with these
17 children coming up and sharing their vision of what they
18 see in the future, it is what I consider my responsibility
19 to try to ensure that they can live their visions and do
20 what I can to make them achieve their visions.
21 Some non-Aboriginal people that I have
22 talked to have come up and said, "Well, we recognize that
23 you've come across a lot of injustices over the years and

all the rest of that sort of stuff, but one thing that we do see is that Indians in a lot of cases put themselves down or put down others of themselves. I think that is something that we as a people ourselves have to take a look at and really consider what we are doing. We've got to challenge ourselves by challenging our younger people to take us into the future.

In terms of natural resources, the vision for the future, the primary questions at this round of Hearings are: What vision do we have of the future? and how do we get there?

My vision of the future has our Nlaka'pamux people being in control of our own people, lands and resources and being equal partners, sharing in the planning and benefits of the future development of this country called Canada. We would have a strong resurgence of our language and culture and would have a greatly reduced poverty level and social problems that would be lessened by a healthier, prouder people better able to control their own destiny.

Our people would be making significant, positive contributions to Canadian society and the economy, through the development of new industries and

1 products based on our culture and our use of the natural
2 resources.
3 Our culture is one of the few in the world
4 that I know of where it is illegal for us to eat our own
5 food or give someone else our own food. I think we have
6 within the development of our culture and our history an
7 ability to expand the products and the industries out there
8 and the uses of our natural resources.
9 These ideas may be a little too much like
10 looking through rose-coloured glasses, but if we are to
11 advance we must have a vision to quest for. I think that
12 was reinforced by the younger children here today. I
13 think, as I have noticed anyway, the younger you are the
14 more positive a future you have. As you get older, you
15 tend to get a little more pessimistic and cynical because
16 you have to deal with day to day realities. I think our
17 challenge is to try to recapture those visions of our youth.
18
19 How we attain that vision is dependent
20 on our strengths and limitations, as well as the
21 willingness of the non-Aboriginal society to recognize
22 our ability to contribute and join with to develop a vision
23 for the future of this country. This I believe can be

accomplished through the negotiation and implementation of a treaty, as well as the fair and orderly transition of ownership and management of natural resources leading up to the signing of the treaty.

These general principles can be used to guide the negotiations of agreements between Aboriginal and non-Aboriginal governments leading to the signing of such a comprehensive treaty, as well as the interim development of resources that Chief Pasco did mention.

The first principle that has to be incorporated is an increased access to land and natural resources over and above the existing reservations we have been placed upon.

The second one is a shared management and control of all natural resources within our traditional territories, or the development of, for want of a better term, "Interim Partnership Agreements," with the specifics to be subject to negotiation.

What this does is a recognition of our Aboriginal rights and title, as well as our obligations that have been passed down to us for the management of our resources.

There must be a mechanism for natural

resource revenue generation and revenue sharing. All of these things that we have talked about today or you've heard or the Constitution or anything else, self-government has to have a way to pay for itself. Within the Constitution that our elders talked about was a mechanism for taxation.

The principle of long term sustainable development for renewable resources and environmentally safe extraction of non-renewable resources is key.

Finally, a principle that is a challenge to ourselves is the empowerment of Aboriginal people and empowering ourselves.

Adherence to these basic principles will enable fair and just settlements of past agreements and enable the establishment of a strong, positive foundation with which to build a bright and prosperous future together.

To get to the position of signing a treaty is going to take time. It will not happen overnight, but neither will it or should it take another 20 years or longer. In the meantime, efforts must be made to reduce further alienation of natural resources from Aboriginal people as the population of this country grows,

1 and to prepare ourselves for the implementation of
2 treaties.
3 The following intermediate steps are
4 recommended for implementation immediately. The first
5 one:
6 Development and implementation of
7 "Memorandum of Understanding" in all resource sectors
8 between the federal and First Nations governments and the
9 province, where appropriate.
10 The objectives with these memorandum
11 would be as follows:
12 To halt the alienation of resources and
13 provide immediate access to those resources that become
14 available.
15 To include Aboriginal people in new
16 resource development that does occur.
17 To begin Aboriginal participation in the
18 various management and control functions associated with
19 each resource sector.
20 The second intermediate step would be
21 the development of agreements with existing industries,
22 as opportunities arise, to improve employment and equity
23 participation in the economy. I think a lot of industries

have taken that initiative and are willing to consider it.

The third step is the skill development of our own people. This would involve a comprehensive plan to include all aspects of schooling, from elementary, basic, to the trades, technical, as well as professional.

One of our biggest roadblocks in getting trained people is the fact that we can't fund certain types of education for our people. For instance, the trades end of things. That severely limits our potential to do anything in the future.

Finally, the settlement and implementation of our treaties. These treaties would provide us with our fair share of land and natural resources, compensation for past injustices and a revenue generation mechanism for the future, our own specified government structure and responsibilities and specification of our relationship with the rest of Canadian society.

In conclusion, we are at an important crossroads in our combined history of the development of this country. The Canadian public, in general, is

supportive of addressing the past injustices we have endured and is willing to negotiate treaties that will guide us into the future.

The future of our ability to be self-determinant and provide a positive contribution to Canadian society revolves around our access to the riches of this bountiful country, the natural resources and ourselves.

The principles presented here assume that treaties will be negotiated, signed and implemented within the next ten years and that the negotiations and implementations will be conducted in the spirit of developing a partnership between ourselves and the rest of Canadian society.

The non-Aboriginal people of Canada have a responsibility to ensure their side of the deal is lived up to and we have the responsibility for our side.

Failure to bargain and negotiate in good faith, or delaying the process will put undue pressure on the natural resources, as well as our peaceful relationship with Canada. Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you very much for your well-informed presentation. I also

acknowledge the fact that you have tried to answer some of our questions that we've put into our document. Of course, these questions need to be answered more than by a yes or a no, but the how it is going to be done. I must say that I am happy that you have included in your document the intermediate steps because everything can't be done in an instant. Obviously, there will have to be steps taken toward the vision.

Also, the way you've coined the vision at the bottom of page 2 of your document is very interesting. It fits a goal with the right words.

Time is running short, we are running a bit late on our agenda. I think will abstain from entering into a discussion at this point. I would like rather to acknowledge this brief with the first one that was presented to us by the Tribal Council and to say that these are very substantial briefs and the Commission is going to consider them at length. We thank you very much for presenting them to us.

Commissioner Chartrand.

COMMISSIONER PAUL CHARTRAND: I too want to thank you for your excellent presentation on behalf of your nation. I apologize, I will not even try to

1 pronounce it. I would not do justice to it.
2 It too complements the others that we
3 have received earlier. Rather than ask questions, what
4 I would like to do is raise an issue that perhaps either
5 Chief Walkem or Chief Pasco may wish to respond to our
6 perhaps you might leave for another day in our ongoing
7 work towards developing our recommendations.
8 You talk in you vision about the need
9 to develop as equal partners in Canada. We heard in Chief
10 Pasco's presentation the idea of organizing an
11 over-arching nation-wide structure for your nation. In
12 your vision of getting the Aboriginal peoples to become
13 really equal partners in Canada, I wonder if you have
14 contemplated the possibility of contemplating another
15 level of co-operation and organization amongst the
16 Aboriginal people.
17 What I see in this paper appears, the
18 way I see it, to be a reflection of what some have called
19 treaty federalism. I say that because, if I understand
20 it, you are submitting that your nation ought to enter
21 into a treaty and it ought to deal, as it appears, directly
22 with the federal government. The question then is do you
23 contemplate the aggregation of those treaty nations in

1 some institutionalized way or another? That is, would
2 they form a federation to co-operate amongst themselves
3 in order to aggregate their power in dealing with the
4 government on certain matters or, another issues which
5 has been raised, that of the creation of say an Aboriginal
6 province.
7 That is the issue I raise because, I
8 said, I did not see it in these two papers. I ask if you
9 have had the opportunity to enter into this debate or if
10 you will be providing us with your advice on that at some
11 other time?
12 **CHIEF DAVID WALKEM:** Maybe I can try to
13 answer that. I don't see us getting involved in -- if
14 I understand you correctly, say the Nlaka'pamux, the
15 Soquotim (ph) and the Stetliem (ph) all get together as
16 a separate federated treaty organization, is that what
17 you are getting at?
18 **COMMISSIONER PAUL CHARTRAND:** Perhaps
19 all in the region, all in the west, in all of Canada,
20 whatever. I am asking to what extent do you believe that
21 here we have, for example, smaller communities aggregating
22 into one larger community, that of your nation. Some are
23 saying is that it or do you contemplate that these nations

in turn will aggregate with other nations, perhaps in this region or across Canada?

CHIEF DAVID WALKEM: I don't really personally see it. I guess I would draw a little bit back from your remark there. It is not a bunch of smaller communities amalgamating into one nation. We the Nlaka'pamux Nation.

COMMISSIONER PAUL CHARTRAND: I didn't mean to suggest that, but even from the perspective, it is an important perspective. It comes from what was talked about, the divide and conquer aspect of it.

CHIEF ROBERT PASCO: Just one point, in terms of your question, I guess yes through mutual consent, mutual agreement with other nations, but one of the things that we have been doing is we presented to you today a map. Our boundaries, we have other nations, other people that speak a different language than we do. We have been dealing with these people. We are trying to get into a formal relationship with these people in terms of doing business, how we do business into the future, as opposed to trying to deal with it through the Indian Act, but through respect and honour.

So there is through mutual consent that

we would be able to I guess address common issues, if you will, as opposed to maybe having one big organization.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you Dave and Bob.

At this time I see a lot of people are going up for a coffee. I would like to break very shortly so that René and Paul can have a break. I would like to remind you that we still have a lot of presentations to go. I would like the people who are presenting their briefs to stay within their allotted time, keeping in mind that the Commissioners may want to ask some questions at the end.

We will have a short break.

--- Short Recess at 3:25 p.m.

--- Upon Resuming at 3:35 p.m.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Just a reminder to stay within your allotted times. Thank you.

The next presentation is by All Nations Trust, Delphine

CO-CHAIR RENÉ DUSSAULT: Good afternoon.

LARRY PEETERS (General Manager, All

1 **Nations Trust Company):** Good afternoon.
2 I would like to introduce Delphine. She
3 has worked in the Similkameen Band Administration office
4 for the past two decades. In 1976 she started from the
5 bottom in the bookkeeping side and in the year of 1979
6 to 1983 she went to Band Accountant and to Band
7 Administrator and currently retaining that position.
8 Delphine has proven to be an asset to
9 her community and other communities and especially to All
10 Nations Trust Company. She is heavily involved in native
11 culture and enjoys travelling through three provinces and
12 four states during the Pow Wow season.
13 In 1983 Delphine participated in the
14 Steering Committee for All Nations Trust Company. This
15 committee was a group that defined the need and developed
16 the concept of a native controlled financial institution
17 which resulted in All Nations Trust. She has been a
18 Director of ANTCO since 1983 and a member of the Executive
19 Committee since 1988. She is also a member of a number
20 of other committees for ANTCO, particularly the Taxation
21 Task Force Committee. Thus, taxation issues for native
22 businesses have become an important concern to her.
23 Delphine feels that the tax issue should be dealt with

at a political level where an impact could be made.

Delphine has also been a Director for the First Nations Tribal Justice Institute since 1991. Delphine.

DELPHINE TERBASKET (All Nations Trust Company): Thank you, Larry.

I was appointed by the Board of Directors of All Nations Trust Company to address the Royal Commission about an issue that has had a debilitating effect on Aboriginal economic institutions. We strive to achieve economic self-sufficiency to provide employment opportunities for our people and to instill in our people a sense of pride and dignity through participation in the business community.

Yet, at each step of the way we are faced with legislative stumbling blocks that undermine our every effort to achieve this goal.

ANTCO was a dream of trusting people, of hopeful elders who believed that we could make a difference. The Native Economic Development Program also believes that we could make that difference. They assisted us in opening our doors in 1987 to commence operations, yet right from the beginning when we were

1 incorporated we were immediately caught within the web
2 of Revenue Canada and the Income Tax Act.
3 It is clear to us at least that the tax
4 liability of Indian owned corporations is contrary to the
5 spirit and intent of the Indian Act. Monies provided
6 through the Native Economic Development Program are for
7 the use and benefit of Indian people, even though offered
8 through an incorporated structure.
9 The purpose of NEDP was to foster
10 economic self-sufficiency for our native people. The
11 Native Economic Development Program moved in that
12 direction through its assistance to All Nations Trust
13 Company. Yet, through taxation we are hampered of
14 achieving those goals, of feeling the sense of
15 accomplishment and of instilling in our people a feeling
16 of self-respect and pride.
17 These are the goals for which we were
18 created, were they not?
19 We strive to build economic wealth for
20 our children and our grandchildren, in a country whose
21 wealth originated from the resources that rightfully
22 belong to them in the first place. Last year All
23 Nations Trust Company net income amounted to over a half

1 a million dollars. This year we will pay $180,000 in
2 taxes. New provincial taxes will add an additional
3 $163,000. We anticipate that we will pay $340,000. This
4 is the amount that it takes All Nations Trust Company to
5 operate for one year.
6 We have not yet reached our most basic
7 goals of teaching responsibility and accountability
8 through deposit taking. Our capital is insufficient to
9 the point where Canada Deposit Insurance Corporation has
10 asked us not to bother to apply.
11 While CDIC is saying insufficient
12 capital, Revenue Canada is saying more taxes and our people
13 are paying a price in frustration, discouragement and
14 poverty line living standards in some areas.
15 We have not yet paid dividends to our
16 shareholders, so that we can pay taxes. For fear of
17 reprisal we have paid those taxes and for fear of closing
18 the doors of hope on some of our people.
19 But how long can any institution operate
20 who cannot provide some sort of a return or benefit to
21 its shareholders? Because we are an inclusive people,
22 we created a company that is widely held. Our investors
23 comprise 30 bands, two Tribal Councils, two Friendship

1 Centres, one Métis Association and 150 individual
2 shareholders. This represents thousands. This widely
3 held structure is not conducive to the normal native
4 organization schemes for reducing taxes.
5 We are beginning to feel that the
6 taxation of corporations such as ANTCO is analogous to
7 past policies to pressure assimilation. Through
8 incorporation we lose our right to be Indian. This is
9 not about charity handouts. This is about giving our First
10 Nations people their opportunity of sharing in the wealth
11 of this country, the wealth that originally belonged to
12 us.
13 In March of this year, at the request
14 of our shareholders, the Board of Directors retained legal
15 counsel to look into the possibility of obtaining tax
16 exempt status for All Nations Trust Company. The report
17 of that investigation has been submitted to you.
18 Our focus on taxation is not for the sake
19 of avoiding payment, but as a source of much needed capital.
20 We see a redirection of tax dollars back into the capital
21 pools of our corporation as a major step in furthering
22 the aspired goals of both the federal government and All
23 Nations Trust Company. It is our hope that someone within

your bureaucracy will become enlightened to the ambiguity and contradiction that exists.

What we are asking from you, the Royal Commission on Aboriginal Peoples, is to be our messengers to address the tax issue. Perhaps together we can help to eliminate dysfunctional business practices that exist and to allow true capacity building for our institutions. I thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you very much for presenting us with a very detailed, if not technical, brief. Some parts of it I think you will understand why we will not enter into the specifics. You addressed the principle involved in your brief and that is economic development. As your diagram shows, on native economic development there are many items that have to be taken into account and certainly taxation is one of them. We are talking here about taxation for businesses. For this specific kind of businesses there is a trust like the All Nations Trust.

The only thing I can say today is that economic development is one of the 16 points of our mandate. Obviously, your document feel right through this point and we are going to take into account that aspect that

might have a great bearing on the possibility of greater economic development for Aboriginal people in this country. I am not telling you that we are going to act as the messenger, but I can tell you that the message is well received by the Commission and we are certainly going to look and reflect on it and come up with ideas that we will want to share with you later on. Thank you.

Commissioner Chartrand.

COMMISSIONER PAUL CHARTRAND: Very briefly, I thank you for your paper. It contains some very interesting issues that I would itch to be in a position to discuss, but we will not do that today. I just had a quick look at it and among other things it appears that it seems to wish to change the legal effect of the Supreme Court's decision in the Kinucoma Beach case I think over ten years ago. In any case, it's there on the record and it will be carefully examined.

I took great interest in your suggestion about being a messenger. That same message was given somewhere else last week in another community and the Hearing went on until after the sun had gone down. I had to leave the community and I rented a car. I thought the car was grey, but in fact it was blue. I was looking for

it in the dark and I couldn't find it. Some local people saw me wandering around and they said, "Look, our messenger is lost." I hope in our work we will not get lost, that we will take your counsel seriously. Thank you.

DELPHINE TERBASKET: Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much.

I would like to call upon the next presenter, Community Futures, Gordon Swan.

GORDON SWAN (Nicola Valley Community Futures Association): Commissioners, Chiefs, elders, ladies and gentlemen. My name is Gordon Swan, I am the Chair of the Nicola Valley Community Futures Association. On my right is Elizabeth Solomon-Credberg who is our Co-ordinator and on my left is Warren Weir who is with the faculty of the Nicola Valley Institute of Technology and a member of our Board of Directors. As time is short, I will forego our credentials and background and get right to the heart of the matter.

As a community-based organization whose purpose is to stimulate and enhance community based economic growth and diversification in the Nicola Valley, we are very much aware of the challenges faced by the

Aboriginal peoples within our community. Our mandate is to assist our community plan and restructure to meet the demands of the changing economy and labour market.

We are a non-profit society funded by the federal government under the Community Futures Program. Our focus is community economic development with particular emphasis on promoting the development of employment opportunities. While we devote time and energy to facilitate and encourage new business growth, we also strive to address the labour force side of the equation, that is, the availability of workers with skills that employers currently need and will need in the future. With an unemployment rate of over 30 per cent for the region as a whole, and in the neighbourhood of 70 per cent for our native population in the area, we and this community have a huge job before us.

Our economy is and has been for the past century dependent on agriculture, mining and forestry. Over the years, the Nicola Valley became an important transportation corridor, first for the fur trade, then for the caravans of supplies heading north to the gold fields. Ranching, coal and copper mining and sawmills quickly gained a foothold and to this day all but coal

1 mining continues to be a mainstay of our economy.
2 With the building and opening of the
3 Coquihalla Highway and the Coquihalla Connector we have
4 become an important transportation corridor. Our
5 location is in many ways our door to a myriad of
6 opportunities -- opportunities for both non-natives and
7 natives alike.
8 While opportunities exist just on the
9 other side of that door, many will never cross that
10 threshold unless they manage to bridge the knowledge and
11 skills gap. This is true for all people, both native and
12 non-native. However, the gap is much larger on average
13 for the native person. With nearly 68 per cent of the
14 regional native population having 13 years or fewer of
15 schooling compared to 58 per cent for the non-native
16 component, just catching up will require a significant
17 commitment in time and resources. Add to that the fact
18 that we are being told on almost a daily basis that already
19 in today's world, 13 years of schooling will not guarantee
20 an applicant a job, even at entry level in many of today's
21 industries. Today's job market requires more formal
22 schooling and more skills than ever before and that will
23 continue into the future. Furthermore, the job market

in the future will not make any fewer demands. If anything, employers will want more because they will need more to stay alive and/or meet the goals and objectives of their organizations.

We understand that the purpose of this second round of Hearings is to provide some possible answers to questions arising from the testimony of round one. To that end, we would like to offer some thoughts on Aboriginal post secondary education and the benefits that will accrue to any Aboriginal community, including ours, and to Canada as a whole if more resources are directed here.

Education, training and acquiring new skills can only help aboriginal people meet their individual and/or collective goals and objectives. In the rapidly changing world, knowledge, expertise and proficiency in areas such as negotiation, governance, planning, implementation and management are indispensable to long-term survival and the creation of healthy and vibrant Aboriginal communities.

We here in the Nicola Valley are very fortunate because we have the Nicola Valley Institute of Technology, a post-secondary institution for First

1 Nations' people. NVIT was started in 1983 with just 12
2 students. IN less than a decade and despite a never ending
3 battle for more funding, this college has grown more than
4 thirty-fold in response to the huge need in the native
5 communities throughout British Columbia and other parts
6 of Canada. It is because NVIT actively supports native
7 culture, history and traditions that students flock here
8 from all over British Columbia and from as far away as
9 Saskatchewan and the Northwest Territories.
10 The impact of NVIT has been felt in many
11 communities and on many different levels. Over 90 per
12 cent of NVIT students are employed upon graduation in their
13 chosen field; and while most find employment with native
14 employers, many find employment outside this circle.
15 I would point out that less than 60 per
16 cent of the graduates of B.C.'s three universities find
17 employment in their chosen field after their first year
18 of graduation, so this certainly bodes well for NVIT.
19 Since many students come from outside
20 the Nicola Valley, upon returning to their own communities
21 they enrich them beyond measure, bringing new skills,
22 knowledge and a greater sense of who they are and what
23 they can contribute towards their community's well-being.

1 NVIT has been an inspiration to many, a saviour to others
2 and a success from our point of view. NVIT is a success
3 because it was designed by those who were affected by the
4 lack of education and skills present in the native
5 communities and by the non-native community.
6 During recent years, there has been a
7 change in the way solutions are found to difficult
8 community problems. In the area of economic development,
9 for example, the Community Futures Program is a step in
10 the right direction. Historically, solutions to local
11 economic problems were discussed and remedies implemented
12 from a considerable distance by people with little personal
13 knowledge of the community affected. The Community
14 Futures Program, on the other hand, provides for local
15 input and local design of solutions. Members of the
16 community who have between them a vast reservoir of
17 knowledge about their community, set about identifying
18 the remedies to the problems of unemployment and a
19 depressed local economy.
20 NVIT is also an example of a community's
21 solution to the problem of inadequate education, knowledge
22 and skill development among its First Nations' people.
23 The Board of Directors has negotiated funding and developed

policies which have produced programs to meet the most immediate needs of native communities striving towards self-government. Native communities realize that their people need skills that will enable them to manage resources effectively, to formulate economic development strategies and to develop economic infrastructures that will sustain them and generations to come. Through institutions such as NVIT, those skills will be imparted to the native communities.

We know that NVIT is directly responsible for adding some $7 million to $9 million to the local economy in Merritt and the surrounding area. Without NVIT, the faculty, staff and students, our local economy would be in much rougher shape than it already is.

As an industry, education has many pluses. It is one of the least polluting. It attracts a better educated workforce and offers a correspondingly higher wage rate which in turn means that the community directly benefits from a higher disposable income. These same wage earners bring skills and knowledge which can be tapped by the community for the benefit of the community.

What sets NVIT apart from most other

1 post-secondary institutions is the college's creation and
2 adoption of a curricula specifically designed to meet First
3 Nations' needs. We do not believe this is done anywhere
4 else in the country. But it goes beyond that. There is
5 a strong sense of community, of respect for the individual
6 and respect and care for the natural environment. Native
7 history, culture and traditions are brought to the fore
8 and celebrated. In such an atmosphere, students heal,
9 work and make significant progress towards achieving their
10 life's goals. Successful students also make good role
11 models and with many students also being parents, their
12 accomplishments set an example for their children and the
13 increasing number of First Nations students graduating
14 from Grade 12.
15 An educated, skilled pool of native
16 workers also has implications on a much wider scale.
17 Canada as a whole will be facing a labour shortage in the
18 not too distant future. The 1981 Canada Employment and
19 Immigration Commission report on Labour Market Development
20 in the 1980s, pointed out that one of the greatest areas
21 of labour force growth in the 1980s could come from native
22 people. Already many communities and an increasing number
23 of industries are unable to find people with certain

skills. The situation will worsen and by the beginning of the next century the total number of available jobs will exceed the total number of people in the labour force.

Hence, the need to educate and train people who until a few years ago could be ignored. These were and are adults who for one reason or another never became or are a part of the labour force -- for example, adults who do not speak any of the languages that the books and training manuals are commonly written in, adults living in rural areas far from educational opportunities, and adults who never learned to read and write. Employers in a "desperate" attempt to find workers, will be more amenable to offering non-traditional working environments and benefit packages.

On the onset of a critical shortage of workers it makes it imperative that as each child reaches adulthood, he or she has the education, the knowledge and the skills employers want. Our social safety net will be in jeopardy if businesses go under for lack of workers.

Institutions such as NVIT should be encouraged rather than discouraged. That is, however, not to say that the same model should be replicated throughout the rest of the country. NVIT's structure,

its teaching methodology and its programs and even its flexibility, adaptability and even its size are geared for the First Nations people's needs here in British Columbia and the Nicola Valley. The development of other such institutions should be done by those who know their communities best, their needs and how to address them.

For too many years now and with devastating effects, aboriginal peoples have by and large been pushed aside and prevented from participating in the larger non-native society which rules and governs all of us to a lesser or greater degree. While improving access to education for aboriginal peoples will raise educational levels, there will still remain a major obstacle to creating a just society for all. The sharing of knowledge about Aboriginal cultures, values and history must extend beyond the walls of institutions such as NVIT. On a limited scale, this is already happening. Through meetings with community organizations, educators from colleges such as NVIT are passing on information about Aboriginal concerns, issues and successes to the non-native people.

Lack of knowledge about other cultures and peoples that share our homeland causes fear,

1 apprehension, racial tension and prejudice. A much better
2 grounding in the social history of Aboriginal people and
3 other ethnic groups should be mandatory, beginning in the
4 primary grades. While we are here focused on Aboriginal
5 peoples, we should not forget that few ethnic and equity
6 groups in Canada have escaped prejudice, persecution,
7 poverty, exploitation and abuse of basic human rights in
8 the last 400 years. Furthermore, since so much of the
9 misinformation, intolerance and prejudice is handed down
10 by parents to their children, adults too must be encouraged
11 and provided with more opportunities to learn about the
12 people who call this land home. This will perhaps be the
13 most difficult task of all for the Commission.
14 We have also had three bibliographies
15 put together which we want to present that weren't included
16 in the brief from the Canadian Association of Geographers.
17 They contain just about every major article or book that
18 was written in 1992 on Aboriginal issues. We hope that
19 the Commission and their staff will make use of them.
20 There is also two meetings that are
21 occurring at the same time this is and we encourage the
22 Commission to ensure that they get that documentation;
23 one is an Aboriginal participation workforce conference

that is occurring in Winnipeg this week. On November 6th to 7th there is a Native Aboriginal Early Childhood Issues Conference that is occurring in Fredericton, New Brunswick. Both of those areas have been mentioned by other groups today, both childcare and the labour force. We hope you will avail yourselves of those other documents from those conferences since you are unable to attend them.

In closing, just as Aboriginal and non-Aboriginal speakers at the first round of public hearings and special consultations gave voice repeatedly to hope, we too add our voices in echoing Elijah Harper, hope that this will be the last Commission. It is time to get on with the job. You are in a position to ensure that those who are in power make and effect change. Please do so. Do not let us go through another 125 years of broken promises and treaties. Thank you.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you for your presentation. It gives hope that other ventures like NVIT be possible. We visited the various premises of the college yesterday and we were struck by the vitality of both the teaching staff and the students. We met many students in many programs.

I understand that a college like this

one is doing a lot to bring the community together, both sides of the community, Aboriginal people and non-Aboriginal people, towards the same kind of goal of economic development.

I would like to emphasize that we try at the Commission to participate or at least to keep abreast with the monumental documentation coming from all conferences across the country on Aboriginal issues or various aspects. As our mandate is wide open, most of the conferences are of great interest to us. What we do is we get hold of the documentation coming out of these conferences and in many instances we send some of our staff to participate, but we are always happy to be given additional information as to their existence and also documentation as you have mentioned on the kind of bibliography of articles that were written in 1992 in some of the areas of our mandate. We would be very happy in receiving them and again I thank you very much for your brief this afternoon. Thank you.

COMMISSIONER PAUL CHARTRAND: I will take a moment to express my thanks as well for the materials and for your presentation. I must say it is written and presented with impressive clarity. I have already learned

a lot, but you mentioned in particular the economic incidental benefits of education and they are very impressive, as well as many other parts.

I thank you for bringing this and these other matters to our attention. You are right, we won't be able to attend the conference in Winnipeg. I am attending two conferences in Winnipeg this weekend, but I can't get there any earlier. Again, thank you very much.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, Gordon.

Next I would like to call upon the Nicola Stock Breeders' Association, the President, Bob Neale.

CO-CHAIR RENÉ DUSSAULT: Good afternoon.

BOB NEALE (President, Nicola Stock Breeders' Association): How are you today?

CO-CHAIR RENÉ DUSSAULT: Fine, thank you.

BOB NEALE: I've been asked or been informed that we are running behind, so I will shorten up my presentation a little bit. I will get right at it.

We appreciate the opportunity this Commission has provided for all resource stakeholders to

1 join with the Aboriginal peoples in presenting their views
2 related to the terms of reference of the Commission.
3 Our presence today will reflect major
4 concerns of beef cattle producers in British Columbia that
5 their vested interests in the land base, as third party
6 stakeholders, are not being properly recognized by the
7 negotiators in the many processes currently underway with
8 respect to land claims.
9 Perhaps a brief review of the size and
10 scope of our industry would help to place this discussion
11 in its proper context.
12 To begin with, we represent the 50 member
13 Nicola Stock Breeders' Association, a regional member of
14 the British Columbia Cattlemen's Association, the
15 provincial umbrella group representing almost 2,000 beef
16 cattle producers in B.C.
17 We are pleased to say that membership
18 in both organizations includes beef cattle producers from
19 the Aboriginal community. These people are good
20 neighbours to many of us and have made and continue to
21 make a valuable contribution to the beef cattle industry
22 in the province and to society as a whole.
23 The land mass of B.C. is almost 95

1 million hectares. Of this, 8.5 million hectares of
2 provincial Crown land or close to 9 per cent is used for
3 grazing and doesn't have much value for other purposes.
4
5 Guaranteed access to and secure tenure
6 over these Crown lands for grazing purposes is absolutely
7 essential to the continued viability of the beef cattle
8 industry, in particular the cow/calf industry in the
9 province.
10 In the absence of these tenures, the
11 future of the industry would be in jeopardy.
12 As we speak, there are government
13 programs and policies coming through the tunnel at us that
14 are giving the beef cattle producers real cause for concern
15 as to the future of their businesses.
16 These concerns relate to the eventual
17 outcome of the debate surrounding native land claims.
18 With almost all of the beef cattle industry in the province
19 totally dependent on forage on Crown lands, any
20 ill-conceived concessions to native people by governments
21 as to the control and management of these lands, creates
22 an atmosphere of insecurity.
23 By way of example, the recent signing

of the "joint stewardship" agreement between the province and the Fountain Band in Lillooet, that was conducted in the total absence of any dialogue or consultation with the third party stakeholders such as the ranchers in the area, sets the stage for the future management and control by the band of the forest, land and water resources in the band's "traditional territory".

It's only natural that those holding grazing tenures in the area are experiencing a growing feeling of uncertainty about their future.

At this point it may be useful to reiterate the formal policy on native land claims of the B.C. Cattlemen's Association.

One. There must be restrictions built in that make settlement fair to all Canadians.

Two. Settlements must represent final settlement of Aboriginal rights (extinguishment) with the exception of continuing right to self-government.

Three. The negotiating process should be open with a "round table" concept to which questions arising during negotiations could be referred and there should be a third party recognition during the negotiating process.

1 Four. Cash settlements in an equitable
2 manner are preferred to the options of settlement in the
3 form of resources.
4 The Nicola Stock Breeder's Association
5 fully supports the initiatives to settle Indian land
6 claims. At the same time, we suggest extreme diligence
7 must be applied to the development of any new programs
8 or policies to ensure in the process that all Canadians
9 are treated equally and fairly.
10 As our policy states, we support the
11 inherent right to self-government by Aboriginal peoples,
12 but hasten to add also our agreement with the statement
13 in the 1992 Constitutional Accord that no new rights to
14 land should be created. In other words, all Canadian
15 should have equal rights.
16 As we mentioned earlier, with regard to
17 native land claims, we have serious concerns with the
18 current posture of the federal and provincial governments
19 on the subject.
20 Our concerns began with the 1991 report
21 of the British Columbia Claims Task Force and the
22 recommendations of the Task Force that were endorsed in
23 their entirety by both levels of government.

1 One of the recommendations was that the
2 interests of third parties will be represented at the
3 negotiating table by the federal and provincial
4 governments. This was not, is not and will not be
5 acceptable to the third parties, including the ranching
6 industry who continue to insist that third parties should
7 be given a seat at the negotiating table.
8 We believe the signing of the Treaty
9 Commission Agreement by Canada, British Columbia and the
10 First Nations Summit on September 22nd was a positive step
11 in the right direction toward arriving at resolution of
12 land claims issues on the basis of consensus.
13 On the other hand, we are concerned that
14 the interests of third parties could be relegated to the
15 back burner once again in light of statements made by the
16 provincial Minister of Aboriginal Affairs that, "this
17 government intends to continue its own land claims policy
18 development and programs, independent of the Treaty
19 Commission".
20 The Minister's position was confirmed,
21 as we were made aware of the signing of "joint stewardship
22 agreements" last summer between the province and some
23 native bands.

We note that among the terms of reference of this Royal Commission is that it "may investigate...the relationships between an adequate land base and economic development...".

In this regard, we believe that Aboriginal peoples should be granted the same rights and privileges of the use of Crown lands as those currently offered to all British Columbians, including the beef cattle producers, within the laws of Canada and the province. We do not support any suggestion that these rights should be extended to include any form of impingement on a person's deeded land.

Therefore, in summary let me reiterate the following points:

One. The British Columbia cattle ranching industry makes a significant contribution to the provincial economy.

Two. Both Aboriginal and non-Aboriginal ranchers need secure access to forage on Crown grazing lands.

Three. Third parties must be given a seat at the negotiating table. Without this presence a lasting land claims settlement may not be possible.

1 Four. Aboriginal peoples should be
2 granted the same rights and obligations to Crown land as
3 other British Columbians are, but no more.
4 Five. We do not support any settlement
5 that infringes on deeded land.
6 We recognize the enormous task placed
7 before this Commission and also that some of its original
8 terms of reference have become subordinate to current
9 government initiatives related to Aboriginal peoples.
10 While we may not have offered many
11 solutions to the process as your mandate calls for, we
12 hope that our comments today will provide some "food for
13 thought" in your deliberations.
14 At the very least, we hope we have
15 succeeded in challenging you to recognize the serious view
16 that the ranching industry of British Columbia takes of
17 its future, relative to the importance of continuing to
18 live and work in harmony with the Aboriginal peoples of
19 the province. Thank you.
20 **CO-CHAIR RENÉ DUSSAULT:** I would like
21 to thank you very much for coming and meeting with us here,
22 sharing and presenting your concerns on the land claims
23 settlement process. We think it is very important that

an association like yours comes to the Commission and speaks your mind as to what are your concerns. Only through that kind of debate and discussion will the Commission be able to come up with solutions that will be fair and balanced and that will take into consideration all aspects.

I would like to mention that one of the terms of reference of the Commission is the land claims process. We do not have a responsibility to intervene in specific land claims, but we have been asked to look at the process. An obvious reason is that the process has been a very long and cumbersome one so far, but also because of the fact that the process involves many actors. So, we would like to conclude in telling you that we are taking note of not only your brief, but your concerns, your request that third parties should be made in some way part of this process.

Obviously, I am not going to react on this, only to say that it is a concern that is certainly valid and that we are going to consider in our thinking about the land claims process in this province and in this country also.

We thank you very much for sharing your

1 concerns with us this afternoon.
2 **COMMISSIONER PAUL CHARTRAND:** I will
3 just take a moment to thank you. You make some important
4 points of course and you are rightly, if I may say so,
5 concerned about the uncertainty in the law. This
6 uncertainty is something that ought to be removed.
7 Aboriginals have and continue to live with uncertainty
8 in respect of this and many other aspects of their lives.
9 That, of course, is no reason to wish to visit the same
10 uncertainty upon anyone else. I am happy to say I have
11 not heard any person make that suggestion, so we must and
12 we will consider your submissions today, as we must the
13 interest of all parties who make submissions to us.
14 You certainly have provided us with food
15 for thought, as you have put it. It is a little too early
16 in the day for that food for thought expression to have
17 unwarranted connotation. Thank you.
18 **BOB NEALE:** Thank you. Maybe I could
19 add one more thank you and that would be to the Nicola
20 Valley Tribal Council for the work they've done in
21 organizing today. Clyde Sam has helped me out a lot and
22 it looks like he has been a pretty busy man today. I would
23 like to thank him and the Tribal Council too.

1 **CO-CHAIR RENÉ DUSSAULT:** Thank you.
2 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**
3 Thank you very much, Bob.
4 The next presenter we have is
5 Weyerhaeuser Canada, Michael Low.
6 **MICHAEL LOW (Manager, Weyerhaeuser**
7 **Canada, Western Region):** Good afternoon, Commissioners,
8 ladies and gentlemen. My name is Michael Low and I'm the
9 Manager of Weyerhaeuser Canada's Western Region. I am
10 honoured to be here before this Royal Commission and thank
11 you for the opportunity to share my views on native
12 involvement and partnerships within the forest industry.
13 Weyerhaeuser Company is an integrated
14 forest resource based company with over 40,000 employees
15 in Canada and the United States. I stand before you today
16 as the Manager of Weyerhaeuser's interests in this
17 southwestern section of British Columbia, but also as a
18 Canadian businessman interested in the continued economic
19 success of our country and our people.
20 In my brief discussion today I would like
21 to cover two areas:
22 First, an outline of the progress and
23 successes that have been achieved to date within the Nicola

1 Valley and Similkameen area;
2 Second, a look at what I believe are key
3 aspects to achieving full integration, as well as cultural,
4 social and economic success in the future.
5 My involvement with the Nicola Valley
6 and Similkameen native communities began just over one
7 year ago when I joined Weyerhaeuser Canada. However, I
8 must point out that this corporation has been actively
9 participating with native communities across Canada for
10 many, many years. The event that spurred my personal
11 involvement may seem insignificant to some, but is one
12 that must happen more frequently in more companies across
13 Canada. This event, I believe, was a major turning point
14 for the western region.
15 Dave McInnes, the President and Chief
16 Executive Officer of Weyerhaeuser Canada asked two
17 questions:
18 What employment and partnership
19 activities did we have in place with the native communities
20 within our operating area?
21 Second, what my feelings were regarding
22 opportunities for native participation in the forest
23 industry?

1 These two simple questions led me to
2 examine my own personal beliefs and to ask questions about
3 our corporate values and commitments. What I found was
4 not surprising, personal convictions are often hard to
5 describe but I found myself believing that an open, honest
6 and integrated relationship with the native peoples would
7 be both culturally and socially rewarding; would provide
8 key learnings required for future success, both personal
9 and professional, and would be economically beneficial
10 to both parties.
11 I also found that these convictions were
12 well supported by the corporate values and policies.
13 The next step is critical for any
14 business or organization, to shift direction even slightly
15 in a region the size of ours requires tremendous
16 commitment. To accomplish this directional shift we sat
17 down with the management team of the region and reached
18 consensus on committing to develop a long-term working
19 relationship with the native peoples; basing these
20 relations on understanding, acceptance and support of
21 social and cultural values and mutual benefit to both
22 parties.
23 These words were internalized,

reflected in our philosophy and commitments and have become part of our strategic goals.

Initial steps in developing a working relationship included a commitment by both parties to regular contact; the invitation and acceptance of native representation at our senior management meetings and the development of a business relationship with the Nicola Valley Institute of Technology.

The basis behind these steps was to ensure that the communication lines remained open and that the cultural learnings critical to success could begin. Today we maintain regular contact with nine local bands.

Briefly, some of the successes that we see to date include providing on-the-job training. We have established a native silviculture crew; shared future development plans; committed to opportunities for new employment; have openly discussed opportunities for joint ventures and partnerships; discussed job shadowing, internship and training. We have conducted joint forestry tours; attended a cultural tour of the area and, more importantly, have worked out the details of an agreement that outlines how we will continue to work together in

1 the future.
2 There have been many people involved,
3 all working very hard to bring us this far, but we know
4 that we have only begun. However, I am encouraged by the
5 fact that all of us have remained diligent in attaining
6 our original goals and there is no evidence of sagging
7 commitment or frustration. I believe true friendship has
8 developed and there is genuine excitement about what we
9 will accomplish.
10 Where do we go next? I certainly do not
11 profess to have all of the solutions nor do I even believe
12 that I could identify all of the concerns, but I would
13 like to share with you four key aspects that I believe
14 will be critical to the long-term success of this and other
15 relationships. First, the transfer, understanding and
16 acceptance of native culture. If we are to live together
17 in partnership and harmony, the people of Canada must open
18 their hearts and their minds in understanding and accepting
19 the cultural values of our native people. There is also
20 an onus on the Aboriginal community of Canada to open the
21 doors to non-Aboriginal people, to speak openly about
22 issues and values and to work through the education systems
23 or media to assist in transferring this knowledge. The

government must ensure that the funding for such initiatives is in place and that the history and culture of our native Canadians is an educational priority.

Second, the ability of industry and business in Canada to integrate native people into the workforce, not just in blue collar but, more importantly, in white collar jobs. The success of this integration will depend on our ability to provide much needed education, internship and, ultimately, direct employment.

The government must support existing and new native education facilities. Industry must take the initiative in developing course curriculum, providing instruction, on-the-job training and employment.

Third, the opportunities in joint venture and partnerships. Agreement must be reached that although success implies many things, like cultural and social values or personal beliefs, to succeed these partnerships and joint ventures must be built on long term economic viability. Capital or equity investment will be required. The banks and financial institutions of Canada must change their views on economic investment within our native communities.

1 Fourth, the land claims issue. All
2 Canadians have the right to enjoy the economic and social
3 values provided by the land, water and wildlife resources
4 of our country. Today, the air of uncertainty regarding
5 the settlement of land claims is detrimental to the well
6 being of Canada. We cannot continue to allow our resources
7 to go undeveloped for their economic benefit or
8 under-utilized for their social and cultural values. I
9 urge the Government of Canada and its provinces to resolve
10 this issue.
11 I believe that these four aspects are
12 critical to the future success of Aboriginal people within
13 the Canadian business community and the local forest
14 industry. I request that you take these messages back
15 to the lawmakers and the Government of Canada and ask for
16 a resolution. Thank you.
17 **CO-CHAIR RENÉ DUSSAULT:** I would like
18 to thank you very much for presenting your view and the
19 views of your company in such a clear fashion. I am not
20 saying that this is a model for others to copy, but
21 certainly it is a model to look at. I think you are giving
22 us principles that applied to the different situations
23 could be quite rewarding. It is certainly with great

pleasure that we are going to look at them. I think from your experience these principles will be very helpful in helping us come up with ideas of how things could be done successfully to promote the best future of everyone's employment of Aboriginal people in an industry like yours, but this is applicable elsewhere.

I thank you very much again for coming and sharing this with us today. We will spare no effort to make the best use of it. Thank you.

COMMISSIONER PAUL CHARTRAND: Thank you, Mr. Low. Earlier this week a pastor somewhere else gave us some advice. He said, or rather through us gave advice to Canadians and he suggested that non-Aboriginal people ought to make friends with Aboriginal people. I think you are saying to us today that those friends can include big corporate friends. I think we are talking about perhaps corporate friends on both sides, the legal corporations and the First Nations' people as well.

I thank you for your very informative brief. It contains impressive ideas. I note in particular the suggestions about the corporations being partners in education. It occurs to me that the removal of uncertainty to which you refer is a critically important

part of our job. Thank you for your assistance.

MICHAEL LOW: Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, Mike.

The next presenter I would like to call up is the Musqueam/Salish Park Residents' Association, Shelly.

SHELLEY NITIKMAN (President, Musqueam/Salish Park Residents' Association): The last name is Nitikman and always difficult to pronounce.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you.

CO-CHAIR RENÉ DUSSAULT: Good afternoon.

SHELLEY NITIKMAN: Good afternoon.

Commissioners, Chiefs, elders, ladies and gentlemen, I want to thank you for the opportunity to appear before you. I would like to introduce myself first of all. I am the President of and I represent the Musqueam/Salish Park Residents' Association. We are an incorporated non-profit society of non-native leaseholders who live on land that was surrendered for lease by the Musqueam Indian Band.

1 Our Association was founded in response
2 to amendments to the Indian Act in 1988. May I take
3 a brief moment to introduce my colleagues beside me, Tanis
4 Lyzell who is a Director of the Association and Chuck Albert
5 another Director and also a member of the Advisory Council
6 which you will see referred to at page 7 of our brief.
7 I assume that you have received our brief
8 of course and, hopefully, you have had an opportunity to
9 look at it. If I may refer you to page 3 and following,
10 it will tell you a little about us.
11 We are 210 families who live in
12 single-family dwellings on leasehold land in two leasehold
13 communities that are located on portions of Musqueam Indian
14 Reserve No. 2. Also situated on leased land is a townhouse
15 complex consisting of about 70 units, as well there is
16 Shaughnessey Golf and Country Club and the Musqueam Golf
17 Course.
18 The location of the Musqueam Indian
19 Reserve relative to the City of Vancouver is shown on a
20 map we have appended to the brief as Exhibit 3 and the
21 two leasehold communities you will see on Exhibit 4.
22 At the time that the leases on the lots
23 in both subdivisions were sold, the Minister of Indian

1 Affairs and Northern Development, for and on behalf of
2 the Musqueam Indian Band, entered into agreements with
3 the City of Vancouver for the provision of normal municipal
4 services within the reserve. The Salish Agreement states
5 that the Musqueam Indian Band did, on the 27th day of
6 September 1970, surrender within the meaning of the Indian
7 Act and it goes on to say, among other things, that in
8 consideration of certain covenants by the Minister, the
9 tenants within the subdivisions would pay all normal
10 school, general, local improvement and regional district
11 taxes normally levied on non-Indian lands within the city,
12 in return for which the city would, until the 27th day
13 of September, 2074, provide normal municipal services in
14 the said Salish subdivision, including maintenance of
15 capital works hereby conveyed to the city for the said
16 term. There is a similar agreement or an identical one
17 which covers the Musqueam Park subdivision.
18 In the short time that we have available
19 to us, I would like to begin first with a general comment.
20 In the vastness of all of Canada, we are perhaps a small
21 voice, but it is in a democratic society and a democratic
22 system that small voices can become large and that is why
23 we appear before you today. We took the trouble to present

our brief to you to raise for you some of the concerns that as non-native people living on native land that we have.

I would like to begin with the way in which we conclude our brief at page 12. We wish to be absolutely clear that we are in sympathy with the aspirations of the Aboriginal peoples and with the attempts of government to correct wrongs that Indian people have suffered over the years. We do not present this brief because we oppose this initiative. However, we think it ironic in the extreme that the federal government should attempt to redress wrongs done to one group by wronging another, or that it should attempt to correct injustices to one segment of society by imposing injustices on another. There has to be a better way.

At the present time, issues of Indian self-government and land claims receive a great deal of public attention. The political will seems bent strongly in favour of granting Aboriginal people self-government, though in our view that term is ill-defined and the ramifications of it have not been thought out. All across this country, non-Aboriginal people lease designated land and this fact seems generally to have been ignored.

1 Governments at every level seem disinclined to mention
2 this or to show awareness of this fact and our question
3 is where do we fit in under a scheme of Indian
4 self-government?
5 Surely in a democratic society we cannot
6 be subject to Indian self-government and left without a
7 vote. In our opinion, legislation granting
8 self-government to Aboriginal people must also provide
9 protection for non-Aboriginal people on leased land.
10 It is our view that amendments to the
11 Indian Act and consequential enabling legislation passed
12 by the province paid no heed to the fact that there were
13 non-native people living on reserve land.
14 Our main point and the point I wish to
15 stress today is that we are being taxed without
16 representation. I may point out that the band itself,
17 the Musqueam Band itself does not like this situation and
18 would not like it. I am referring to a paper that was
19 prepared, a position paper of the Musqueam Band with
20 respect to taxation of the Musqueam Reserve by an Arni
21 Hiashi who was at the time the band lawyer. It simply
22 sets out the history -- a band advisor, I'm sorry.
23 It simply sets out the history of the

1 attempts by the Musqueam Band to tax and to deal with the
2 City of Vancouver, but the only point I wish to make is
3 that he refers to this paragraph.
4 "In 1966, --"
5 and I am quoting from Mr. Hiashi's submission:
6 "-- a band spokesman before a provincial legislative
7 committee accused the City of
8 Vancouver of illegally taking
9 $173,000 in taxes since 1939 and
10 giving nothing back to the band.
11 He said, --"
12 this band spokesman said:
13 "'-- notwithstanding the handsome revenue received by the
14 city, the band has been forced to
15 pay charges for various services
16 and this certainly appears to be
17 taxation without
18 representation.'"
19 I bring that to your attention only to
20 say that I don't think we are asking for something that
21 most, if not all people, could not agree to; taxation with
22 representation or taxation only with representation is
23 in our view a fundamental tenet of a democratic society.

1

2 So, we are being taxed and we have no
3 right to say how much money is collected. The tax rate
4 that has been set by the band, with the approval of the
5 Indian Taxation Advisory Board, which is a body that is
6 far removed from us and has little or no knowledge of local
7 circumstances, approved a tax rate for the band which was
8 10.62654 for $1,000 of assessed value.
9 If you will look at Exhibit 6 to the
10 brief, you will see we have incorporated a table which
11 sets all of the things I am about to say out for you.
12 This tax rate is as against the city's tax rate for the
13 same $1,000 of assessed value of 7.59400. In other
14 words, as we calculate it, this is a 40 per cent higher
15 tax rate than the gross City of Vancouver rate for provision
16 of the same services. That, we point out, is without
17 payment of all of the other levies which are encompassed
18 within the City of Vancouver's tax rate.
19 Those are set out in that Exhibit 6 as
20 well. There is school tax which is a major one which is
21 being collected by the band as part of the taxes collected
22 but, as we understand it, is not being remitted to the
23 province to pay school tax.

We are not sure that the Indian Taxation Advisory Board was aware of these various situations, of this various situation, and one of the other things we have no representation about is how the money is to be spent. We have no right to say how money will be spent. It is to be spent for local purposes. This is undefined and referring back to school tax, the uncertainty in which we find ourselves and the difficulty in which we are is that we don't feel free about speaking our minds about some of these things because we have this concern and I will use the school tax as an example.

If we on principle say that we wish to have the school taxes paid to the province, which the band is currently withholding, the band may do so and then may turn around and say then it needs a similar amount of money in return for whatever its various purposes. We find ourselves being taxed at an even higher rate. We can't speak out about this because we have no representation.

It goes beyond taxation as well. It deals with the whole area of government and lawmaking capacity. The jurisdiction to pass laws which affect us and over which we have no say and, as an example, the

1 Musqueam Band is currently considering the imposition of
2 a curfew by way of a by-law. This curfew would affect
3 not only the children on the reserve land, but also the
4 children on the leased land, the children of the non-Indian
5 leaseholders.
6 It is true that we have an Advisory
7 Council. If you have some questions about how that
8 functions, Mr. Albert might be able to address those.
9 But the point being that the Advisory Council is simply
10 advisory only. It can give input to the Band Council,
11 but the Band Council is in no way required to take that
12 into consideration, act upon it or it needn't even listen
13 to it if it chooses not to.
14 Finally, I wish to say that there is in
15 none of the legislation, not the amendments to the Indian
16 Act, not to the provincial act that was passed, the enabling
17 legislation, has there been any attempt to deal with the
18 issue of resolution of disputes. There are no dispute
19 resolution mechanisms contained.
20 With respect to remedies, again may I
21 refer you to page 11 of our brief. In your final report
22 we hope that you will recommend that the most ideal
23 situation and, in our view, the fairest situation would

be an amendment to the legislation which would return the residents of Musqueam and Salish development, the two developments, to the status quo with at least respect to the service agreement with the city.

Once the Musqueam Band passed its taxation by-laws, of course the city was out of the taxation field. The band now, as you will see from our brief, has a year-to-year agreement with the city by which it contracts city services for which we pay the band taxes and the band in turn pays the city whatever the charge is that the city levies on those services. This is a year-to-year agreement, not the 99-year agreement that we had that ran with the lease.

So, we would like a return to that status quo. We would like to have a long-term service agreement with the city, so that the existing residents in the area and any prospective people who would like to buy homes in that area would know that their services would be provided for the term of the lease, as they were before, by the City of Vancouver.

This amendment, coupled with an amendment which would give residents a legal right of representation on the Band Council or, alternatively, the

creation of a leasehold land administration council, as we have proposed in the remedies section of our brief, and a provision for a binding arbitration to resolve disputes would, in our view, go a long way to address many of the concerns that we have. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you very much. We greatly appreciate the fact that you come from Vancouver to present this brief today. We feel it is very important that you were able to do so and you felt able to do so.

I think your brief raises some very, very important issues and for this Commission in particular. You have certainly read our terms of reference. We are not entering into all kinds of disputes that may exist, whether under the form of land claims specifically or outstanding or other kinds of disputes. We try not to be distracted from our main mandate and to avoid getting into the role of a mediator or arbitrator in those disputes.

On the other hand, as you have probably noticed, in the document we have published coming out of the first round of Hearings, some of the questions we are putting forward or asking under the heading of aboriginal

1 governments are dealing with some of the concerns that
2 you have. One of the most difficult questions that we
3 will have to face in thinking about self-government is
4 the following: Would Aboriginal governments have
5 authority over non-Aboriginal people living within their
6 territory? Would those non-Aboriginal people participate
7 in Aboriginal governments and on and on and on.
8 So, we are quite conscious that these
9 questions are with us and will have to be looked upon very
10 carefully. I think your brief raises exactly the
11 questions of Aboriginal governments, their jurisdiction,
12 their law-making authority and the implication for
13 non-Aboriginal people living on the territory of those
14 governments. It goes to the root of the form that those
15 government would or should take.
16 These, as you realize, are very, very
17 important -- difficult but important issues that will have
18 to be given answers before going to the implementation
19 of Aboriginal governments. It's somewhat -- not easier,
20 but the same concern is with the justice system, if there
21 were to be a specific justice system, the question of their
22 application to non-Aboriginal people is a very important
23 question also.

We visited some of the region in the U.S. at the end of September and in many areas these questions have received practical answers there. The justice system -- the civil side might be easier than the criminal side, but again when we come to the very notion of the power of taxation and the authority to make law and representation, we are really at the crux of the matter. What I would like to tell you today is that as a Commission we are not going to overlook those concerns. Quite the contrary, because we feel it will have to be faced head on if we want to go over the threshold and to have a chance that our recommendations will be understood and implemented by the various governments in this country.

For that reason we feel it is very important that these concerns must be raised before the Commission and also that discussion take place and reflection take place and the thinking occur among Aboriginal peoples that are desiring to set up Aboriginal governments.

Also, among non-Aboriginal peoples you expect that we are going to get in depth into the particulars of your situation today. We probably won't be able to deal with it specifically as such, as a

1 particular instance, but we are certainly going to use
2 it. It's a striking example of the problems that have
3 to be solved before setting up Aboriginal self-government
4 in this country.
5 I think this shows that you made a very
6 important contribution in raising those issues before the
7 Commission. These kinds of issues were not raised in the
8 first round of Hearings. We are certainly happy they are
9 getting to be raised in the second round of Hearings because
10 we have to get more and more focused as we progress, as
11 to the difficult questions that have to receive an answer.
12 We have to get down from the principle to the specifics,
13 a couple of levels down so that we make sure that we address
14 the tough issues.
15 That being said, I realize that I am not
16 very helpful for this particular problems. We are going
17 to also look at the mechanism for dispute resolution.
18 It is part of the notion of Aboriginal governments and
19 self-governments.
20 Again, we are going to have a close look
21 at it, more to extrapolate on the more general way as to
22 what has to be addressed to make sure that it will be fair
23 and acceptable for everybody in this country, than

1 embarking specifically on your issues. I am not ruling
2 this out, but I thought it was important to mention that
3 our approach is more to extrapolate from specific instances
4 like these to a lesson for the building of a system that
5 would be acceptable.
6 **SHELLEY NITIKMAN:** I think we certainly
7 appreciate, Mr. Commissioner, that you are not going to
8 be dealing with the specifics of our brief. They appear
9 before you as an example of the problem which you so
10 correctly, obviously, have identified. It is much larger
11 and very complex and you have an unenviable task. I wish
12 you all the very best with it.
13 **CO-CHAIR RENÉ DUSSAULT:** Commissioner
14 Chartrand.
15 **COMMISSIONER PAUL CHARTRAND:** I thank
16 you and your group for your presentation. We are
17 appreciative of the fact that you came so far to present
18 it to us. I am particularly grateful that you also took
19 the pain to send it to me in advance. I had read it and
20 it was helpful in understanding it today.
21 It certainly cannot be avoided, the
22 issue you state is part of a larger issue as has been stated,
23 involving at least lands and taxation issues, among other

issues, in our mandate and cannot be avoided. It falls, I suppose, in that large category of our function of attempting to remove the uncertainty which exists in so many areas, as other presentations made obvious here today.

We have state that we are aiming to issue a final report later in 1994. If we are successful in removing some of this uncertainty and if we are successful in balancing the various interests with the removal of this uncertainty, it appears to me that we are going to have created for ourselves a very good way of going some way in ensuring that the federal government takes very seriously our recommendations because there are going to be many interests supporting them. In that sense your submission is very encouraging. Thank you very much.

SHELLEY NITIKMAN: Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much. I would like to continue with the agenda. I would like to remind you that we only have about an hour left, so the future presenters who are presenting briefs to try to stay within their time limit, please.

I would like to call upon the Native Outpatient Centre, Sara.

SARA WILLIAMS (Native Outpatient Centre, Meysncut Counselling Centre): If I can have Board members and any staff who are here to please come up.

Distinguished Commissioners, Chief of the Day, leaders, elders, ladies and gentlemen and students. It seems only fitting at this point, before we go on, to acknowledge our elders who gave us a new name in September. I was talking with one of the winners last night and she said she hadn't come for her prize because she decided she hadn't gotten hungry enough. So, I have a gift certificate for dinner for two for Mabel Joe and for Mary Kootley and the new name can only be pronounced as adequately as possible by a First Nations person. I am going to ask Mary Kootley to come up to give us the correct pronunciation. Mary Kootley will you please come forward.

MARY KOOTLEY: The word is Meysncut. The translation for that is to heal yourself.

SARA WILLIAMS: I am happy to have with me the Advisory Board and on my far right is Jimmy Jack, to my immediate right is Jane Caprion who is our Chairperson and to my left is Mabel Joe. I am happy to have you with me today.

1 Our basic intent today was to give you
2 a sense of where we were, where we are and where we hope
3 to be going. I do appreciate the fact that time is getting
4 on. What I would like to share with you, Commissioners,
5 is that we have been an organization that has been in
6 operation for 12 years, starting in 1980. For 12 years
7 we basically have had three counsellors.
8 The mandate of the organization was at
9 that time in 1980 to meet the needs of the members of the
10 Nicola Bands with regard to the issue of substance abuse
11 and its related issues. While service delivery had a dual
12 focus of treatment and prevention, the staff of three
13 counsellors spent 80 per cent of their time on treatment
14 issues alone.
15 The demand for educational programs at
16 all ages, children, teens, elders, young married adults
17 and men, far exceeded what the Centre could provide. As
18 well, the need for the staff to develop programs to deal
19 with the issues of abuse, be it emotional, physical,
20 sexual, family violence, issues of self-esteem, Aboriginal
21 identity, reclaiming feels dealing with grief and healing
22 was far too much an impossible task to deal with at that
23 time.

1 Twelve years later, Meysncut
2 Counselling Centre is in a new and unique position. We
3 have an opportunity to take a leading role in building
4 the foundation for a better future for Aboriginal families
5 and their children. Also, we can facilitate building the
6 foundation for a new relationship between Aboriginal and
7 non-Aboriginal peoples in the City of Merritt and the bands
8 in the Nicola Valley.
9 How can we do both? One thing that is
10 not in this brief is the fact that we recently had an
11 evaluation that was completed in March 1992. The
12 evaluation was completed on March 31, 1992 and one of the
13 primary points of the recommendations in the evaluation
14 was that the bands needed much more visibility at the
15 reserve level. They needed programs, they needed
16 counsellors to be there.
17 So, with that as a recommendation our
18 funding source, Health and Welfare Canada, allowed us to
19 increase our budget so that we took on three new staff
20 members. So, as of September 8th we now have six within
21 the agency. So, with this increase in our funding we are
22 able to provide additional services to the bands.
23 Family needs will be met through our

family counsellor. Youth program development for children and teens will be met through our youth and prevention counsellor. Cultural and elder needs will be met through our cultural counsellor. Substance abuse education and treatment are and will continue to be met through our alcohol and drug counsellors. Our administrative assistant will be at the core of communications, linking bands and the agency.

Finally, strategic planning and implementation will be met through our Executive Director, working in conjunction with the staff and the Board.

We are just at the beginning of writing a new chapter for Meysncut Counselling Centre. We will need the Royal Commission's assistance to finish it, plus Aboriginals and non-Aboriginals alike. The relationship we establish between all of us is paramount if we are to write this chapter of epic proportions.

The Royal Commission has asked how can we rebuild the basic relationship between Aboriginal and non-Aboriginal people? Upon what principles and values should it rest? How will the lives of Aboriginal and non-Aboriginal people change as a result?

Since hiring on three new staff members

in August of this year, our agency has been wrestling with these very questions. Why? Because alcohol and drugs and still remain key issues in Merritt and the devastation to individuals and families crosses all cultural boundaries.

We ask these questions because as an alcohol and drug agency our services are in demand from the Nicola Valley bands, our first priority, and the City of Merritt. Within the city government agencies, institutions and professionals and committees, native and non-native, are requesting our services.

We ask these questions because our staff is made up of six women, three Aboriginal and three non-Aboriginal and we need cross-cultural dialogue inside the agency to understand what is happening outside it. Meysncut has an erstwhile mandate. It has the potential to be more. As a centre within the city centre, Meysncut can develop a new model for achieving individual family and community healing, both in the boundaries of each band and elsewhere using an integrated approach.

The model developed will reflect the value of maintaining a strong sense of Aboriginal identity. Such a model will be based on the principle of reciprocity

so that our Aboriginal youth who take their place tomorrow will not be shortchanged, and so that greater understanding is fostered between all the peoples of the Nicola Valley.

Finally, this model incorporates the aspirations of each band to build within its community human resources to deal with the issues of the band's choice. Alcohol and drugs have served the emptiness of the bellies of Aboriginal youth, women, elders, leaders, far too long. From the poem "Born to Live" let me just take the following lines. This is a long poem. I've taken three verses out of it:

"We were born to live, not just survive, though the road
be long and the river wide.
Though the seasons change and the willows bend, though
some dreams break, some of us mend.
We were born to live, to break down the wall, and to know
that life is to taste it all."

Our philosophy at the Meysncut Counselling Centre is that healing can be achieved 100 per cent, we do believe that. We believe that we can break the cycle of violence. We believe that we can address childhood trauma. We also know one childhood trauma can split a child into as many as 10,000 fragments. We

1 understand the pain, so we are committed to healing.
2 We also believe that our vision
3 incorporates perhaps as many as 12 within the Centre,
4 predominantly First Nations. As of a result of adding
5 on six counsellors since August and September we have had
6 a 25 per cent increase in our demand on our counselling
7 services.
8 We also believe that if we are doing our
9 prevention job at the band level, there is certainly a
10 number of people who will not need to come and use our
11 services. We also know that if we are doing prevention,
12 we are opening areas that have not been opened before.
13 We are having people ask questions that maybe they haven't
14 asked before. We are opening closed doors. So that there
15 will be, without a doubt, demand on our counselling service
16 and, consequently, in the future we are going to need
17 further people. One of the people we definitely need on
18 staff somewhere in the near future is a competent person
19 to deal with children and the trauma that children are
20 going through. We are talking about a highly competent
21 individual to take that place.
22 What I would like to do is address three
23 of these recommendations and maybe have the Board speak

1 to two in specifics.
2 The second recommendation: We
3 recommend that a formal process be implemented by
4 government departments to ensure that cross-cultural
5 sensitization takes place within the most senior levels
6 of government. It is important that senior management
7 become the models for necessary change in attitude towards
8 First Nations' peoples and First Nations' agencies and
9 institutions.
10 Three. We recommend the current system
11 for establishing salary grids for community based
12 community health personnel be expanded to broaden the base
13 for taking into account the wide range of experience,
14 education and training which culturally characterizes the
15 profile of such personnel.
16 Finally, we recommend priority funding
17 be made available for the construction of a prevention
18 maintenance facility, such as a family oriented treatment
19 centre. We make this recommendation on the basis of
20 Aboriginal community based healing principles and on the
21 fact that getting individuals, men and women admitted to
22 treatment centres in this area and within other areas in
23 the province requires as much as a six month waiting period.

1

2 So, we give you these recommendations
3 to consider. We are indeed writing a new chapter in our
4 agency and for the people of the Nicola Valley and in
5 particular the band levels.
6 We wish you good luck in the rest of your
7 journey to find solutions to these problems and as you
8 come to make your decisions, know that our hearts and our
9 prayers are there beside you. Thank you very much.
10 **CO-CHAIR RENÉ DUSSAULT:** I would like
11 to thank you very much for coming and meeting with us and
12 sharing some of your concerns. We are going to reflect
13 on your recommendations and in particular I am struck by
14 the fact that you need to have additional personnel for
15 child care. This brings me to the question of your
16 funding. You have been in existence for 12 years and
17 operating for 12 years.
18 **SARA WILLIAMS:** Yes.
19 **CO-CHAIR RENÉ DUSSAULT:** Your funding
20 -- what is the history of your funding? Has it been
21 improving or --
22 **SARA WILLIAMS:** Perhaps I could ask one
23 of the Board members to respond to that. I have been with

1 the agency for the last year and at this point our sole
2 funding is through Health and Welfare Canada.
3 **JANE CAPRION (Native Outpatient Centre,**
4 **Meysncut Counselling Centre):** Through NADAB has been
5 funding this and that increase has been with the help of
6 the Tribal Council and the Administrator had come down
7 with us to meet with the representative to increase the
8 budget, to increase the staff to serve the Valley, in that
9 the Centre is -- the thought of the
10 Tribal Council being part of the solution to the First
11 Nations problems here. That is ongoing. Because we have
12 the six people on staff now, it is not going to be no more
13 assistance in funding and all that has been going on since
14 this morning, we have been asking for funding, for funding,
15 for ongoing things.
16 This is a public forum. The other paper
17 that was handed to you was the Community Strategies. That
18 was from the Public Health Unit. It was holding public
19 forums in a needs assessment for the city. In that they
20 have addressed needs which also reflect the needs of the
21 native community. So, with community involvement and
22 working together, then we acquire monies to deal with
23 certain problems in putting on workshops and in the

1 different areas. There is one going on at Coldwater.
2 There is on probably that will be going on at the Lower
3 Nicola, but all of this requires funding and ongoing
4 processes in taking care of these problems.
5 The other paper that we had given you,
6 this one here is a projected calendar for the year. With
7 this, of course, is what the Centre has come up with.
8 Naturally there is cultural and elders and with youth.
9 These are distributed throughout the community and just
10 as a suggestion list. If there are other suggestions
11 anyone wishes to add to this, naturally they can contact
12 Sara at the Centre and then we are in ongoing negotiations
13 with other centres to acquire funding to put on programs
14 in all of the Valley.
15 **CO-CHAIR RENÉ DUSSAULT:** I understand
16 you are located in Merritt?
17 **SARA WILLIAMS:** There are two unique
18 things, several unique things about the organization and
19 let me name two of them. One is that we are an off-reserve
20 agency serving the five bands. That is number one which
21 is unique because most native aid workers are at the band.
22 Our second thing is that there is no cost
23 for our service. We have about two and a half minutes

1 left and if I could make a comment with regard to No. 4
2 with regard to our treatment centre. My understanding
3 at the provincial level is that there are no more dollars
4 for treatment centres, that one of the ways the direction
5 of which the province is going is to try to have some acute
6 beds available in hospitals for people who need them.
7 The other thing I have heard at the
8 federal level is we are looking at a treatment centre at
9 $34,000 per bed. We are still looking at the possibility
10 of natives coming out from the agency and still having
11 that sense of where do I go and is there another way that
12 we can more effectively use $34,000.
13 My sense is I am wondering whether in
14 fact we do need both? We need to do after care and build
15 after care resources on the bands to deal with First
16 Nations' people coming now, but at the same time we still
17 need a family oriented treatment centre, so that I don't
18 think it's an either/or situation. I think there is a
19 very great need for both of them.
20 **CO-CHAIR RENÉ DUSSAULT:** Thank you.
21 **SARA WILLIAMS:** The final thing and I
22 will make this in one sentence, at our agency the max we
23 can charge or the max on our salaries for our NADAB workers

are $13,50 an hour and that's for people coming out with Bachelor's, for anyone. My sense is that as an agency to provide the best service for the bands, that we need to have a great bit of freedom to be competitive in that job market. I leave that with you.

CO-CHAIR RENÉ DUSSAULT: Thank you.

COMMISSIONER PAUL CHARTRAND: Thank you for your presentation, including that reference to poetry. I was intrigued because in our Hearings we have been hearing the poetry born of the experience of ordinary people too. One of your lines "I was born to live, not just survive" is almost the same as an ordinary person said last week, he said "I am tired of subsisting. I want to live," but in a different context. I thought I would publicize that poetry from an ordinary person.

With reference to the proposals and sports and recreation here, I'd like to say this very briefly, our research program at the Commission is organized into a number of entities, including a cultural and social entity or department and also a youth component. Both of those will be involved in the development of sports and recreation endeavours. They will be examining that. So I say that to put on record the submission that you

have made. We have seen models of experience for sports and recreational programs in remote communities and here you are indicating to us the existence of experience in places closer to towns or even in towns and I think that is important. Thank you very much.

SARA WILLIAMS: Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much.

Once again I remind you that we are running very, very short of time.

I would like to call upon the next presenter, the Legal Aid Services, Cliff.

CLIFF THORSTENSON (Nicola Valley Native Community Law Office, Merritt Legal Services): Good afternoon. My name is Cliff Thorstenson and I am the staff lawyer at Merritt Legal Services. Our office provides duty counsel services in Merritt in Provincial Criminal Court. We also process all Legal Aid applications in the Nicola Valley, so as a result we are aware of many of the situations which bring people into contact with the criminal and family courts.

Here in the Nicola Valley, as elsewhere, Aboriginal people are before the courts proportionally

more often than the general population. I am often struck by how inappropriate the court process is for many problems faced by Aboriginal people and how it is for the provincial and federal governments who currently hold the power over these things to facilitate Aboriginal people in establishing culturally appropriate alternatives to the criminal and family courts.

The criminal justice system is based on a number of laudable principles, but is primarily based on what I would describe as the cult of the individual and individual rights. Many of these principles are highly laudable, but I think our justice system has lost sight of the fact that ours is just one of the many possible justice systems and it may not be the most appropriate for some Aboriginal people. It is professionalized rather than community based and it focuses all the blame for crime on individuals, without examining systemic illness. It emphasizes punishment rather than rehabilitation or reintegration of the offender into the community.

I think it is pretty clear that the Canadian criminal justice system fails Aboriginal people. Throughout the country, more Aboriginal people are before

the criminal courts, more plead guilty, more go to the jail and when they go to jail they serve longer sentences than the general population. There is also a very high rate of repeat offenders.

From what I understand, and it is not very much and I apologize for any inaccuracies in this, but the traditional justice system of the Nlaka'pamux people has been based on communal rights, not on individual rights and emphasizes membership in a group or community. So, if a person commits a serious wrong, he or she is publicly ostracized and required to atone to the victim and to the community for the crime, but it doesn't stop there.

In the consideration of the incident, family members of the offender and the community examine their roles in contributing to the incident. They accept some of the responsibility, instead of heaping it all on the offender and they put support in place for both victims and offender to reintegrate the offender into the community in a positive way. In other words, systemic ills are dealt with in addition to the specific problems of the accused.

If our governments and criminal justice

system were to take a chance and to release their grip on Aboriginal people and support rather than object to Aboriginal justice initiatives, I believe we would see a positive change and less Aboriginal people before the justice system.

In family court there are a large number of aboriginal children apprehended. I am not sure of the statistics, but I am quite confident that they are again, proportionately higher than those of the general population.

In the Nicola Valley, the following scenario is all too common. An Aboriginal child is apprehended from the parents, often because the child is perceived to be in need of protection because of neglect. The standard of neglect that is applied is that of the social worker who does the apprehension and is typically a non-Aboriginal person.

I am not slamming the social workers. I believe that in the Nicola Valley they do their best to understand the entire context, but I still think that we must recognize that a lot of these considerations are ethnocentric.

Very often what happens is the child is

placed into temporary foster care, sometimes with a relative, sometimes with an approved foster home. There are very few foster homes in the Nicola Valley and there are even fewer Aboriginal foster homes approved by Social Services.

Social Services' standards are themselves ethnocentric. They require that foster parents have a vehicle, that they have so many bedrooms in their home and that they live within a certain proximity of a hospital. One can easily see the reason for these standards, but we must appreciate they are ethnocentric. Many Aboriginal people live on small reserves, several kilometres from a hospital and in conditions of what we call poverty, no car and perhaps a small house with very few rooms.

Many of these people, of course, are good parents and have parenting support from their neighbours who are often family, family members perhaps of the apprehended child. They are part of the culture and extended family of the apprehended child, but cannot or will not be foster parents because the foster parent system in British Columbia is run by non-Aboriginal people according to non-Aboriginal values.

The long-term results are often tragic. The parents often believe that once the child has been apprehended, there is little hope of getting him or her back. They don't take the steps that Social Services believes are necessary to prove that they are worthy parents.

The children are eventually placed in non-Aboriginal homes outside the Nicola Valley. Very often the parents, suffering from poverty and without a vehicle, they rarely visit the kids. Eventually what happens is that all ties with the community between the children and the community are broken and the children are placed in permanent custody. This happens with too much regularity.

Social Services sometimes put the children up for adoption, but again especially with older children the chances of a successful adoption are very slim. Instead, children often bounce around from foster home to foster home, sometimes 10 or 15 foster homes until the kids hit the streets or become adults.

The chances, it seems to me, of children surviving this type of system as healthy adults are very slim.

1 Again, as I understand it and I apologize
2 for any inaccuracy in this, but traditional Aboriginal
3 child rearing in this territory involves extended families
4 and whole communities. If mom and dad are having problems,
5 families intervene and take the children into their home.
6 Meanwhile, support is provided to mom and dad to address
7 their problems and improve their parenting.
8 Again, the traditional approach to
9 family problems is community-based and remedial, rather
10 than professionalized, rather than alienating children
11 from their own community. Children are parented in
12 environments which support their self-worth as Aboriginal
13 people and members of communities.
14 There are many initiatives underway in
15 Canada to put criminal justice and child welfare back into
16 Aboriginal hands. Some of these are I think quite
17 successful, some are far less so, at least to this time.
18 The ones that work are well-financed and have the support
19 of the legal and social services professionals as well
20 as the general population.
21 Proper financing for Aboriginal justice
22 initiatives requires an infrastructure. It requires a
23 long-term financial commitment by the governments, the

1 federal and provincial governments which now control these
2 issues, not short-term grants paying poverty-level wages
3 to one or two summer students or someone for a couple of
4 months. That typically is the way that projects like this
5 are funded in this Valley and I think in a lot of communities
6 across B.C. and Canada, just short-term funding.
7 It almost seems that the governments
8 prefer this inefficient and ineffective method of funding.
9 I think it shows a lack of commitment to alternative
10 justice measures by Aboriginal people.
11 There seems to be somewhat of a
12 misconception that local Tribal Councils have a lot of
13 money. That is very untrue. They are operating on
14 shoestring budgets. These meagre funds must be
15 distributed across and incredibly wide array of projects
16 and concerns and under these circumstances it is very
17 difficult to move ahead in a systematic way on justice
18 initiatives. To succeed at Aboriginal justice
19 initiatives require adequate and permanent funding. My
20 submission, therefore, is twofold:
21 That this Commission recommend that our
22 politicians and our courts recognize by their actions and
23 not just their words that our criminal and family courts

are ethnocentric and often inappropriate for Aboriginal peoples; and

Second, that this Commission recommend that our politicians commit stable long-term funding to Aboriginal groups such as the Nlaka'pamux and the Nicola Valley Tribal Councils in order that they may pursue Aboriginal justice initiatives.

CO-CHAIR RENÉ DUSSAULT: I would like to thank you very much for raising those very important issues. I think is more striking in your brief is the reflection concerning the professionalization of the system and the community side of it. Of course, we have to look at the transition and also the future, where the system will best perform.

Also, the fact that if there is to be professionalization, then the cultural aspect has to be taken into account. We have heard a lot in our various Hearings about the difficulty of finding foster care homes where Aboriginal children will feel both at ease culturally and understood. When you are saying this is not as it should be, I think it is certainly an understatement.

Our Commission is going to look at the justice system as such, but also to those components that

are part of the justice system on the family side of things. We thank you very much for raising these questions in a neat and careful fashion. Thank you.

COMMISSIONER PAUL CHARTRAND: Thank you, Mr. Thorstenson. Thank you for adding your voice to the many submissions that we have heard about the tragedies of the so-called foster care system by which the state intervenes in these family matters and by way of policies and practices that can be described as ill-conceived at best.

I do have one question. I will preface it by saying that you may opt to not answer it, but I ask it for this reason, that it is an issue that was brought before us elsewhere by a legal aid lawyer. I wonder if you might be in a position to offer your view on the issue.

It has to do with a perceived situation of conflicting interests. The issue was brought before us by a lawyer whose salary is being paid by a provincial government. Her perception was that where legal aid agencies are established by such as Band Councils, Tribal Councils, by First Nations' organizations and where the lawyers are paid by those organizations, the proposition went that there is a situation of conflict of interest,

in the sense that the lawyer seemed to wonder where lies the duty, the primary duty. Is it to a client or to who pays the bill?

I am not sure I follow that argument.

CLIFF THORSTENSON: I am not sure that I follow it either. I think that conflict of interest is something certainly that every lawyer has to consider and be wary of in any context. I am going to sort of dodge the question by saying this, that I think rather than us trying to work out, say as a member of the legal community, like we say, trying to work out what all these things should entail when Aboriginal people take control of their own justice system, I'd like to say that I think that Aboriginal people should be facilitated to take control of it and work it out themselves.

That's dodging the question I know, but I think that these are things that can be ironed out, rather than anticipated and made as barriers to begin with, the potential conflict of interest.

I think from what I understand of traditional justice in this area, there has to be some backing off the tradition role of lawyer.

COMMISSIONER PAUL CHARTRAND: Thank you very much.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, Cliff.

I would like to call on the City of Merritt, Councillor Rick Typusiak.

COUNCILLOR RICK TYPUSIAK (City of Merritt): Elders, Chiefs, distinguished Commissioners, ladies and gentlemen. On behalf of the Council of the City of Merritt, I'd like to welcome you to our city and offer the hope that your time with us is enjoyable, memorable and, more importantly, productive to the enormous task that you have been given.

We are extremely honoured that the City of Merritt was chosen as a place where this esteemed Commission can hear people speak and offer resolutions. Her Worship Clara Norgaard, the Mayor of the City of Merritt, would have liked to be present here today. She sends her regrets at having to attend previously scheduled commitments today.

We hope and trust that this can be more than a place where people can speak and offer resolutions. We believe strongly that this must also be a place where

1 people are heard, and where action plans are formulated
2 and enacted. The time for study is long gone. The time
3 for action is past due. We are optimistic about the
4 mandate of this Commission which is solution-focused, and
5 are grateful for the opportunity to be heard.
6 We wish to address our presentation on
7 the concept of First Nations self-government, and more
8 specifically, on the relationships between municipal
9 government and First Nations' self-government.
10 As neighbourhood representatives, we
11 hear the fears of people and the opposition some people
12 hold to the notion of First Nations' people governing
13 themselves. Indeed, some on City Council may even share
14 these fears and views. Added to this are the warnings
15 of legal counsel such as the report distributed by the
16 firm Bull, Housser and Tupper during the Canada Round of
17 the last constitutional talks. It outlined potential
18 worst-case scenarios, from a municipality's point of view,
19 if self-government as defined in the Charlottetown
20 Agreement were adopted.
21 Merritt City Council acknowledges that
22 these fears are primarily based on the perception,
23 erroneous or otherwise, that somehow some loss will occur.

We, however, come to this Hearing generally embracing the notion of potential perceptual gains. To suggest for a moment that we have nothing to learn from governments whose groundings precede the time of the pyramids is absolutely ludicrous. Furthermore, we have much to learn from First Nations' people about caring for people. It was local First Nations' initiatives that brought the only services for victims of sexual assault, family violence, sexual offending and drug and alcohol abuse to this valley. These services are open to persons of all ethnic backgrounds. Yes, we have much to gain in a generic sense, a cultural betterment if you like, with our association with First Nations' governments. We believe that self-government will occur.

Merritt City Council appreciates the difficulties in defining the specifics of what self-government is. In British Columbia lone there are eight groups, or for lack of a better phrase "Nations" of Aboriginal people, with further sub-groupings based on tribal delineation. My understanding is that each of these nations had uniqueness in terms of language, traditions and governments. Presumably, the evolution

of self-government would hold elements of uniqueness based upon these traditions of historical tribal groupings, as well as influences from colonialism and Confederation. Thus, what self-government in Merritt might look like may look quite different in Terrace.

Furthermore, each of the tribal groupings across Canada under treaty may have a separate, unique concept of self-government. As a side note, the notion of treaty signatories suggests sovereignty of states, does it not?

Certainly, landmark decisions in the Supreme Court of Canada, such as Regina v. Sparrow suggest an argument for recognition of a third order of government status. In any event, the inherent complexities of the concepts of self-government and the relative lack of precedents and guidelines involved should not, in our opinion, deter from occurring what is right and what is just.

The City Council is in favour of the dismantling of the Department of Indian Affairs and the abolition of the Indian Act. These two rusted iron monuments from a time better forgotten have been an anchor on First Nations' people for far too long and should not

have been inflicted upon any free people. How can a person stand tall and proud when first you have to beg on your knees with your hands outstretched?

Now we come to the hard part. Obviously, dismantling these institutions today will not resolve anything tomorrow. What is required is a gradual relinquishment of the control that these institutions represent, based upon a timetable that each tribal grouping or self-government has full input in and veto power over. Not "chop till we drop", but "move in a groove" of comfort.

In our view, two components must occur first, to provide the infrastructure to support the gradual abolition of the Indian Act and the dismantling of the Department of Indian Affairs. The first is a process, initiated at a local level between First Nations' leaders and municipal and higher government officials. The purpose of this process is to define the specifics of localized self-government concepts through dialogue, negotiation, mediation and as a final resort, arbitration.

Of prime concern are the areas of jurisdiction between the levels and orders of governments and the impact and consequences that the exercising of

1 these areas of jurisdiction have on the other stakeholders
2 at the round table.
3 Municipal governments must be a
4 principal and full partner at the round table of
5 stakeholders as it is generally recognized that municipal
6 government operations could be greatly impacted. We must
7 be empowered by the provincial governments to represent
8 ourselves, free from provincial government encumbrance.
9 In Merritt, we are blessed with five area
10 bands, comprising about 30 per cent of the area population.
11 The direct economic impact has a potential of generating
12 $45 million into our economy each year. The five bands,
13 through the Tribal Council, have additional physical
14 assets in our city alone valued at $10 million. The
15 economic impact of other First Nations' businesses in the
16 area and energy agreements account for an additional $8
17 million.
18 Clearly, these economic figures are
19 significant, not only from the city's point of view, but
20 obviously from the point of view of First Nations'
21 investors who have investment confidence in Merritt. We
22 hold shared visions with area First Nations' people. The
23 City of Merritt requires the ability to sit as full partners

at the negotiating table, to voice independent support for these shared visions. We do not support externally imposed, global resolutions. It is our view that locally developed solutions will be meaningful, workable and long lasting, whether it addresses taxation, land claims, resource allocation or whatever topic.

Our vision can simplistically be illustrated by the ripple on the water concept. If you were to take a handful of pebbles, each representing local municipal and Aboriginal self-government concerns, and tossed them into a clam lake, ripples would occur. At the point of impact where the splash occurs, we visualize local round table discussions occurring, and agreements reached.

Where the ripples interface with ripples from other points of impact, we envision round table discussions and agreements occurring, involving the senior levels of government. We cannot stress enough the concept of resolving issues at the local level, and expanding out regionally. Externally imposed resolutions will not work. They cannot adequately address the uniqueness and diversification of localized issues and concerns. The failings of the initiatives under the Indian Act

demonstrate the shortcomings of externally exposed resolutions.

The second key component that Merritt City Council wishes to stress is the need for First Nations' peoples educational opportunities. First Nations' peoples must be empowered to develop their own educational institutions, particularly at the post-secondary level. Senior governments must recognize this, and must provide meaningful funding for these institutions, through transfer payments, much like what exists today in provincially run post-secondary educational institutions.

In Merritt, as you have heard, we have the Nicola Valley Institute of Technology, an institution that has a proven successful track record of providing quality educational opportunities for First Nations' people. Graduates receive appropriate and meaningful training to allow them to return, in many cases, to their communities and assume leadership positions. This is a sound investment.

Unfortunately, current senior governments have not yet appreciated the merits of this institution and have fallen into the trap of trying to

pigeon-hold this institution into existing funding criteria.

The City of Merritt fully endorses the Nicola Valley Institute of Technology, not only because of the annual $7 million potential into our community, but more importantly because of the hope of a better future that this institution brings to First Nations' peoples. In the move to self-government, institutions such as the Nicola Valley Institute of Technology have a critical role to play and must be funded on a priority basis.

Merritt City Council is cognizant of the reality of limited funding sources all governments face. It is important, in our view, that in building the infrastructure of a new level of government, we must be creative. We must exercise due care to ensure that services provided by all governments are not duplicated. We cannot financially afford to do this. Thus, as the process of negotiations moves forward, all governments must come to the table prepared to take a hard look at the services provided and at those required.

We must all be prepared to look at a better, more cost-effective way to provide these services. We must be willing to relinquish some of our existing

traditional areas of responsibility, in order to gain a better, economically feasible way of life for all people. The City of Merritt views the negotiations over self-government as a launching pad to designing this better way. A spirit of co-operation, openness and one of sharing will help us discover these better ways.

And speaking of funding, some Merritt City Councillors see provincial governments as having a role, and even an obligation to pay. In resource rich provinces such as ours, we believe that our quest for the harvesting and mining of these resources has resulted in First Nations' people being denied access to many of their traditional resources. We collect revenue from the gathering of those resources we seek. Surely we have an obligation to compensate First Nations' people for the loss of their opportunities. Perhaps resource revenues should proportionally be granted to First Nations' governments.

In conclusion, members of Merritt City Council recognize the need for, and the inevitability of First Nations' self-government. We want to be a positive contributing partner to the process of the establishment of these governments. We view the opportunities as being

a valued exercise to build a better way of life for all people, especially for First Nations' people. We believe that success can best be achieved by commencing the negotiations at the local level and working outwards. We want to be part of the process, and to do that end propose that the Merritt area could be set up as a pilot project to begin this process. We value the contributions that local First Nations' people have made to make Merritt a better place to live and we look forward to working co-operatively to build upon these successes.

We thank the Commissioners for the opportunity to make our presentation today. Now we feel it is time to get on with the important task of constructing a land where First Nations' people have the ability to live in harmony and equality. Thank you.

CO-CHAIR RENÉ DUSSAULT: On behalf of the Commission I would like to thank the City Council for both its hospitality and also for providing us with a brief that is straightforward and quite frank.

Last June we organized a National Round Table on Urban Issues in some of the major cities across the country. At that time we wanted to discuss the concept of self-government within urban settings. We realized

that that might be different when we think about self-government in downtown Calgary or Vancouver or Winnipeg and when we think about self-government in a valley like this one where Merritt is the key city.

It is the first time that we have an opportunity during this round of Hearings and we didn't in the first one have an opportunity to have this kind of a discussion with a city council. We know that the various cities across Canada want to help and participate in the coming of self-government, so that we feel that the concerns for economic development for the whole region is a basic concern to bring people together and thinking about building that kind of structure that would be needed.

Your brief is certainly not only useful, but it is one of the first that we have received so far addressing frankly these issues. We acknowledge that in your view the Indian Act should be abolished and the department is concerned, as of course yours is, to come with the transition that will enable the phasing out of the Indian Act and the phasing in of self-government. This will have to be flexible and adapt to the need of the various communities across the country. That is the

reason why we are going to have to look at the Indian Act as such because this transition could be fairly long in many areas and the policies under the Act will have to be modified to accommodate the needs of Aboriginal peoples better than it is doing now.

The idea of working self-government from the local level outward is certainly a very sound one. We have an opportunity now to really try to start from the bottom and to work the solutions up. Maybe the constitutional discussion has blurred that a bit because the discussion was at the level of high principles and general framework, but that kind of work has to be done and it is probably the most important. We have to build a house before putting on the roof.

I think your contribution this afternoon will help us to think about the role the cities in this country should have in the implementation of self-government. Thank you very much.

COMMISSIONER PAUL CHARTRAND: Thank you for your presentation. I thank you for the presentation you have made on behalf of the City of Merritt and Mayor Norgaard. I may say I had the pleasure of meeting Her Worship yesterday evening and thank you for your good

wishes. I can say that I am taking away good memories from Merritt and the surrounding area. I even purchased some souvenirs and in light of the spirit of co-operation that you have infused throughout your presentation, I know that you will not mind that I purchased them from the Nicola Valley Institute of Technology.

COUNCILLOR RICK TYPUSIAK: Not at all.

COMMISSIONER PAUL CHARTRAND: Your brief does contain, if I may say so, a number of good ideas. I have not heard yet from bureaucrats about the merits of stuffing things into pigeon holes, but your suggestions certainly have prima facie merit.

You referred to some of the existing structures, the archaic structures as rusted iron monuments. I don't know if we will be able to pull this off, but perhaps if we can replace those rusted iron monuments with some structures of sterling silver we might be able to be assured that in some way they will not gather dust on some shelf. Thank you very much.

COUNCILLOR RICK TYPUSIAK: Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE:

1 Thank you very much, Rick.
2 We have come to the open forum portion.
3 I have two people recorded here who wanted to present
4 something. I would like to ask them to be very brief.
5 I would like to call on Austin Sterling.
6 **AUSTIN STERLING:** Bonjour, greetings
7 from Gordie Creek, B.C., that's where I'm from. I'm a
8 Nlaka'pamux person. I am a principal of a band school.
9
10 I believe that band schools are the only
11 place where the cultural continuity that we wish for can
12 take place. The cultural continuity isn't going to happen
13 in a public school.
14 In interest to the brevity of the report,
15 I would like to see the Department of Indian Affairs adopt
16 a **parens patriae** policy, children first, because children
17 are the future. We are just the shapers, we are just the
18 first wave of people that is coming. The children are
19 the ones.
20 I guess as a principal and a school
21 manager it's a great honour to be a part of the shaping
22 of the future of the native Indian people.
23 Just to reiterate, as I see it every day

what is needed on the reserves is a fostering of the emotional, psychological growth. We have suffered every indignity on the face of the earth and we are just now in recovery from that and that has got to be fostered.

Simply, to continue to fund band schools, they are a good enterprise. Like I said, that is where the future of our people are because it is not going to be taught in the public school. You will get a mixture of European and all races taught there, but you won't see Nlaka'pamux.

It's a great honour to be heard by your gentlemen. Thank you for listening to me on behalf of our school and my family. I thank you and wish you the best of luck in the huge task you have.

CO-CHAIR RENÉ DUSSAULT: Thank you very much.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, Austin.

On the list I have Harold Joe.

HAROLD JOE: Mr. Commissioners, Chiefs, Councillors, people, I was entrusted with some paper by my great aunt. At this time I would like to present it to you. It's a bunch of research work done by lawyers

that she helped finance. It generally touches on the land claims issue. She entrusted it to me, saying maybe sometime in the future there will be an opportune time when you can surface these papers and present them to certain peoples.

Also, my greatgrandfather was a co-signer to the Spences Bridge Conference. He lived to be 100 years old. He didn't see the land claims question answered in his lifetime. My great aunt lived to be 90-plus years old and she never seen it in her lifetime. Also, if I live to be 100 years old will I see it in my lifetime? That's the only point I have to make at this time.

Some of these papers go back even before there was a name put on this part of the country. It was still called the Northwest Territories and I mean it was even before the formation of British Columbia. So, General Douglas is mentioned in there with his papers writing to London, England.

So, this land claims issue kind of strikes -- puts its foot into the historical aspect of things. Other than that, will I see it in my lifetime, sir? That's my question, even if I live to be 100 years

old. Thank you. Thank you for your time.

CO-CHAIR RENÉ DUSSAULT: Thank you for providing us with this additional information. Thank you.

COMMISSIONER PAUL CHARTRAND: Thank you, sir. When you came with these documents here I saw Chief Antoine's eyebrows rise, but when you walked up to give us copies of them they lowered. Thank you very much for your assistance.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you very much, Harold.

HAROLD JOE: Also another point, I thought there was supposed to be seven Commissioners, so I have extra copies.

CO-CHAIR RENÉ DUSSAULT: Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Thank you, Harold.

If you are brief, we will allow one more person, if there is anyone from the floor who wants to say something because Gordon promised me he would be very brief on his. Eliza.

ELIZA MONTGOMERY: Good afternoon. My name is Eliza Montgomery. I am a member of the Lower Similkameen Band in Carimous. I am also a member of the

Student Council and a member of the NVIT Board. I welcome you to Merritt and I appreciate that you took time to visit NVIT.

I really believe in native education for native people. I believe in the band schools. I believe in NVIT. At NVIT we really struggle as students, as single parents with the amount of dollars allotted to us, as students and the amount of money that is allotted to NVIT to become a good institution.

I believe in the vision that we have that cultural programs need to be integrated with academic, that we need to find ourselves, our native identity to become stronger. Myself, I believe that we have become so brainwashed in the non-native system that we become more non-native than native. In band schools and in institutions such as NVIT, I believe they help us find ourselves and that we become stronger because we come through this type of program.

I think that NVIT needs a lot of help in the area of funding. I would like to see direct funding go right to NVIT from the federal government and that more of these institutions be established. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you very

1 much.

2 **COMMISSIONER OF THE DAY CHIEF PERCY JOE:**

3 I would like to call on Gordon, the Coldwater Band.

4 **CHIEF GORDON ANTOINE (Coldwater Indian**

5 **Band):** (Native language - no translation). My

6 elders and those that are younger than I, I come from

7 Coldwater who are one of the five peoples of the Creeks,

8 the Nicola, who are a subgroup of both the Nlaka'pamux

9 and the Stilx speakers.

10 I am going to tell you of some of

11 ourselves. I am going to speak to you a little of our

12 past and how it is that we have come to live here and how

13 it is that we are speaking to you today of the visions

14 that we have for our future and the part of that future

15 you must attend to, Commissioners Dussault and Chartrand.

16

17 The thoughts you have heard today, along

18 with what you have seen and visited with yesterday, will

19 have to a small degree exposed to you some of the thinking

20 and the activity that the Coldwater Band, along with the

21 other four bands of the Nicola, are endeavouring to have

22 come about, our vision for the future for ourselves and

23 our children. It is simply to take our place, our place

in our homeland, here in the Nicola, in this province, British Columbia, in this country, Canada, on this continent, Turtle Island, North America and on the plant earth. We say to you we will take our place and we will see our visions come to pass.

(Native language - no translation).

The voices of our elders are still echoing in those mountains. (Native language - no translation). They are still telling us of their actions. These echoes come to us as they pass from mountain top to mountain top. With these echoes are the winds of the spring and the autumn whispering their messages and the rustle of the leaves in the trees and the shrubs and with the first melt of the winter ice, the tumbling of the fresh water of winter brings life for the lifegivers of the land. The things that grow on the land, walk on the land and fly over the land and swim in the waters of the land.

Those autumn winds in bringing the cold of the winter also bring the early yearning of the life that we wait each spring.

We as peoples are now at this time reawakening from this yearning to retake our place on this land beneath the sun that warms us and with the water brings

us life. (Native language - no translation).

It is the languages of our peoples that are carried in those echoes and in the sounds of those winds. From time to time these echoes and the wind are like the thunder as they strike the mountains, especially when our people feel the brunt of the damage and the over use that our mother the earth has endured.

The echoes of our peoples' past also comes to us in the messages of the wind around us, the very breezes that bring the spring have also brought us the flues and other illnesses of the past that have reduced our populations.

The wind of the winters have brought us the time also to share with each other the gifts of summer and autumn; to hear of our grandmothers' and grandfathers' time on this land; to hear of the distant times back to and beyond the flood, back to the time that we were created for this land, of how we came to live on this land and to listen to the teachings of the Creator and to re-commit ourselves to the Creator, to share and to pass on the knowledge and skill for our children and grandchildren to live well on this land.

This past life has now been intruded on

and as such there have been vast changes to the life that our people once lived and to the future that we seek for ourselves and our young.

We have, from our elders, heard of the changes to the life of the earth that we live on and we have witnessed large changes to our way of life in our own lifetimes.

There are now even greater changes or greater pressures for us to change further and faster. The once plentiful and easy access to the living and other resources around us and with us are no longer available or have been legislated away from us. Since the coming of the people you represent, our avenues for our personal well-being have been discouraged by legislation, the ability to continue our own educational and spiritual practices. This is now being challenged more often by our peoples and to a small degree is being overcome, but only partially as the remnants of our past cultures, economies and our lifestyles could only arise to the limited availability of the remaining populations of our cultures and communities.

This is the second time in the history of Canada being in place that someone has come to this

1 group of people, the People of the Creeks, the Nicola,
2 the Showakim (ph), in their homeland to ask them their
3 thoughts and recommendations regarding their future in
4 Canada. The first time was during the time of the McKenna
5 McBride Land Commission. Then a boy of 14 was asked to
6 speak for his people. He was my grandfather. He was
7 placed in a position of having to beg for land and access
8 to resources for his people.
9 You have heard our children. I believe
10 they were telling you of when and how they will be taking
11 their place on this land. They were not asking you your
12 permission.
13 What I intend to do now is that along
14 with the recommendations others have placed with you today
15 and at other Hearings from which you have received briefs,
16 is to add to and in some cases and I think most cases today,
17 emphasize by repeating some of them in the list of 12 that
18 I have. To a large degree these recommendations arise
19 from my experience with the Coldwater and my other
20 activities in a number of endeavours.
21 The first recommendation is that the
22 process regarding the settlement of the B.C. land question,
23 and I do not say land claims, it's a land question in my

1 mind -- I am not claiming back -- be accelerated. The
2 reason I am saying that is regardless of the posturing
3 and the announcements of both the Prime Minister of Canada
4 and the Premier of this province, there is still only one
5 set of negotiations underway in British Columbia and that's
6 the Nishka's.
7 As you have heard earlier today, without
8 the settlement of lands, without the involvement of the
9 rest of the populations of British Columbia in initiating
10 and continuing those settlements, things are just going
11 to get bloody tougher.
12 Second, I recommend that the Department
13 of Indian and Northern Affairs and the Justice Department
14 rationalize the issues of land administration on Indian
15 reserves. The reason is band members cannot move forward
16 without some surety attached to their interest on reserve,
17 nor can Band Councils plan and project development without
18 some comfort in the separation of community and individual
19 land interests. Indian Bands and their governments are
20 ready to work in this area and apparently the two
21 departments are more concerned with their possible
22 liability positions.
23 Third, I recommend that the Government

1 of Canada begin to address the shortfalls in First Nations'
2 educational achievement.
3 Four, that Canada continue to fund the
4 on-reserve K to 12 school systems.
5 Five, that Canada accelerate the funding
6 for the capital needs of these schools. To about six years
7 ago, up to 90 per cent of First Nations' school enrollees
8 did not complete high school in the public system. These
9 schools have had an impact, or our current schools on
10 reserves have had an impact in the short time in that area.
11 The completion rate has increased and some of the earning
12 power at these schools is remaining on the reserve. In
13 the case of the Coldwater it means about 13 salaries that
14 remain on that reserve.
15 We know that although 17 per cent of our
16 populations, or 17 per cent of the populations in the public
17 school system in town is made up of native people. I doubt
18 very much that 17 per cent of their employees are made
19 up of native people.
20 Sixth, I recommend that Canada fund
21 directly First Nations' people the value of the
22 post-secondary transfer payments made to the provinces
23 for this educational area. In 1986 the Canada Census

1 Report showed that less than one half of 1 per cent of
2 First Nations' people enjoyed a successful post-secondary
3 experience as compared to 32-plus per cent for the general
4 public. I am getting ripped off is what I am saying.
5 Seven, that Canada directly fund and
6 sponsor college and university developments such as the
7 Nicola Valley Institute of Technology. It is my
8 understanding that there is less than 3,500 university
9 graduates in this country from an estimated population
10 of 1.7 million First Nations' people. Our present
11 participation and success from the Coldwater is currently
12 at 7.5 per cent.
13 Eight, that Canada work with First
14 Nations' people toward the goal of overcoming the ravages
15 of physical and sexual abuse in our communities.
16 Nine, that Canada continue to provide
17 the public health services to First Nations' people and
18 to accelerate the services to more fully include our
19 memberships off-reserve.
20 Ten, that Canada work with First
21 Nations' people to re-establish the languages of the First
22 Nations' people. There already has been a clear and
23 evident loss of the original Schowaka (ph) language in

1 this Valley. The old Nicola is gone.
2 Eleven, that Canada undertake to
3 rationalize the country's banking laws to reflect the
4 participation of First Nations' people in the country's
5 development. I would like to ask the Commissioners to
6 look at something that has always been an irony to me,
7 is the Great Seal or the Corporate Seal of the Bank of
8 Montreal. It is a horn of plenty with two First Nations'
9 people on their knees at each side of the mouth of the
10 horn of plenty. I have always wondered to myself if they
11 are the country's first bank, did they drive me and my
12 people to my knees or are they clearly suggesting in 1992
13 that they've got me down and hollering.
14 The other notion is that they won't lend
15 money to us on reserve. They won't put capital on reserve,
16 on the basis that their security may not be adequate and
17 yet I challenge that when you hear of newspaper reports
18 of the write-offs that are made on loans made to other
19 jurisdictions around the world in which they have far less
20 security. I am not leaving this country. Their money
21 is safe with me.
22 Twelve, that Canada accelerate the
23 initiatives regarding the policing needs of the country's

First Nations' people. Regardless of the well publicized safety issues of the country's urban populations, a large portion of our First Nation's populations face environments that are far less than safe communities. You heard the children this morning asking for a safe environment.

Thirteen, that the Royal Commissioners being mindful of the disappointment felt by the leadership of our people and at least 50 per cent of my membership at Coldwater in the results of the Constitutional Referendum, that they consider making an early report to government on matters that the Commissioners deem of urgency. The fourteenth recommendation and it is not on your list and not on my list, but added on, is the Nicola Valley Tribal Council would like your assurance and commitment. We recommend that you assure us and commit to us that we have the findings, analysis and recommendations from the Public Hearings here and access to those that are made across the country.

Before I leave you, I would like to think that I've met the challenge from the other co-Chairperson, the Honourable Dussault, Georges Erasmus, when we were discussing the possibility of a Hearing in Merritt, in

the Nicola. He had suggested that all that he'd heard across the country had been a litany of all of the problems, with no solutions.

He had also suggested that the only people coming forward were native people and that we should at least try to address that particular issue here and to be very solid in our recommendations and to ensure that non-native people participated in the Hearings. I think we have accomplished that.

I wish to thank you for coming here and listening to our presentations. It is my anticipation that you will have a great impact on the future of my children and their children. The reason I suggest that is that there have been very few changes to the relationship as legislated by the federal Crown in our 125-year history with them. The only changes that have really come to any fruition has been in the 1980s with the inclusion of section 35 into the Canada Constitution Act.

I don't see a great number of major changes in our relationship coming down. I would suggest that it's important from my perspective that whatever changes you make are going to probably come so slow and I may not live as long as my friend Harold back there and

so I may not live to see those changes, but I do know that my children will live to see those changes. I would like those changes to reflect well for them.

It is my anticipation that the impact of the recommendations you will forward to the government will enable legislation that may truly reflect First Nations' thinking.

It is my hope that what you have seen and heard will have a strong impact on you personally. I wish you well and a safe journey in all the travels you are to undertake in the next short while and that at some point during our discussions with each other over the next while we may come to some agreements with working together a little longer.

(Native language - no translation).

It always makes my heart lift when people of other languages come. Sometime ago my people told me that there are two kinds of white men, one is Soyaupas (ph), the bird cheek people, who were the French people and one has come. The other is just plain Shama (ph).

I would like to also thank Percy for having the courage and the commitment to I think keep us in line and keep all of the briefs moving. I would really

like to thank Clyde for the efforts that he has undertaken. I would especially like to thank the caterers. I know Clyde told them not to worry about it, there will be 30 people here today. They had to kind of shift gears quickly.

I would like to thank the other four chiefs for having the fortitude to sit through it all today. Most of all, I would like to thank personally Mr. René Dussault and Mr. Paul Chartrand for coming and accepting the challenge to spend an extra day and look around and to see who we are. I know a day is not a long time and it's not much, but it is important to me. Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Chief Gordon Antoine, I would like to thank you very much for presenting us with a brief that is both poetic and practical. It shows that it is possible to do both.

Due to the time constraint, we will not be able to discuss at length your brief and each of the recommendations. Some of them we would like to discuss and we might have an additional opportunity to do it later in the process. I will give an example, in recommendation No. 6 you recommend that the Government of Canada fund

1 directly First Nations' people the value of the
2 post-secondary transfer payments made by the provinces
3 for this educational area, the reason being that less than
4 one half of 1 per cent is of benefit to Aboriginal people.
5
6 I understand that. On the other hand,
7 we would want to discuss from a practical point of view
8 and, of course, I don't know the figure that is represented
9 there, but I do know that it is very costly to establish
10 post-secondary institutions and universities. So, I
11 would want to be sure that the work will be done to make
12 those institutions to take into account the cross- cultural
13 aspect of having Aboriginal students.
14 What I am getting at is in many of our
15 Hearings -- we had young high school people and they keep
16 telling us if you bring a college or a university on the
17 reserve we will go to the university and the college.
18 Of course, we kept telling them that while in some instances
19 it might be possible to bring an institution to the reserve
20 and in many instances they would have to go where the
21 institutions are and then the discussion started about
22 the means to make this possible for them and make them
23 comfortable in doing this. So, these are questions that

will have to be discussed and thought about.

I realize that time is too short, but we would like -- I understand the message. The message is that there is money spent and with no avail for Aboriginal people. That money should be put to work for getting results. This is an example of the kind of discussion we want to have on those recommendations, but again you should make sure that this is only a start.

We are very happy to have been able to come to the Valley and to spend an extra day, as you said. For us it was a huge benefit to do that because listening to briefs day after day and without knowing the context, we found that very difficult. It is much more enlightening and rewarding to hear briefs when we have met the people before and we have visited the institutions and we can put some faces to the names that are listed on our agenda. We are very grateful for the commitment you made to my co-Chair Georges Erasmus that you would bring many non-Aboriginal people participating in our Hearings and also young people. In our discussion paper we just said that the first round of Hearings there was a problem with the attendance of non-Aboriginal people and young people. So far so good, as far as the second round is concerned.

1 You certainly contributed to a large to that for our stay
2 here in this part of British Columbia.
3 I would like maybe to ask Paul to make
4 some comments and then I have some thanks to extend to
5 many people who have been hosting us and taking care of
6 making sure that we had as good a grasp of the reality
7 in the short time we were able to come. Thank you.
8 Paul.
9 **COMMISSIONER PAUL CHARTRAND:** I will be
10 brief. I would like to begin by saying to Chief Antoine
11 that it is apparent the inspiration that you derive from
12 the commitment and historic involvement of your elders
13 in the affairs of your nation and I wish to extend my
14 congratulations.
15 I believe that you have eloquently
16 demonstrated your own point, that your nation is already
17 taking its place on this land and I know that in your own
18 words you need not ask anyone's permission to do that and
19 certainly not mine.
20 More generally, I wish to conclude by
21 expressing my thanks to Chief Percy Joe and to all the
22 other chiefs who received us and who extended to us such
23 wonderful hospitality yesterday and today. I certainly

will remember your hospitality. I am grateful for having been here for some time on your peoples' territory and we do leave with a really good sense of accomplishment, in light of the great quality of the organization and of the presentations that have been made. I can say to Chief Antoine that you certainly did make a strong impact, the presentations and the organization throughout has been very impressive. I am only sorry that we have to leave in a rush, but it is better than having to leave in a huff. Thank you.

CO-CHAIR RENÉ DUSSAULT: As my friend Paul just said, I think our stay in the Valley will be a landmark of this second round of Hearings. I would like to give you the assurance that the transcript of this day of Hearings will be made available to you as soon as it will come out and that means normally within two or three weeks. These transcripts are available. We plan to publish a second document that will try to boil down what we are going to being hearing and also the solutions that are starting to be given to us. This will be available to you also.

We hope that through the Intervenor Funding Program that you will be able to get the money

to really assess the documents that we are publishing. As I had an opportunity to tell you yesterday, this program is handled for the Commission in a totally independent fashion by David Crombie. I know you have applied to get some money for preparing a substantial additional brief and I wish you good luck.

Certainly before leaving I would like to acknowledge the tremendous work accomplished by Chief Percy Joe who monitored this day of Hearing through a heavy agenda, but giving time to everyone to be heard.

I would like to extend my thanks to you and the other Chiefs of the five bands that presented briefs to us today, to the Nicola Valley Tribal Council as such and all the members.

I would like to also extend our thanks to our community representative who did a tremendous job, Clyde Sam. Also to Angela Wesley who is our regional representative for British Columbia and for organizing the days of Hearings we have in British Columbia.

I would like to acknowledge Mabel Joe who said the prayer this morning, the cooks, Judith Joe, Joe Sebing and Francine Joe and Leona Rabbit. I think everyone will agree that they did a tremendous job and

made it possible to run up to now as a Hearing.

The tour we had yesterday of the facilities of the reserves and the Nicola Valley Institute was very enlightening, the schools. I would like to thank the staff and the students of the Nicola School, the staff and students of the Nicola Valley Institute of Technology and to thank them also because I think they were the ones who hosted last night's reception, Chief Don Moses and members of the Lower Nicola Band and all the others.

I would like before closing to thank the members of our staff who have been with us for the last two days. You have met most of them. First of all, Bernie Wood who acts as team leader, Laurie Fenner is our team assistant, Jason Winters who worked with the administration side of things and I have mentioned Angela Wesley who is acting as our local rep.

I would like to acknowledge also the presence of Senator Len Marchand. We think it is very important that Members of Parliament and also of the Senate are keeping informed of the work of the Commission. We forward them our documents when they are published because we know that at the end of the day they will be responsible for implementation.

In closing, I would like to thank the City of Merritt for the hospitality of this building and the people of the community that made this Hearing so fruitful. We hope we will be able to pursue this dialogue in other forums during the next two years. Thank you to all of you.

CLYDE SAM: Thank you. It was a very enjoyable day. Finishing off the day, I would like to ask Bill Simon first and then I will be asking Chief Scottie Holmes to make a presentation. Bill.

BILL SIMON: Good afternoon. On behalf of the Nicola Valley Indian Child and Family Services Advisory Committee, I would like to present to the Commissioners, Mr. Dussault and Mr. Chartrand, a small gift that represents our Committee's work and vision for the future of Indian children in the Valley. The Royal Commission on Aboriginal Affairs is considered by our Committee as one of many positive steps towards the recognition and achievement of justice and respect for our people in the eyes of the rest of this country and other nations of the world.

In that light, as a prelude to our gift presentation, I would like to read to the Commission a

1 poem written by an Indian spiritual leader, entitled "A
2 Vision for my People".
3 "Grandfather, Great Spirit, today I sat for a short while
4 in the thundering silence of your
5 solitude. And as I sat there I saw a
6 vision of how it was and how it is and
7 how it was supposed to be here in this
8 part of your creation.
9 I thought about and I saw with my limited vision the power
10 and the sacredness and the beauty of your
11 creation.
12 I give thanks for this new day. Gittchi Megwich (ph)
13 This morning that strong warrior, our elder brother sun,
14 came up over the mountain and he looked
15 into my eyes and he said 'The time for
16 sleep is over now. You must get up and
17 work. I have brought a new day and a
18 new chance, maybe a new way to see
19 things. You must get up and do your part
20 to make this a new world.'
21 I looked and I saw the vision of how it was when I was
22 still a little boy. The birds were
23 singing their songs and building their

1 nests in the way they were taught so long
2 ago.
3 In the way the animals and the fishes and the plants and
4 the sky world, they went about their work
5 in the way they were told so long ago.
6 I looked again and I saw how it was
7 supposed to be. I listened and I heard
8 it said that all things in your creation
9 had been created, male and female and
10 of every kind. The fishes and the birds
11 and the ones that walk and crawl and the
12 ones that grow with roots in the ground,
13 each had been given its original
14 instructions. All had been told that
15 they were to grow to their greatest
16 beauty and reproduce themselves and
17 return again to the earth mother.
18 In the way, your creation would be ongoing, forever fresh
19 and new, forever power and beauty and
20 sacredness.
21 Then I looked at the vision of how it is and I saw this.
22 I saw might and destitution. I saw
23 prisons and vengeance. I saw a vision

of the greatest desecration in the history of man. I saw leaders who are fools, but who believed they were gods in their own right. I saw those who were leading everything, even our earth mother into a final and total annihilation without reprieve.

I saw that you will not let it be that way, grandfather. I looked beyond the monstrous stupidity of these leaders and I saw hope. For you had raised up good people who saw the final death and they said, 'No, you cannot go that way, for we have reached out our hearts and our minds and our hands across the continents and the oceans of the world and we will surround you and circumscribe you with an unbroken and unbreakable ring of prayer and hope for the continuation of our children and our future. That is how it has to be.'"

By Art Solomon, an Ojibway spiritual advisor.

1 With that, I would like to present these
2 small gifts to the Commissioners.
3 **CLYDE SAM:** Thank you, Bill.
4 I would like to call upon Chief Fred
5 Holmes from the Upper Nicola Band, please.
6 **CHIEF FRED HOLMES:** Good evening.
7 Before we let you go, we would like to also present you
8 with a small gift. It's not a gift to be patronizing,
9 but a gift to remember your visit at Douglas Lake. I know
10 you mentioned yesterday you'd pay dearly to come to such
11 a beautiful place. I'll hold you to that.
12 When you get back to Ottawa, you remember
13 what I said. But anyway, I also extend my thank you for
14 listening to us. I am sure that you will do your best
15 when you get back to Ottawa and give our views the best
16 attention that you possibly can with the resources
17 available to you.
18 Along with this gift, I would like to
19 suggest that seeing you are going to be the only two
20 receiving it, I know there are a few other people who are
21 travelling with you, but I would like to extend my
22 appreciation for their patience in the things that we were
23 doing around here. I hope that they too enjoyed their

visit at Douglas Lake or Upper Nicola as a lot of people know it by. Douglas Lake is still our land and we will continue to use it.

What I would recommend to the Commissioners, on behalf of their staff, seeing that we are not giving them any presents, maybe you could increase their wage a little. I am sure they deserve it.

With this, I would like to present you with a present. Charlotte is one of our band councillors and she will present you with it.

CO-CHAIR RENÉ DUSSAULT: Thank you very much.

CHIEF FRED HOLMES: When you get back to Ottawa, use that with pride and let them know that you had good hospitality in the west. Thank you.

CO-CHAIR RENÉ DUSSAULT: Merci beaucoup. Thank you.

COMMISSIONER OF THE DAY CHIEF PERCY JOE: On behalf of the Tribal Council, we would also like to present you with a gift, a small token of the appreciation we have had for you coming here. We know you have had a whirlwind tour. This gift is just to remind you of the beautiful areas you've seen. With that, I'd like to

present you with a gift.

CO-CHAIR RENÉ DUSSAULT: Thank you very much.

COMMISSIONER PAUL CHARTRAND: Thank you.

CO-CHAIR RENÉ DUSSAULT: Shall I open it?

COMMISSIONER OF THE DAY CHIEF PERCY JOE: Yes.

COMMISSIONER PAUL CHARTRAND: Thank you very much.

CO-CHAIR RENÉ DUSSAULT: Thank you very much. It is very, very nice. It is really nice. Thank you.

MABEL JOE: First of all, we have to thank the Commissioners who have been with us today and Percy and all the Chiefs and the Councillors. We are going to say our prayers and ask God for help

(Closing Prayer)

--- Whereupon the Tribunal adjourned at 7:00 p.m.