

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

LOCATION/ENDROIT: WESTBURY HOTEL,
TORONTO, ONTARIO

DATE: FRIDAY, JUNE 4, 1993

VOLUME: 3

"for the record..."

STENOTRAN

1376 Kilborn Ave.
Ottawa 521-0703

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

Hearing Held at the Westbury Hotel,
475 Yonge Street, Toronto, Ontario,
on Friday, June 4, 1993.

B E F O R E :

RENE DUSSAULT	-	Co-Chair
MARY SILLETT	-	Commissioner

INDEX OF PROCEEDINGS

	Page
Opening Prayer	585
Opening Remarks	
Mrs. Lillian McGregor	585
Co-Chair Rene Dussault	585
Presentation by	
Chiefs of Ontario	
Chief Gordon Peters	585
Presentation by	
Ontario First Nations Police Commission	
Mr. Wally McKay	644
Presentation by	
World Wildlife Fund	
Mr. Monte Hummel	670
Presentation by	
Addiction Research Foundation	
Mr. Mark Taylor	684
Presentation by	
Native Earth of the Performing Arts	
Mr. Floyd Favel	696
Presentation by	
Native Men's Residence	
Mr. Gus Ashawasega	704
Ms. Judi Hall	
Presentation by	
Southern Ontario Metis and Non Status Association	
Mr. Tony Belcourt	719
Ms. Audrey Mayes	
Ms. Kim Coyle	
Mr. Dave Jacobs	
Mr. Paul Day	
Mr. Trevor Minnie	
Ms. Christi Belcourt	
Closing Prayer	

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Toronto, Ontario

2 --- Upon commencing on Friday June 4, 1993 at 9:00 a.m.

3 MRS. LILLIAN MCGREGOR: Good morning.

4 We will say our prayer first and then commence with day
5 three of the Royal Commission.

6 --- Opening prayer

7 CO-CHAIR RENE DUSSAULT: Good morning.

8 I would like to welcome you and tell you that the Royal
9 Commission is very happy to have a presentation from the
10 Ontario Chiefs. You may proceed whenever you are ready.

11 Thank you.

12 CHIEF GORDON PETERS, CALLED

13 CHIEF GORDON PETERS: Thank you Mr.

14 Chairman and I thank our elder for the opening this morning.

15 I think those are always words that we need to hear, that
16 we need to acknowledge each other, that we need to
17 acknowledge the creator and we need to acknowledge that
18 we need to be able to talk to each other in a kind way
19 so that we are able to hear those things that are being
20 said and understand that there is no --- or no group of
21 people who have a better or greater role to play than each
22 other so we all listen and we all speak and we all hear
23 those things that are the truth.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 This morning I wanted to talk very
2 briefly on what has been happening in the Province of
3 Ontario and I guess it is in relation to the post
4 Charlottetown Accord that we are dealing with and to bring
5 you up to date on the activities that are surrounding the
6 statement of political relationships that we have with
7 the provincial government.

8 That statement of Political
9 Relationships was a document that we signed with the
10 Ontario government previous to the beginning of the
11 Constitutional discussions that outlined very clearly our
12 relationship with the province of Ontario and we said that
13 we were establishing at that point a political relationship
14 based on a government to government basis. We recognize
15 the existence of the inherent rights, we recognize the
16 existence of our lands and our resources beyond a reserve
17 basis, what we called our territories and we recognized
18 that there was a way and means of being able to move on
19 these particular issues that did not acknowledge the
20 Constitution as having to be amended before we could
21 proceed with those particular items.

22 In fact what we were trying to set out
23 in the province of Ontario was the process with the

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 understanding that those rights that we were talking about,
2 those jurisdictions, those powers of our government, were
3 already contained in Section 35 (1) of the Constitution.

4 I think that has to be firstly acknowledged as the basic
5 premise that we were dealing with, that those rights were
6 already contained in Section 35 (1), including the right,
7 the inherent right to govern ourselves, to make those
8 decisions for ourselves about how those things were going
9 to proceed.

10 I, as well, acknowledge the Canadian
11 government for taking that step in the sense that nobody
12 had to take that decision, they decided that they wanted
13 to move in that direction and they made that kind of
14 political commitment that they were going to discuss those
15 particular items with us as we were going to further
16 articulate how we were going to implement as opposed to
17 having to deal with the continuing battle of trying to
18 deal with the recognition of the inherent rights.

19 So we started that process but before
20 we could provide a lot of substance to that particular
21 area we got involved in the Constitutional discussions
22 and as everyone knows, we went around for almost a complete
23 year on those discussions and it ended last October. I

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 think for us what happened was that a lot of people went
2 into a lull including the Ontario government. We didn't
3 see a lot of the presence of the government coming back
4 and saying, yes, we still believe that those rights are
5 contained in Section 35, yes, we are still committed to
6 that process so it was not until after, in the early part
7 of January again did we see that.

8 We started to push from our side of the
9 table saying okay, we have had our break, we have all had
10 time to pass the mourning stage I guess of the Charlottetown
11 Accord and now it is time to get back to business because
12 there are things that we still have to settle and still
13 things that we have to do in the province of Ontario.
14 In the meantime, what we tried to do from our side of the
15 table in December was that we brought our people all back
16 together and we said, "Let's start looking at the ways
17 and means of which we can move ourselves, the things we
18 can do in our community that do not require provincial
19 or federal consent to be able to move those issues ahead."

20

21 One of the things that we started doing
22 was that we brought back some of our elders in the process
23 again and for the first time ever to a lot of our people,

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 the Ojibwa people did the creation story for us to
2 understand that there is a base in terms of our own
3 acknowledgement of our own existence and to understand
4 that we are not reliant upon the Constitution of Canada
5 to do those things that we need for our own people.

6 To be able to deal with the selection
7 of our own leadership, to be able to decide how we are
8 going to make decisions in our community, to make decisions
9 about who our citizens are going to be and to start dealing
10 with our own lands and our own resources so that we know
11 where our territories are and any internal disputes we
12 have amongst ourselves about where our territories are,
13 we can work those things out ourselves without having to
14 go back in to deal with the federal or the provincial
15 government, to set up a process to decide for us what those
16 lines of authorities are between ourselves.

17 I think what one of the unfortunate parts
18 of this process that took place with the Charlottetown
19 Accord was that a lot of people in their own minds were
20 already building on how the outcome of the Accord was going
21 to be done and for us in Ontario the process was the same.

22 What we saw happen over the course of the last year or
23 so was that we have moved away from the process that we

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 thought we had in place. The substance that we wanted
2 to apply to the SPR is just now being discussed again after
3 that length of time that we have had that lull that I spoke
4 of.

5 I think what is particular to that, to
6 those discussions is that we had set up the SPR in a way
7 and saying remove those policies in the provincial
8 government that were there with previous governments
9 because they don't recognize the inherent right and they
10 are limiting in the capability that they have for us to
11 be able to negotiate in the process so we took out those
12 policies, those policies on self government were removed,
13 the lands claim policies were sort of set aside and said,
14 "We will now not make this discussion in land claims in
15 total a lawful obligation and those kinds of situations
16 that we see with the land claims process and we will try
17 to start using a flexible base and will use the SPR as
18 the guidelines for how those things are going to be
19 implemented."

20 What happened to us now is that we are
21 back to the same process. We are back to the understanding
22 now that we have got the same self government guidelines
23 being put back in place that were there with the former

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 liberal government which were very restrictive.

2 We have got discussions underway in the
3 provincial government that are internal to the government
4 on a self government policy and in a land claims policy
5 of which we have had no part of.

6 To us that is not conducive to the kind
7 of relationship that we are talking about because we are
8 simply being asked again to consult on things that are
9 already prepared. We are being asked if we can in some
10 way Indianize provincial policy so that we are assured
11 that there is some cultural relevance to the policies that
12 are being brought forward.

13 Right now I think the most difficult part
14 of what we are trying to deal with is the fact that we
15 know that we have a political commitment but yet we are
16 not being able to put any substance to that, to those kinds
17 of commitments that we currently have and I don't say that
18 the total onus is on the provincial government to be able
19 to move with those particular issues.

20 As the First Nations people we also bear
21 some of those responsibilities for this process not bearing
22 the kinds of fruits that we thought it would have.

23 Number one, I think that regardless of

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 whatever documents that we sign, we are not going to have
2 instant results the day after or the month after or even
3 a year after we deal with those particular avenues that
4 we provide for ourselves.

5 A lot of work has to be done within our communities to
6 understand what it is that we want to be able to achieve
7 and what we can achieve and we will never achieve the
8 maximum if we don't start on the beginnings within
9 ourselves at the community level and to understand what
10 it is that the First Nations are trying to pursue for
11 themselves and what we can advance.

12 So in essence what I am trying to say
13 is that both of us have a little responsibility in the
14 process, that we have not carried out totally to the best
15 benefit of those kinds of things that we are trying to
16 advance.

17 We also acknowledge that there is the
18 Federal Government in this process and it is not something
19 that we are going to deal with alone with the provincial
20 government and at this point of this process we have had
21 little commitment from the federal government to do
22 anything within the province of Ontario. What we find
23 ourselves in with the Federal Government, it seems that

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 we are being, in a sense, punished for the political
2 scenario in Canada.

3 The NDP government of Ontario who at that
4 point in time was advancing the inherent right, who was
5 pressuring the federal government to move on the number
6 of items and I think what we saw out of that process was
7 the political juggling that was going on was that it was
8 the federal government who was saying if you want to go
9 ahead and do it you go ahead and do it but you will do
10 it alone and you will not get the support from the federal
11 government that is required to make it happen.

12 So again, we find ourselves as a First
13 Nations people caught in a dispute between the federal
14 and provincial governments about what is going to happen
15 in terms of the inherent right itself and I think that
16 dispute is still relevant today even in the post
17 Charlottetown era, even after the Premier of Ontario was
18 highly involved in the package that was developed with
19 the Prime Minister and with the National Chief and being
20 able to have the elder statesmen of the provinces being
21 able to utilize their abilities to be able to bring other
22 provinces into the fold and to make those kinds of
23 concessions where necessary by people so in that sense

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 we are having a great deal of difficulty bringing the
2 federal government into the process.

3 We have them involved in the Indian
4 Commission of Ontario process that is ongoing but that
5 Indian Commission of Ontario process for the most part
6 doesn't deal with the jurisdiction issues. It deals a
7 lot with the programs and services but we have not been
8 able to move it to the point where we are actually dealing
9 with the jurisdictional process that is in place.

10 We have just started to discuss how some
11 of those things could happen amongst ourselves again and
12 one of the things that we did have in this process was
13 certainly the access. It is something that we didn't have
14 in the past. We have had access to the Premier, we have
15 had access to the Ministers responsible in those particular
16 areas, and in fact what we did was we created a round table
17 where we had four Ministers of the current government
18 coming to the table to try to deal with those outstanding
19 issues that we had in relation to self government and in
20 relation to land claims, in relation to the general process
21 of the quality of life that was going on in the community.

22

23 We are on the verge right now of having

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 to make a decision, I guess amongst ourselves, and that
2 is do we advance the round table or does it become null
3 and void for all intents and purposes about trying to
4 advance these particular issues.

5 I guess that is based on the fact that
6 people through the Constitutional process had envisioned
7 moving particular items that didn't move. We have an
8 Environmental Bill that is on the table that purports to
9 have jurisdiction in all areas that had absolutely no
10 consultation with First Nations people. We have the Land
11 Claims Policy and the Self Government Policies that are
12 there as well that I have indicated that have not had our
13 involvement to this point in time, so from our side of
14 the table I guess, it is very easy to say the process doesn't
15 work and step away but at the same time I continue to be
16 optimistic and I try to encourage the leaders of the
17 organizations and the leaders of the community to be able
18 to say we need to put more emphasis on what we want.

19 We need to be able to put more priorities
20 in place on the issues that we want and we need to be able
21 to start forcing this government to move so that it can't
22 pick and choose who it will deal with in the negotiation
23 process and for us to be able to move to that table on

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 some very specific items that we know that we can advance
2 and to make things work.

3 One of the current proposals that we have
4 on the table right now that we are trying to see if we
5 can get back to the table on and hopefully that we will
6 see something on in the fall is the transition process.

7 I think that is something very critical that we need to
8 be able to deal with. A lot of our people last fall as
9 you can recall didn't agree with the transition process
10 that was being debated in the Charlottetown Accord.

11 Number one, people didn't agree that
12 they were going to consent to federal and provincial law
13 being applicable in their communities and in the transition
14 in the Constitutional thing, that was an acknowledgement
15 that we had to make that federal and provincial laws were
16 applicable in our communities.

17 In Ontario we said we are not going to
18 do that because those jurisdictions are illegal in our
19 communities and we are not going to acknowledge them as
20 being valid in our communities so that is one hurdle that
21 we have to get over.

22 The second hurdle that we have to get
23 over is the Peace Order of Good Government clause because

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 that also was a condition that was brought to the table
2 in the last rounds of discussion and it was something that
3 our people again very clearly said, that the Peace Order
4 of Good Government is another vehicle for intrusion into
5 our communities and we have to find a way over that hurdle.

6
7 The third one was the Charter of Rights
8 and Freedoms and we did in the Constitutional discussions,
9 we did find a way to move around that and so I think at
10 this stage in terms of that transition we can do the same
11 thing again. We can find alternative ways to be able to
12 deal with those particular hurdles in the transition.
13 If we can develop the transition for the province of Ontario
14 who has politically recognized the inherent right, who
15 has recognized the inherent right to exist in the current
16 Constitution under Section 35 (1) and then what we will
17 have been able to do is open up that door for our communities
18 in that negotiation process to actually be involved in
19 the jurisdictional issues that are required.

20 I know that there is a lot of other issues
21 that surround those particular issues and I don't know
22 if you are aware of it or not at the Commission but on
23 Tuesday and Wednesday of this week the Native Affairs

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Department of the Province of Ontario hosted a meeting
2 with other people across the country and what they are
3 starting to talk to people about and what I think in some
4 ways is a positive sign is that they are asking other
5 provinces and territories to come together and start
6 talking about what are the Constitutional alternatives,
7 how can we deal with this issue of self government without
8 getting into a large debate on the Constitutional issues.

9 They outlined a number of issues that they wanted to deal
10 with, issues that are important to us as well that we are
11 trying to deal with in the province of Ontario and I think
12 some of those issues that they outlined are some of the
13 fiscal questions, some of the process questions of the
14 on and off reserve, some of the questions surrounding the
15 definition of Aboriginal people and how that definition
16 is dealt with in terms of the on and the off and the treaty
17 and the non-treaty and all those other divisions that are
18 out there.

19 In trying to come to terms with what is
20 the mechanism that people want to deal with in the
21 transition and I guess the other big question that they
22 are also addressing is what is the role of the federal
23 government in this process and how is the federal

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 government going to be able to deal with those particular
2 items. I think at this stage of the process we are finding
3 ourselves with a lot more work that is required from our
4 side of the table, also a lot more commitment from the
5 side on the provincial government in those issues and a
6 commitment from the federal government that the status
7 quo has to change, that it is not acceptable again to come
8 back after the political discussions were held all during
9 the Constitutional process and then as Kim Campbell stated
10 on the evening of October 26th, "The Canadian people have
11 not accepted the inherent right to self government and
12 the Government of Canada will be dealing with those issues
13 in terms of the status quo." I guess that is where we
14 are at at this point.

15 Some of the encouraging things I guess
16 that we always have to acknowledge on a positive side is
17 that there are a couple of large land claims in the province
18 that the Ontario government is tackling. The one with
19 the Algonquin people in Algonquin Park is a particular
20 issue that they are dealing with and for them to take that
21 on, we have to acknowledge that yes, that is a positive
22 thing because somehow we are trying to work in a different
23 mode of development of the land claims situation by

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 practice and not by policy. It is unfortunate that the
2 federal government involved in those discussions doesn't
3 recognize the Algonquin land rights as a comprehensive
4 claim but will still use the comprehensive guidelines in
5 their negotiations on the claim itself. I believe that
6 the Province of Ontario at least has a more flexible thought
7 that they are trying to deal with in terms of the ownership
8 of the land and how those land rights are going to be dealt
9 with.

10 They have also started those and are
11 continuing the claims process with the Mississaugas of
12 Number 8 and the claim of Chief Doug Daybutch and his
13 community. I think that is also one area that we can
14 acknowledge they are taking off on in terms of the issues
15 that are there with the 1924 Lands Agreement in Ontario
16 and they are trying to fill in those particular blanks
17 with unsold surrendered lands which the federal
18 government, the province had no right to sell at that point
19 in time and now they are trying to find a way to return
20 those lands in that situation.

21 So we find ourselves in some ways dealing
22 with some of the more critical issues but at the same time
23 I think that there needs to be a mechanism that will allow

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 all First Nations to be able to move on those particular
2 issues, not just specific things that fall into certain
3 categories at this point in time.

4 I also have to say that over the last
5 couple of years with the Ontario government that there
6 has been in terms of the fiscal process that there has
7 been more money that has been allotted in Ontario to the
8 quality of life as it is being described as. Those are
9 programs and services that are trying to address the issue
10 but in no way should those programs and services be seen
11 to substitute for the real discussions on the
12 jurisdictional issues that we need to deal with.

13 I guess in that sense as well the federal
14 government again plays a substantial role in terms of what
15 is going to happen there. What we see right now is going
16 on is the devolution process, the Government of Canada
17 trying to devolve itself out of its fiduciary obligations
18 that it has and doing that by transferring to the
19 communities in terms of the devolution but also doing it
20 in terms of the provinces and I think that is a major issue
21 that the provinces are going to have to deal with. To
22 what extent do they allow the Federal Government to offload
23 and to what extent do they pick up those programs and

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 services and begin to apply those. We saw in the
2 Constitutional discussions the debate that ranged from
3 the federal government being responsible for a number of
4 areas including the question of the Metis and the
5 provincial government being responsible in some ways for
6 the question of the off reserve and how those things were
7 going to be implemented so that is another issue that we
8 are trying to come to terms with as well from our side
9 of the table.

10 I guess there is one last area that I
11 wanted to briefly touch on and I guess that is in part
12 of what we are trying to do in the communities and that
13 push is still on and I talked to the Commission last time
14 saying there is a lot of things happening in the communities
15 on the positive side and people are dealing with their
16 general wellbeing in the community.

17 I see a greater move back of our people
18 to their own spirituality, to try to come to terms with
19 the damages that have been done to them whether it has
20 been physical or psychological or sexual that has occurred
21 over a number of years through the residential school or
22 however those things may have occurred and we see ourselves
23 turning to our own people which is a real positive sign

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 because we have people out there that have the capability
2 to deal with all of those issues.

3 In fact, the last time I did also report
4 to you that we were trying to bring our people together
5 and we were trying to get past those boundaries ourselves
6 that are set in our own minds by the Indian Act that we
7 can't work together if we are status and non status, that
8 we can't work together if we are off reserve or on reserve
9 or a treaty or non-treaty and I think that we are past
10 some of those issues in Ontario for ourselves and we are
11 trying to bridge those gaps but we still have a ways to
12 go but we are trying to do those things.

13 I think what is really significant in
14 even the kinds of discussions that we had in our last
15 Assembly, one of the things that occurred at the end of
16 our Assembly that was conducted by the elders was that
17 all of our women were on one side of the room and all of
18 the men on the other side of the room and what was conducted
19 was an apology on behalf of all of the men who were there
20 saying to the women, "We apologize for the way we behaved
21 because we behaved in accordance not of our own doings
22 and not of our own way but in accordance of those things
23 that we have learned that have been brought into our

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 community and we apologize and we will ensure that the
2 work that we carry on in our Assembly will be to right
3 those wrongs that we have conducted."

4 The last thing very briefly, I guess,
5 is that we still have a long ways to go in terms of dealing
6 with the existing provincial legislations that are out
7 there.

8 One of the areas that we dealt with is
9 the child and family services and it was a bitter pill
10 that we swallowed in the mid-80's to say that we need some
11 mechanism to try to take care of our own children and the
12 mechanism that we sought was the Child and Family Services
13 Act in the Provincial Government and it was designed to
14 help us protect our own children, to provide for us the
15 legal capability of taking our children out of the system
16 but we are finding today that that system doesn't work.

17 What we have right now are a number of
18 ongoing issues again where we have the Children's Aid
19 Society in Ontario flexing their muscles. We have
20 situations right now where those jurisdictional questions
21 that are outlined in the statutes in Provincial Legislation
22 that are being ignored and those decisions are being taken
23 and I think you will see next week a press conference on

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 one decision that has just been made right now where it
2 has been acknowledged that the CAS has made numerous
3 jurisdictional errors in awarding one of our citizens to
4 a non-Indian family.

5 In breaking those very statutes that
6 were set out by the province and doing it in the name of
7 the children and saying this is good for the children,
8 you have got to do what is best for the children, and we
9 know right now the kind of healing that is going on in
10 our communities is a result of those same kind of decisions
11 that were made by people before, saying we know what is
12 best for the children and moving them in to the residential
13 schools or into non-Indian families and then having us
14 take on the responsibilities of dealing with our people
15 to ensure that they know what their identities are, that
16 they know what their responsibilities are. Yet at the
17 same time today in 1993 we are still having that process
18 of our children being given away under the guise of knowing
19 what is best for our children so that whole business that
20 we talk about, about the systemic racism is still there
21 because people still believe even though statutes are
22 there, even though there is political recognition of our
23 rights here in this province, that those institutions are

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 still moving and they are still dealing with our children
2 in any way that they want and they are justifying that
3 action by simply saying we are doing this in the best
4 interest of the children.

5 Those things have to change and I guess
6 in the long run what we are saying is that we are extending
7 all the time the courtesy and the respect to be able to
8 come to the table one more time to deal with those issues
9 and we keep coming back and you will hear our people talking
10 about that willingness to be able to share but at some
11 point we have got to also say it has to be reciprocal,
12 that has to be extended back to us and that support has
13 to be there when our children need help under those
14 statutes. That support has to be there when we come back
15 and start talking about the process of the transition and
16 how those things are going to happen. It can't be a one
17 way street, they can't ask us to give all the time and
18 not give anything back and we find today that in some of
19 those areas, we are still being asked to give and we are
20 still being asked to make concessions and we are still
21 being asked if there is a little bit more that we can do
22 in our communities that will lessen the impact of the
23 backlash of the public against the government.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 I guess at some point as well that the
2 Ontario Government and the Federal Government have to do
3 the public relations part of those things that are
4 necessary and we have never had the public relations part
5 done in the province of Ontario. We have never had those
6 radio or TV or magazine media blitzes to help the people
7 understand what it is that we are dealing with so as a
8 result what happens to us is that we are still accused
9 by all of those groups that oppose native rights that we
10 are somehow making deals in silence, that we want anywhere
11 from 85 percent to 100 percent of Ontario back in our
12 control, that we are going to destroy all the resources,
13 that we are going to deplete all the non-renewable
14 resources and I think that is, in our minds, very ludicrous
15 and so the public relations has to be done and we are doing
16 the best that we can do with the capabilities that we have
17 but it is also incumbent upon other people to do those
18 things.

19 I know we are in a time frame here so
20 Mr. Chairman, I will stop there and I will answer any
21 questions if you have them.

22 CO-CHAIR RENE DUSSAULT: First of all
23 I would like to thank you for presenting us with this report

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 of the situation in Ontario as you see it.

2 I must say that I am struck by the fact
3 that this is a very pragmatic assessment and report. We
4 are all aware that the Charlottetown Accord denies, has
5 left many, many questions unanswered, the major one being
6 what is next, what is the course that is left to follow
7 in order to forge ahead and build a strong relationship
8 on durable solutions and basis.

9 As you said in your report, there is
10 progress made in the communities as far as healings, as
11 far as the social conditions are concerned. We know that
12 by far there are still many, many problems, visiting the
13 communities, hearing the people, the youth, the women,
14 the elders and of course the adult population, we know
15 that the needs are great and that there is a willingness
16 to forge ahead and to contribute to the solution of the
17 situation.

18 Of course we know that many, many
19 organizations and groups are talking of solutions in terms
20 of money. We can't help thinking that in the coming years
21 money will be scarce. We have to think about redirecting
22 existing money. It doesn't mean that there can't be
23 additional money but obviously when we sit as we did during

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 the last year, we can't help being struck by the fact that
2 there is a big distance between the needs, the demands
3 and the economic reality so I think we are all part of
4 that, to find the right balance and the approach.

5 When you speak about public education
6 and relations you are quite right. There is still a lot
7 of misunderstanding as to what is sought by Aboriginal
8 people in this country, Indian people especially and the
9 place or the role that they want to play within Canada
10 and in a province like Ontario we try to help to fill some
11 gap but we know that a Royal Commission like ours is only
12 one and a lot will have to be done in the coming years.

13

14 I would like to say that in the aftermath
15 of the failure of the Charlottetown Accord and of course
16 nobody can put the finger on all the reasons why it ran
17 amok the way it did and obviously it was a controversial
18 proposal among many sectors of the society including
19 Aboriginal people, but the Royal Commission is hoping to
20 be able to produce a working document that would try to
21 help both government and Aboriginal people to see what
22 kind of course could be taken following Charlottetown
23 because we feel that, as you said, people were set aback

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 and they were mourning and people are resuming now and
2 trying to see how to pursue the self government based on
3 the notion that the source of the right is inherent and
4 to design the transition.

5 You enumerated some of the transition
6 principles that were involved in the Accord and also to
7 look as to how these governments would be financed.

8 In the document that we have published
9 entitled "Focusing the Dialogue" we mention that there
10 are four touchstones for change that emerge from the
11 hearings, one of them being economic self sufficiency.
12 It is a central issue.

13 Obviously self government has to mean
14 something, a much larger measure of economic self
15 sufficiency and economic base will have to be available
16 for the Aboriginal communities so we hope to be able to
17 come up with this working document before the end of the
18 summer if possible.

19 We feel that it could help to focus again
20 within the present Constitutional framework as to the
21 course that could be chosen. It is not easy but we feel
22 that there are ways to continue and forge ahead to try
23 to achieve what was foreseen there without doing it through

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 the back door and through Constitutional amendments so
2 I wanted to share that with you.

3 Also, as you are aware the Commission
4 is really entering into the last, very significant part
5 of its work. We are going to complete our public hearings
6 early this fall, receiving major briefs that were financed
7 by the Intervenor Funding Program that we set up.

8 Also, we are already receiving a
9 significant contributions by non-Aboriginal organizations
10 that we have met and convinced to participate and
11 contribute to the discussions. So we will be in a
12 situation in the fall to put together the solutions and
13 information that will have been given to us by this process
14 and our research programs and our national round tables.
15

16 The question I put to you, you were quite
17 genuine in saying there is a lot of work to be done by
18 Aboriginal people and Indian people in Ontario. We know
19 that you are preparing a brief to the Commission. You
20 are aware that we are really looking for solutions. We
21 feel that the solutions have to come from the people who
22 will have to live with those solutions and we see our role
23 as sorting them out and assessing their acceptance by the

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 larger public and the various governments so I understand
2 that this morning you give us a kind of report on the state
3 of the nation as far as Indian people of Ontario are
4 concerned but I would like to know a bit more what we can
5 expect at the end of the summer in terms of getting your
6 ideas as to models of self governments, the way to finance
7 them, the economic question and so on so could you expand
8 on that a bit?

9 **CHIEF GORDON PETERS:** Yeah, I will. In
10 terms of those kinds of solutions that people are looking
11 for and I guess we are trying to do a number of those
12 initiatives right now in terms of how we are trying to
13 deal with those particular matters. In terms of the
14 economic parts of it right now, we have got to get down
15 to some, back to some of the basics of our own understanding
16 about how the economic portions work and if we are going
17 to look at our communities we have got to understand the
18 relationship that we had in the past about how certain
19 segments of society were conducted and what those roles
20 and responsibilities that they had and how they dealt with
21 the community as a whole.

22 I guess when you look at that, we start
23 talking about a number of things. We start talking about

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 the issue of the tax relationship as one matter that we
2 have to address in terms of those responsibilities within
3 the community. We have always said that in terms of our
4 process that there was, that our people are still tax
5 immune, that under the process of treaties and other
6 agreements that are there that current situation exists
7 but not so in terms of the relationship of people who use
8 our territories and that is one area right now that we
9 are trying to come to terms with and we are going to put
10 that in perspective. There is a number of initiatives
11 in other places across the country that deal with that
12 issue but it is certainly one that we are going to have
13 to look at too in terms of generating revenue in our
14 communities.

15 I think the biggest area though that we
16 are talking about and where discussions are under way with
17 the Ontario Government, for example, is on the lands and
18 resources issue and that has to be the base of what we
19 understand is the development of revenue. In terms of
20 the treaty areas, for example, it was never our intention
21 to say that in dealing with the --- treaties that we have
22 given away everything under that process and what we said
23 at this stage is that we want to get involved in the

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 co-jurisdictional aspect of the treaty lands and the
2 co-management aspect of it so that we are able to be a
3 part of those revenues and to be able to share those
4 revenues which are being dealt with.

5 For example, right now another issue
6 that we are trying to pursue right now on the ground floor
7 is that the Ontario government is trying to revamp the
8 forest industry for example and that is something that
9 we are trying to get into right now on the ground floor,
10 saying what is going to be our role and how are we going
11 to benefit from the forest industry itself.

12 I guess in those general terms on the
13 economics those are just some of the areas that we are
14 trying to deal with at this point.

15 We are trying to deal with the
16 institutions in such a way that we are moving away from
17 that paternalistic approach where Indian Affairs says that
18 in the banking institutions say that you need to have a
19 Ministerial guarantee before you can do anything and I
20 think we have been doing some work with some communities
21 here now and we are very close to moving that standard
22 away from the current practice so that we are able to deal
23 with institutions based on our own merit and our own

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 abilities to deal with payment as opposed to having Indian
2 Affairs guarantee everything and deal with it strictly
3 on a basis of government involvement.

4 Those are some things that will open the
5 door but certainly without expanding our territories and
6 expanding our use and occupancy of our treaties and our
7 traditional lands, we are not going to move too far.

8 There is a program in Ontario called the
9 Endangered Spaces where they are trying to set aside 12
10 percent of the land base and we have said to the Ontario
11 government that this stage in our discussions with them
12 and also in the Constitutional debates that we had, we
13 are saying we have to move towards trying to set an
14 objective as well for ourselves over a period of time with
15 the Ontario government and what that objective has to be
16 and we said, our objective was five percent. We wanted
17 to achieve five percent of the land base in Ontario that
18 we have control over, if they can set aside in terms of
19 the Endangered Spaces 12 percent of the land in Ontario.
20 We currently occupy .01 percent. Surely there is a way
21 and means of being able to deal with that.

22 So when you start looking at solutions
23 in terms of some of the discussions right now on the claims

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 there has to be an area built in to the claims process
2 so that you are not only dealing with lawful obligation,
3 that there is a political responsibility as well for
4 dealing with these issues that is not contained only in
5 the ways that I guess the past ways of legally looking
6 at the land issues and right now that is on the table here
7 in the province of Ontario and trying to find a way to
8 expand the land base but to us right now if you don't expand
9 the land base and you don't start dealing with the treaty
10 lands there is not -- we don't have the land base in Ontario
11 and we don't have from that land base, we don't have the
12 capacity to say we are going to bring in all this industry,
13 this light manufacturing industry and all these other
14 things in order to develop the economy because it is not
15 practical.

16 We have got communities that range from
17 37 acres and 85 acres right through to some of the larger
18 ones which I just recently dealt with with the federal
19 and provincial government called the Six Pack so lands
20 and resources have to be the critical part of what we are
21 tied to and revenue sharing in those particular areas has
22 to be one of the main methods of being able to deal with
23 the process.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 I think the other part of it is what we
2 have been just mandated to do by the Chiefs is to increase
3 the work that is being done in the fiscal capacity and
4 right now we deal with programs and services. We don't
5 deal with any of the other areas of transfers to the
6 governments, we don't deal with the established program
7 funding, we don't get our, I guess you would say we don't
8 benefit in a lot of ways directly from those things that
9 are appropriated by Parliament, monies that are
10 appropriated by Parliament to different agencies and even
11 to the provincial government so we have been instructed
12 to come back this summer with ways and means in which we
13 can expand the fiscal capacity and to begin to look at
14 some ways of ensuring the fiscal relationship that goes
15 beyond programs and services. Those are just some of the
16 economic ways right now that people are looking at and
17 as you know, I guess while we are trying to look at
18 increasing the economic potential the federal government
19 is cutting the economic financing that we have to do those
20 kinds of things so it makes it particularly difficult to
21 deal with and becomes frustrating sometimes when you are
22 trying to work with a system because it seems like the
23 more we try to do the less co-operation there is to do

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 those things that we require.

2 I wanted to as well address one of the
3 issues that we addressed this year on the question of how
4 do we become more economically self sufficient. One of
5 the proposals that we have which is Indian driven,
6 characterized as Indian driven in the Indian Act
7 alternatives which, if this Act goes through, you now have
8 the inherent authority to deal with land management and
9 our Chiefs are very clear on the Indian Act alternative
10 process. It is not one that we would wish to engage in.

11 It is very clear from our people that we have so much
12 limited land that we can't put our land at risk and that
13 process calls for us to put our lands at risk again. Maybe
14 not in the sense of losing land but losing the loss of
15 use of lands which to us is basically the same thing when
16 you don't have the kind of land base that you want to deal
17 with so the Indian Act alternative in that sense is not
18 the answer that we are looking for.

19 **CO-CHAIR RENE DUSSAULT:** In fact we want
20 to ask you about the Charter Land Act. What is your
21 position or the position of the Ontario Chiefs at this
22 point?

23 **CHIEF GORDON PETERS:** What we have done

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 and we tried to demonstrate the consistency that we have
2 dealt with in the past and how we deal with issues and
3 what positions we have taken in the past is that anything
4 that dramatically affects the lives of our people, the
5 people have to make that decision themselves and they have
6 to give that instruction.

7 We have said in the past that starting
8 with the Charlottetown Accord, we said those things that
9 are so dramatic we can't have leaders simply making those
10 decisions unilaterally, the people have to be involved
11 so we have done the same thing that we have done with the
12 Charlottetown Accord, we sent it back in to the
13 communities, we have had the initial debate and the
14 presentation by the Interim Lands Board about two or three
15 weeks ago at our Assembly. We will go back to the
16 communities for two or three months and then in the middle
17 of August we will come to a final decision.

18 It was very safe to say that at our
19 Assembly as we pointed out to the Interim Lands Board that
20 we could, in fact, have taken a decision that day by our
21 people who would not have supported the initiative but
22 in fact we said that we wanted it to go back to the
23 communities so it is there and people are dealing with

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 it and we said that as you make your decisions you can
2 let us know and if you want to come back and wait until
3 August and then inform us then, fine. But we have got
4 communities that have already indicated their non-support
5 and at this stage of the game I guess there are many things
6 that our people are saying.

7 Number one, there is a breach of protocol
8 amongst ourselves and the federal government in allowing,
9 in selecting seven communities to deal with this specific
10 issue and even though it is being characterized as Indian
11 driven, we don't see it as being Indian driven. We see
12 the federal government and justice in playing a great role
13 in negotiations and if you look at the process that started
14 in the first documents that began the negotiations and
15 what they are at now and what documents that went forward,
16 was in the end of February and what response they got from
17 justice and you will find out right now that there is a
18 lot of compromise that is being sought. In my mind I don't
19 think the federal government is clear on what they want
20 to do with the package as well in terms of the kind of
21 wording they have and we have similar problems from our
22 side of the table because the word that everybody is having
23 problems with is the inherent authority and on the federal

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 side their concern is that that inherent authority will
2 mean something differently and will be extended into
3 somewhere else.

4 Our side is the exact opposite. We are
5 saying that inherent authority we feel is a definition
6 of the inherent right to govern being translated into the
7 inherent right and the inherent authority to manage and
8 so it diminishes the inherent right we have to govern
9 ourselves so at this stage we will wait until August for
10 a final decision but certainly the general indication right
11 now is that there is no support out there or very little
12 support in the Ontario communities.

13 **CO-CHAIR RENE DUSSAULT:** On the other
14 hand you said that you would want to do away with the
15 Ministerial approval and guarantees and I think everybody
16 is looking for a solution to enable, to give a greater
17 possibility to get loans and the difficulty with the
18 collateral, the collective aspect of land so will you be,
19 are you looking at ways of achieving the goal of enabling
20 Aboriginal people and Indian people to get loans and to
21 be able to give some security to back up the loans?

22 My understanding of this piece of
23 legislation is one of the purposes was to enable this on

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 the other hand to try and counter the objective of keeping
2 the land protected for the collectivity so it is a kind
3 of Catch-22 situation.

4 **CHIEF GORDON PETERS:** It certainly is
5 and I guess what people are saying right now is that if
6 you want to change your lifestyle, if you want to change
7 the style of how you live in the communities dramatically
8 then that is the vehicle that will do it for you.

9 When we were given the scenarios of the
10 potential use of that particular process it was clear that
11 individuals had a vested reason for wanting that type of
12 legislation to go through and certainly I don't think it
13 is the intention of our people in our communities to say
14 we are going to start housing projects for non-Indian
15 people as a way of making money in our communities. That
16 idea is something that is contained in one of the major
17 drafts of this legislation of how to bring non-Indian
18 people into the community, how to lease your land for 99
19 years. Those are the things that we are trying to get
20 rid of in our communities right now in Ontario.

21 The federal government in the past has
22 leased our land for 99 years, some for 999 years with a
23 renewal option for \$1 and there is no benefit to us so

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 we are trying to break a lot of those leases right now
2 and people are doing those things but yes, it is a Catch-22
3 because we are still trying to advance the economic part
4 of our communities. I also believe that if there was
5 willingness on the part of the federal government to deal
6 with the existing methods of being able to do those things
7 that are required now they could.

8 For example, when you are dealing with
9 land in your community there are ways and means right now
10 of not being able, not having to surrender your land to
11 deal with those but yet when you deal with the Department
12 of Indian Affairs they say, "Well, we know that is there
13 but we want you to surrender your land. We want you to
14 surrender your land for that purpose," but it is not
15 necessary to do that under those rules that are there right
16 now but there is no political will to say let's do some
17 innovative things out there with those things that we have.

18

19 The same thing with Ministerial
20 guarantees and those kinds of things. They have never
21 gone into the institutions to help us, to try to change
22 the format of dealing with the Ministerial guarantee.

23 The education of the banks has been done

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 from our side of the table. The work that is done with
2 the banks has come from the First Nations people themselves
3 and understand that you don't need that process if your
4 merits are there to be able to deal with the repayment
5 but I understand very clearly that that is the intention
6 of the legislation is to do that but unfortunately we didn't
7 agree with the intention, we didn't think the intention
8 met the purpose that it was trying to do.

9 I guess if you ask the question of
10 yourself all the time when you are dealing with something,
11 what are you giving up and what are you getting and you
12 try to balance that off to see if it is a positive thing
13 for you. Right now a lot of people have said it is not
14 a positive thing.

15 **CO-CHAIR RENE DUSSAULT:** As you
16 probably know we had a presentation yesterday from the
17 Bankers Association and we told them that we would like
18 to spend some time with them to try to see how it could,
19 what kind of solution could be designed and worked out
20 and so we are going to pursue that and we might be in touch
21 with you because we feel this is very central and if you
22 have ideas and when you speak about innovative approaches
23 that might be there but are not used, again we could spend

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 a whole morning discussing this issue and others but I
2 would like to stress that we really want to get your best
3 shots on the practical solutions that covers the whole
4 spectrum.

5 This is one issue but there are many
6 others and we need that to be able to come up with some
7 recommendations.

8 **CHIEF GORDON PETERS:** We will give you
9 the best that we have got and the ideas that we have got
10 and also, we will also give you the current things that
11 are ongoing right now in terms of those areas that we are
12 trying to break in the brief that we will provide for you
13 based on the financing we received from the Commission
14 to do that particular work.

15 **CO-CHAIR RENE DUSSAULT:** Again I want
16 to be clear here that this situation is one that is of
17 interest to all Aboriginal people across the country and
18 Indian people, and we are here in Ontario and we hope to
19 be able to, if necessary, we will convey a meeting with
20 Indian people and the banks and the Banking Association
21 to really try to go to the bottom of what could be done
22 and not only with Ontario but with all the other people
23 in this country.

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 Again, I am putting the message as strong
2 as possible that we will be expecting your brief with great
3 interest in September and if you could be as specific as
4 possible on the transition on the various elements and
5 the financial side.

6 You have given us quite a good picture
7 where you are this morning but we realize that it won't
8 be the end of it because it is an evolution.

9 **CHIEF GORDON PETERS:** I am very positive
10 and I am very optimistic that we can, that we will be able
11 to provide for you exactly what our transition is and what
12 we are dealing with because to us, it is there, we have
13 done that work already in the last round and it is a matter
14 now of ensuring that we get it documented for your
15 Commission but also for ourselves.

16 **CO-CHAIR RENE DUSSAULT:** Thank you.
17 Mary?

18 **COMMISSIONER MARY SILLETT:** Thank you
19 very much. I have been to a number of hearings and we
20 have heard about the statement of political relationship
21 that the province of Ontario had signed with First Nations
22 and knowing in other parts of the country it is cited as
23 a model so I was sort of interested to hear from the people

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 who are directly involved in that initiative.

2 If I understand what you are saying
3 correctly, you are saying the intention was great and it
4 is definitely very progressive but it is very difficult
5 to put substance into it because of the many, primarily
6 because of the jurisdictional issues. Is that correct?

7 **CHIEF GORDON PETERS:** That is correct
8 and I guess what we find is that at this stage right now
9 and that is part of the political system that we deal with,
10 is that we have expended that time in the negotiations
11 with the SPR which we brought in, we got involved in the
12 Constitutional stuff that went on so we find ourselves
13 in a position where the Ontario government is now on the
14 opposite side of the hump and what they are looking at
15 is how do they deal with their deliverables which they
16 have in terms of their commitments to the Ontario public
17 and in terms of the election. That puts us in a difficult
18 situation because we find that right now we don't get the
19 kind of quality of discussions on some particular things
20 that we should have because they are the deliverables by
21 the Ontario government.

22 The Environmental Bill of Rights for
23 example was one that I cite, a very, very strong deliverable

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 by the Ontario government and yet we had no role in that
2 process to this stage and as an afterthought we are now
3 involved and we are trying to put together a very hurried
4 type of process, a very intense negotiation process to
5 see if we could come up with some ways of being able to
6 protect our Aboriginal treaty rights in this process
7 otherwise it is very clear that the provincial jurisdiction
8 will extend to a great number of areas.

9 That is correct and then I say both of
10 us have to be responsible for that. I have always been
11 of the mind that there is no government that is going to
12 give up any power and we are the ones that are going to
13 have to force the government to give up that power. We
14 are also the ones unfortunately that are going to have
15 to provide the alternatives and the solutions as to how
16 those things are going to be done and that is some of the
17 work that we need to do yet ourselves and to force that
18 issue but as can be said for the SPR I think it is a starting
19 point and I will not dismiss it out of hand as saying it
20 is not worth the paper it is printed on because what you
21 have done and what you are dealing with is something very
22 intangible in the beginning stages. You are trying to
23 change attitudes and you are trying to change philosophies

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 about what is going on and you are trying to force people
2 to do something they have never done before. What you
3 are trying to force a province like Ontario and a government
4 to do is say what is the division of the things in the
5 future. How does corporate Ontario change to accommodate
6 the jurisdiction of another government and I don't think
7 they have given themselves that opportunity to look into
8 the future as well so we have it there and I think at some
9 point it becomes a convenience, it becomes a matter of
10 convenience when we are trying to have a place to vent
11 some of our anger because of the frustration we feel,
12 because things aren't happening, and it becomes a vehicle
13 for the Ontario government to say, "Well, we are doing
14 some good things because here is the SPR", so it is the
15 same kind of situation like a Catch-22 that we find
16 ourselves in.

17 **COMMISSIONER MARY SILLETT:** The other
18 question I have is yesterday we heard from the Indian
19 Commission of Ontario in the morning. We heard that this
20 should be looked at by the Commission as a model to
21 negotiate and settle land claims and self government
22 issues. In the afternoon we heard another presentation
23 which acknowledged the point that you made this morning

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 and that is, for example, ICO does what it can but it doesn't
2 have the jurisdiction to make these things happen.

3 The second speaker did identify the
4 kinds of issues that the Indian Commission of Ontario is
5 faced with and I heard you say earlier that there should
6 be a mechanism to be able to deal with government issues
7 and so I am wondering, can I speculate from that, can I
8 conclude from that that the Indian Commission of Ontario
9 is a good or fair or bad or what kind of model?

10 **CHIEF GORDON PETERS:** The Indian
11 Commission was set up in the late '70s and the Indian
12 Commission was designed just to bring exposure to the
13 issues and trying to find ways to deal with, at that point,
14 a lot of programs and service issues that were being dealt
15 with by both the federal and provincial government.
16 Unfortunately there is a stigma that is attached to the
17 ICO because of the unwillingness to deal with a lot of
18 issues. The ICO became a dumping ground for issues in
19 the mid-'80s. If there was an issue that you didn't want
20 to deal with and if you were the federal or provincial
21 government, throw it into the Indian Commission ---
22 process because what you needed was consent to be able
23 to deal with the issues and so you only needed one party

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 not to consent and you couldn't deal with the issue. So
2 a lot of our issues that we were talking about were thrown
3 into that pot and what we heard from both the federal and
4 provincial governments was that that is a different issue,
5 that is a jurisdictional issue and we will deal with that
6 in a Constitutional forum.

7 It is another forum over here so let's
8 set aside those issues and let's deal with the programs
9 and services and let's deal with those things that we can
10 deal with and we will set aside the jurisdictional disputes
11 until a later time and unfortunately that stigma has
12 travelled to the ICO to the modern day and we try to find
13 ways to enhance the process.

14 We had an agreement that we signed with
15 the federal and provincial governments called the
16 Declaration of Political Intent in which we tried to
17 elevate the discussions away from the programs and services
18 to begin to at least discussing at that point the existence
19 of our rights and the nature and the scope that those rights
20 were going to have. What we find today is that we are
21 still not capable of dealing with those jurisdictional
22 issues from the federal and provincial points of view and
23 the ICO does deal with issues. There is a role for the

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 Indian Commission, it is trying to do some of those lands
2 claims items for example, it tries to deal with different
3 aspects of negotiations and why it is still utilized in
4 the way it is today is because that is the only avenue
5 that we have with the federal government, that is the only
6 place where the federal government is involved. The
7 alternative of which we put on the table and which we said
8 we wanted to deal with was in the round table process where
9 the Ontario government committed four of its Ministers
10 to come to the table to deal with that. We said at some
11 point we have to bring the federal government into those
12 discussions, that they politically had to come into those
13 discussions on the questions of jurisdiction, on the
14 questions of governance, all of those issues that we have
15 before us.

16 At this stage after the Charlottetown
17 Accord I corresponded back with the Premier of Ontario
18 and I made this same recommendation again, is that
19 collectively between ourselves and the province that we
20 still have to try to bring the federal government back
21 on a political basis and back into the discussions so that
22 we could begin to look at, for example, the issues of the
23 transition and how those things are dealt with and how

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 do we start dealing with Section 35.

2 I know there is no agreement from the
3 federal side of the table of what Section 35 means or what
4 it contains and if that is a starting point that we have
5 to bring them on then so be it, but they have to be involved.

6 I can't say that the federal government has shown any
7 signs of willingness to participate and to me they are
8 quite satisfied to use the Indian Commission as their
9 vehicle for discussions in the province of Ontario.

10 **COMMISSIONER MARY SILLETT:** My third
11 question, I have one more after this. I guess everywhere
12 we have gone, I couldn't help but think about the membership
13 problems that are in this country and there are people
14 that feel for the, there are very few people who feel
15 included.

16 It has been made clear to us that 60 to
17 65 percent of the Aboriginal population live on reserves
18 and some of them might have band membership, a lower number
19 of them have benefits associated with membership but then
20 there are a lot more people who don't have membership.
21 Wherever we go, particularly in the urban areas, we get
22 individuals who attack us when we go for coffee break and
23 say I am not a member of my Association, can you help me,

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 and I think that is something that people feel very
2 emotional about.

3 I am wondering whose responsibility is
4 it and what is our role in this issue, what is the role
5 of organizations like yours in addressing this issue?
6 That is my question.

7 **CHIEF GORDON PETERS:** Well, it is
8 certainly a question that I think everybody is trying to
9 find a way to deal with. --- a lot of it is not on our
10 side of the table to a great extent until recent times.
11 The history has always been part of the Indian Act, who
12 is eligible in the community to participate for example
13 in the voting process, who can be a member, who is not
14 a member, all those things that were defined by the Indian
15 Act and for the most cases they were enforced by the Indian
16 Agent. The Indian Agent has only gone out of the community
17 since they were first moved out in the mid-60s so when
18 you start looking at it in terms of the time frames and
19 what has to be done and what we need to understand there
20 is a lot of recovery that we need to do about our own
21 control.

22 There are two elements there that we have
23 to deal with, membership and citizenship as the vehicles

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 that we are trying to deal with. The citizenship should
2 be our issue, it should be part of what we have as our
3 own people and that should be our responsibility.

4 In 1985 when they dealt with Bill C-31
5 one of those things that we said to Indian Affairs, not
6 only Indian Affairs but the government as well in terms
7 of the discussions that we had, we said, anybody that we
8 put on our rules in our community should be automatically
9 accepted and shouldn't be processed yet through Indian
10 Affairs. There shouldn't be a central registry that still
11 yet determines who is and who isn't part of that process
12 but that was something that was denied. That wasn't part
13 of Bill C-31 package that came in.

14 I guess right now in terms of what we
15 think that we have to do at this stage, the last time I
16 talked to you about people coming together and eliminating
17 those boundaries, during the Constitutional discussions
18 here in Ontario, we were able to come together as people.
19

20 When we decided on setting up a forum
21 we had some problems and what we said was we are not going
22 to get into the number situation again because that was
23 always something that divides us.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 If we can understand that our basic
2 premise is trying to figure out how we deal with our own
3 inherency, our own nationhood and then apply that to all
4 aspects of our lives and then you will see how you resolve
5 the problems, then you will understand that it is not a
6 question of representation, that it is a question of people
7 carrying out certain responsibilities whether it is urban
8 organizations, whether they are community organizations,
9 no matter what they are then it will become responsibility
10 and the attachment place that everybody will have is within
11 their own Nation, within their own community that there
12 will be linkage and ties that are there. That is the major
13 element that is missing right now so we brought people
14 together to try to start that process and to me, those
15 are beginning points of how you can start interacting
16 again.

 The women were part of that, those
17 discussions. As a matter of fact when a decision had to
18 be made nationally about where people were going to stand
19 and because of the working relationship that we had with
20 the native women in Ontario, they stayed with us. They
21 didn't join the national native women in the avenues that
22 they sought to deal with issues. They came back and they
23 made it clear that we had a working relationship that they

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 were going to continue, we had the friendship centres that
2 were involved, we had the unaligned friendship centres
3 that were involved, we had the PTO's, the communities,
4 we had our elders involved. For the first time we had
5 our spiritual people and people from the traditional
6 governments were there so we had a whole host of people
7 that came together with one intention only in saying how
8 do we start mapping our own future, how do we start talking
9 to each other in a respectful way, knowing that we each
10 have responsibilities to be able to do those things.

11 I think that is the key for us right now
12 is to keep those things rolling and we have to remind each
13 other all the time, we have to remind each other constantly
14 that there is a beginning to it and that beginning just
15 didn't occur at some point where you found yourself in
16 an urban area or in a community and that beginning means
17 that you have an attachment.

18 Part of what we were looking at trying
19 to establish for ourselves was a long term plan in 1989
20 which was presented to the Chiefs in 1990 which they adopted
21 and part of that was dealing with our own election process,
22 for example, where our people are excluded, dealing with
23 our own citizens and trying to identify who our own citizens

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 are, dealing with those ways our governments function
2 before the Indian Act was imposed and that is the basis
3 that I am talking about.

4 If you know who you are, if you know the
5 clan you belong to for example, if you know how you fit
6 into that structure in terms of your Nation and your
7 community then you can start pulling those things together
8 because we are not separated. We are only separated
9 when we start thinking of the Indian Act, we are only
10 separated when we say that we are not part of this or we
11 are not part of that or that is exclusive and unless we
12 honestly address them, unless we bring people together
13 and unless we go to people, unless we talk to people and
14 we invite people and we ensure that we are dealing with
15 issues then we will deal with the same things all over
16 and over again. We will deal with the same thing for
17 example, "Well, I got funding to deal with the
18 Constitutional process and you never got funding", there
19 is an inequity and we for ourselves have to be able to
20 say we got to find a way to be able to share those things
21 with everybody.

22 The difficult part right now is that we
23 have different ideas, we have different approaches to it.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 For example urban based self government. I am not, as
2 one individual, I am not an advocate of that process because
3 I firmly believe that there is linkage and ties that you
4 have that were brought there before, long before there
5 were any cities in this country, that those ties are there
6 and we have to strengthen those ties and we have to
7 understand what the ties are and how we relate. Those
8 are issues that we need to deal with and unfortunately
9 we crowd the table with issues and we tend to focus
10 sometimes on the wrong issues.

11 We tend to focus on the financing which
12 shouldn't be a major issue but becomes a major issue because
13 of the economic situation that we deal with.

14 **COMMISSIONER MARY SILLETT:** I think you
15 know, I just want to say that I feel the pressure of time,
16 incredible time, so I know that there are a lot of people
17 that came here at certain times, I wanted to discuss family
18 violence in more detail.

19 I think that as we crossed the country
20 it became quite clear to us how strongly many women feel
21 about family violence and we have heard some horrible
22 stories and the worst thing is we have heard those stories
23 in private because many people are just too afraid to speak

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 what they have to, or speak their experiences in public
2 and one of the things that we have been told primarily
3 by Aboriginal women's organizations and individual
4 Aboriginal women is that we have to see more and more of
5 our leaders, who are men, take responsibility for
6 denouncing family violence and for placing priority on
7 band agendas to address this issue so I was really quite
8 pleased to hear the position that you took with respect
9 to family violence. Thank you.

10 **CHIEF GORDON PETERS:** Just very quickly
11 because I know we are on time, that is something that I
12 think that leaders have to deal with.

13 I think that very, very clearly that our
14 leaders are not political politicians in that sense but
15 they are leaders and they have to deal with those things
16 and they have to be role models and they have to be able
17 to deal with all those aspects that are in front of them
18 and if they can't deal with them then the current stages
19 that we are going through is not going to help them to
20 achieve the things that we are trying to achieve overall.
21 I will end there.

22 **CO-CHAIR RENE DUSSAULT:** We have to move
23 forward. Thank you very much and again we expect your

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 brief in the fall, early fall, as practical as possible
2 taking into account the financial situation also. Thank
3 you.

4 **MRS. LILLIAN MCGREGOR:** Our next
5 presenter is Mr. Wally McKay from the Ontario First Nations
6 Police Commission.

7

8 **WALLY MCKAY, CALLED**

9

10 **MR. WALLY MCKAY:** Good morning. Mr.
11 Chairman, Madam Commissioner.

12 The goal of the young men and women who
13 undertake the process of becoming First Nations Constables
14 is to serve their people. In all my years as chair of
15 the First Nations Police Commission that is what most
16 impresses me.

17 The course these young people begin is
18 designed specifically to prepare them for work on First
19 Nations territories in actual contemporary conditions.
20 These conditions have been the stuff of their lives - the
21 problems and frustrations and despair, the strength,
22 creativity and interdependent relationships.

23 They know too that they have options in

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 policing careers. When they choose then to enter First
2 Nations Constable programs, the huge majority of these
3 young people want to combine the police training that they
4 will receive with their knowledge of and commitment to
5 their communities. They want to be more effective than
6 the RCMP or the provincial policing presence they have
7 experienced during the course of their lives. They want
8 to be one of a complex of community resources that help
9 our people heal. By peacemaking and peacekeeping as key
10 figures in restoring social harmony, they want to make
11 a real difference.

12 This is a perfectly legitimate goal.
13 It is the goal of all institutions which focus on ensuring
14 social regulation and control for the purpose of social
15 harmony, wherever the society. It was the goal of the
16 first modern police forces in 19th century England, as
17 much as our traditional warrior societies of the Plains
18 - to use only one example of the peacekeeping methods
19 developed by our Nations in North America. Enabling our
20 young people to actually achieve that goal should be,
21 equally, perfectly realistic.

22 However, they are doomed to frustration.
23 It is not, as it turns out, realistic for them to expect

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 to be able to make that kind of a contribution. They will
2 not be enabled to do so. Rather, they will experience
3 that the system cannot accommodate their ideals.

4 Policing, as peacemaking, peacekeeping
5 or even simply crime control - just cannot function in
6 isolation. Like education and the justice system as a
7 whole, policing cannot be divorced from the culture from
8 which it derives, of which it is an integral part and whose
9 values and norms it promotes, represents and enforces.

10 This integration is required for
11 collective survival through peace and order and is the
12 basis of the legitimacy of any police service. Without
13 legitimacy, a police service is no more than armed people
14 going around enforcing their will by coercion. Without
15 legitimacy, it is a travesty of the justice system it
16 purports to represent and it is resented, derided and
17 possibly feared, but never respected.

18 And without cultural relevance, its
19 effectiveness is at best feeble, and usually actually
20 counterproductive.

21 Modern Canadian police forces, federal
22 provincial, municipal are accepted and supported in
23 general and in essence, in a form of collective consensus

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 by the various components of their society. In the context
2 of that society, they are thus legitimized.

3 Their society, however, is not my
4 society, nor that of the citizens of the other First Nations
5 of Canada. Why, then, is their policing system still
6 imposed upon us? Surely we have all learned by now that
7 imposing foreign systems upon us is an unbelievably costly
8 program for certain failure.

9 It is twenty years since the first
10 Special or "Band" Constable positions were created. It
11 is ten years since the current type of tripartite policing
12 agreements took hold. There has been much progress in
13 understanding and in action of the part of federal and
14 provincial government officials. First Nations policing
15 officials, myself included have learned much to help us
16 respond to the challenges of adopting to contemporary
17 situations. As well, it is necessary that there be stages
18 of transition. This stage however is now close to a
19 generation in duration and a generation is too long. The
20 Indianization of on reserve policing is in clear danger
21 of becoming entrenched in the minds of authorities on all
22 sides, federal provincial and even First Nations.

23 If new jurisdictional framework

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 agreements, on the one hand and the First Nation
2 determination manifest in concrete developments such as
3 structural design and codification of traditions and First
4 Nation laws on the other do not create legitimate First
5 Nations justice systems which our new recruits can have
6 a meaningful future, then the long term cost to all parties
7 will skyrocket. Further, it will be at least another full
8 generation before we can really start over again.

9 That additional generation will see
10 thousands more of our people isolated from the very forces
11 that could combine with support to heal and reintegrate
12 them. They will be condemned to isolation in
13 penitentiaries for crimes that are really reflections of
14 social disorders whose roots are not of our peoples'
15 making. Alcoholism will be dealt with not as a disease
16 requiring treatment for which it is recognized in
17 non-native workplaces, but as a crime to be punished and
18 that punishment itself will not be from among the
19 culturally appropriate community sanctions which may at
20 least precipitate the start of a healing process. Victims
21 of crimes in our communities will not have the opportunity
22 to play an integral role in the proceedings. They too
23 will be isolated if not ignored. The punishment

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 orientation of this system ignores the restoration of the
2 victim. For example, the perpetrator may be out of jail
3 before the victim is out of the hospital. However, were
4 restitution to be in place in the Canadian system it would
5 be hardly likely to take into account the collective nature
6 of our societies. Most forms of restitution currently
7 proposed could not simplistically be transferred to us.

8 Each of these examples impacts on a large
9 network of other people. The nature of that impact
10 encourages an increasing number of manifestations of
11 social disorder and the vicious cycle spirals. The
12 over-representation of our people in Canadian jails is
13 a matter of public record.

14 Also on record is the actual financial
15 cost of each person kept in a penitentiary per year. So
16 too are the health and social service costs relating to
17 the impact on families, not to mention the fact that the
18 conditions necessitating these costs virtually preclude
19 the re-establishment of healthy local economies. The
20 incomparable personal tragedies are, of course, the real
21 costs paid by us.

22 First Nations Constables enter the
23 program committed to help reverse this cycle. Any kind

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 of contribution in that direction is virtually impossible
2 for them. That is because they function still within
3 another society's system. They have been indigenized.

4 The very legitimacy of the position of
5 these young people can be challenged from a First Nations
6 perspective. This would be the most devastating
7 indictment of a police force, by international acceptance
8 of standards challengeable legitimacy justifies
9 dissolving it. From First Nations perspective, the
10 program cannot remain in its transition stage much longer.

11 The challenge will have to be put. Otherwise, its
12 entrenchment will be such that its continued existence
13 will be interpreted as the means of legitimizing it.

14 The jobs of these recruits become
15 subject to two separate authorities representing two
16 different world views not to mention differences in
17 specific laws, relationships, goals and expectations.
18 Has it not been said in times of old that no one can serve
19 two masters. In our tradition, the principle holds. Yet
20 First Nations Constables must meet the expectations of
21 the community while reporting to the local detachment.

22 The present rigid hierarchical police
23 system puts at risk Constables wanting to support a First

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Nations perspective on policing matters. There has been
2 great progress in cross-cultural appreciation and
3 understanding in many of these forces. However, in a rigid
4 hierarchy, systems which do not complement it cannot be
5 accommodated.

6 First Nations Constables apply a model
7 of peacekeeping which precludes the integration of their
8 position into the ways which are traditional to and still
9 effective within the communities they are supposed to
10 serve. Their policing system is adversarial. They have
11 to charge and arrest. They have to isolate. They cannot
12 take no initiative that goes beyond standard procedure.

13 Much of the First Nations incarceration
14 rate is because of the lack of understanding of so much
15 of that policing and legal system. We have people pleading
16 guilty because they have been told by representatives of
17 that system that they have committed a crime, in
18 circumstances where no one from the appropriate social
19 system would have been found guilty or incarcerated. Are
20 we now ourselves entrenching the same procedures that lead
21 to such miscarriages of fundamental justice and enabling
22 our own idealistic recruits to become the agents of that
23 system.

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 Too large a number of our Constables
2 become themselves statistics reflecting despair. What
3 immensely impresses me is the number who actually hang
4 in there with some, at least, of their dreams still intact.

5 Indigenizing a colonial institution
6 does not make it self governing. Are our leaders
7 developing the new models of government planning to support
8 them with a foreign system of policing? "Indianizing"
9 provincial or RCMP services do not make them appropriate
10 to us.

11 The matter of legitimacy remains the
12 first concern. Historical experience can contribute to
13 the collective sense that a justice system is legitimate,
14 fair, ensuring rightful participation, contributing to
15 harmony.

16 Historically, our Nation's initial
17 contact with European policing systems was the military
18 police, Northwest or the Royal Canadian Mounted, who
19 enforced the establishment of the reservation system and
20 to ensure that the European settlers had full and free
21 access to our resource base. Subsequently they also
22 enforced the imposition of the colonial system in all
23 respects and over the years, all First Nations citizens

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 experienced systemic racism of policing institutions.

2 This must never happen again.

3 This context does not provide the
4 framework for accepting and legitimizing such a policing
5 system for our territories. The system is illegitimate
6 in its imposition on our Nations in the first place and
7 its application has done nothing to legitimize it over
8 time.

9 Nor are our values, norms, relationships
10 and interactions reflected in these judicial and policing
11 systems applicable to us today. It is not only failing
12 to achieve real goals, it will actually prove to have been
13 working to counter them should this transition stage become
14 entrenched and that includes the Commission I chair.
15 There is no more time, the moment is at hand to put new
16 systems in place.

17 Our traditional peacekeeping and
18 peacemaking included resolution mechanisms as well as
19 sanctions which were integral parts of our social systems
20 as a whole, emphasizing the maintenance and the restoration
21 of social harmony through traditions and customary rules.
22 They were effective for thousands of years since time
23 immemorial and many are still in place. Within new

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 tripartite jurisdictional frameworks, these could be
2 legitimized and integrated within them, true First Nations
3 policing systems. They would provide the policing model
4 that would give our Constables a career path for the future
5 that will make the realization of their goal actually
6 possible.

7 The focus of the policing model for our
8 First Nations Constables are required to apply at this
9 time is not that of peacekeeping, the focus of our tradition
10 but rather of controlling crime. Police must search out
11 acts that can be identified as criminal and the individuals
12 who commit them. All parts of this process are
13 fundamentally adversarial in nature. Specific arrest
14 quotas may or may not be officially in place but the reward
15 system is such that policepersons excelling in these
16 activities are reinforced, especially but not only through
17 promotion. Furthermore, police funding agencies rely on
18 crime and enforcement statistics. Rather than rewarding
19 decreasing crime rates, police forces are cut back.
20 Rising crime rates mean more money for the police.

21 The crime control model has resulted in
22 the peculiar phenomenon by which First Nations communities
23 are both under and over-policed. As statistics of

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Canadian society's definitions of social despair, we fill
2 Canadian correctional institutions but should our
3 communities call for help to keep peace and restore social
4 harmony, it will take much longer, often years longer to
5 get the money for a Constable. Our complement in Ontario,
6 for example, is hugely inadequate, a point which the
7 Commission, the Ontario Provincial Police and the federal
8 government, all understand.

9 The crime control focus is also
10 reflected in quasi-military organization of police forces,
11 with heavy emphasis on rank, hierarchy, maintaining
12 solidarity with police colleagues and customs. Highly
13 centralized decision-making discourages initiatives and
14 even input from lower-level ranks.

15 This focus is in question within
16 non-native societies and the coming century may see
17 meaningful modifications to it. As a means of dealing
18 with certain technical aspects of investigation and to
19 protect the community in a rare extraordinary incident,
20 crime control as a model is undoubtedly useful. However,
21 insofar as the goals of policing on First Nations
22 territories are concerned as a focus the crime control
23 model remains counterproductive.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 In times of great trauma, the crime
2 control model cannot access the support of the very
3 powerful forces within a community which could mobilize
4 precisely the expertise and skills required to begin a
5 meaningful process toward that which works: Healing
6 reconciliation and the restoration of harmony and with
7 that, the reduction or control, if you will, of crime and
8 social disorder. To act as a catalyst of this general
9 type, for example, in developing the Neighbourhood Watch
10 programs is a recognized role of police forces in European
11 based systems. However, their community structures and
12 resources differ from ours, and allow them to do this within
13 the crime control model. Our First Nations Constables
14 are not in an equivalent position.

15 Meanwhile, they are perceived as being
16 more or less junior or subsidiary forces limited to a narrow
17 range of policing activity. They are not paid equally
18 to their counterparts in the regular forces, without
19 recognition of precisely the aspect of education that
20 counts most in their work, language and community living
21 knowledge. They are not appropriately trained in many
22 respects, neither in the crime control model nor in the
23 techniques of peacekeeping and peacemaking that will be

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 of utmost relevance to realizing their actual potential.

2 To bring relevance to policing in First
3 Nations communities necessarily implies legitimizing and
4 restructuring the justice system as a whole within the
5 revitalization of self government, our inherent and never
6 extinguished right, that is currently in progress.

7 Peacemaking and peacekeeping are our
8 traditional models. Even today, despite fundamental
9 cultural dislocation, the resources are available for
10 mediation, victim-status and orientation, restitution and
11 reparation, alternatives to custody, meaningful sanctions
12 that have real impact within the community, eventual
13 reintegration, peace and community harmony. It is here
14 that the First Nations Constables will be able to make
15 the contributions which inspired them in the first place.

16 Jurisdiction is the central crux of self
17 government. The first essential and immediate priority
18 is that we must have jurisdictional framework agreements
19 in place and I would like to qualify that in terms of we
20 are not talking about delegated responsibilities. It is
21 a federal responsibility, a provincial responsibility and
22 a First Nations responsibility. Entrenchment of the
23 present system with its increasing skyrocketing costs,

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 human and financial is otherwise inevitable.

2 All three parties understand the
3 overriding importance of the jurisdiction issue. If they
4 are sincere in recognizing the inherent rights of self
5 governing societies that have been here since time
6 immemorial, they will be prepared to come to a
7 jurisdictional arrangement.

8 Jurisdictional framework agreements may
9 be instituted developmentally on a regional basis or
10 zonally within specified regions.

11 Secondly, the Royal Commission should
12 target and focus certain First Nations to codify First
13 Nations standards, fundamental structures and procedures
14 and laws. This is a First Nations responsibility.
15 Through this process, both First Nations citizens
16 participating in it and Canadian governments will have
17 a reference to understand and appreciate the
18 responsibilities and authorities to be recognized.

19 Thirdly, we must begin to develop First
20 Nations peacekeeping systems in relation to those
21 frameworks, fundamental structures and laws. That too
22 is a First Nations responsibility. Models would be
23 developed on a regional basis in various parts of the

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 country. They would include goals and values, training
2 requirements, accountability - the full range of
3 peacekeeping service considerations.

4 Mr. Commissioner, on a personal note,
5 I think it is important to recognize that during the course
6 of my term as Chair of the Ontario First Nations Police
7 Commission I have had the occasion to note the progress
8 we have made toward mutual understanding, particularly
9 between the First Nations and the Government of Ontario.
10 The strides taken by First Nations in responding to the
11 challenges of peacekeeping on their territories in very
12 difficult circumstances is also striking but the
13 commitment and resilience of so many individual First
14 Nations Constables reinforces the goals and ideals that
15 should be inspiring to all of us.

16 Thank you.

17 **CO-CHAIR RENE DUSSAULT:** Thank you. Of
18 course we are all aware that policing is a very important
19 issue and component of the justice system. I would like
20 to get some data or facts. The Ontario First Nation Police
21 Commission, is this a provincial organization? Is it set
22 up through legislation? What is the status of the
23 organization very briefly?

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. WALLY MCKAY:** The Ontario First
2 Nations Police Commission is --- through the tripartite
3 agreement between the federal and the provincial and the
4 Indian First Nations. Through the federal policing
5 program so basically the mandate is program oriented.

6 **CO-CHAIR RENE DUSSAULT:** There is no
7 legislation, it is done through this agreement?

8 **MR. WALLY MCKAY:** There is no
9 legislation.

10 **CO-CHAIR RENE DUSSAULT:** How many First
11 Nation Constables are there in Ontario now?

12 **MR. WALLY MCKAY:** We have 322.

13 **CO-CHAIR RENE DUSSAULT:** They have the
14 power of peace officers under the Criminal Code? Do they
15 have the power as peace officers under the Criminal Code
16 or what is their status?

17 **MR. WALLY MCKAY:** They are called and
18 have the same powers as the Ontario Provincial Police.
19 Whatever the Ontario Provincial Police have, the criminal
20 investigation, they can do so if they have the training.
21 They do not have cross appointments with the RCMP nature
22 in that regard.

23 **CO-CHAIR RENE DUSSAULT:** They are

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 employed by the various bands?

2 **MR. WALLY MCKAY:** They are hired by the
3 Chiefs, paid by the Ontario Provincial Police.

4 **CO-CHAIR RENE DUSSAULT:** Their
5 authority comes from the Ontario Police or from the band
6 council?

7 **MR. WALLY MCKAY:** The authority for them
8 comes through to operate as policemen through the
9 Commissioner of the Ontario Government, they are called
10 there and they have to enforce the provincial statutes
11 and legislation.

12 **CO-CHAIR RENE DUSSAULT:** But on a day
13 to day basis, do they respond to the band council or to
14 your commission?

15 **MR. WALLY MCKAY:** They respond to issues
16 from the community, from the Chief in council but if those
17 requests are not consistent with the standards and
18 procedures then in most cases they have to get direction
19 from the OPP and have to deal with those issues.

20 **CO-CHAIR RENE DUSSAULT:** I understand
21 that they are working in close relationship with the OPP
22 and the RCMP but on the ground -- what is the relationship?
23 Is there policing by the OPP on reserves where those

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Constables, on reserves that employ a band Constable?
2 What is the kind of situation? When there is a force
3 constable, a band Constable do they, I am not talking about
4 investigating a major crime, but on a regular basis do
5 they do the policing on the reserve? What I am trying
6 to see is what is the role, is there some role played by
7 the OPP on the reserve?

8 **MR. WALLY MCKAY:** The role is one of
9 supportive nature and they have moved in that direction
10 to allow the First Nations Constable to be able to carry
11 out their responsibilities and there are presently liaison
12 positions and coaching positions within the program to
13 be able to do that.

14 **CO-CHAIR RENE DUSSAULT:** With this
15 structure in mind, when you say in your brief that these
16 band Constables do not have the flexibility to address
17 the issues in a way that would be necessary to take into
18 account the values and the community situation, could you
19 expand on that, because the role of your Commission is
20 kind of an umbrella organization on those 320 Constables.

21 I would have thought that the purpose was to not only
22 to make sure they were acting as professionals but also
23 they would take into account concerns that are in

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 communities, so what is your role as a Commission on that?

2 **MR. WALLY MCKAY:** The First Nations
3 Constables are left in a very precarious situation in that
4 they have to try to be able to accommodate the community
5 values and norms in the administration of their work but
6 yet the overriding concern is to uphold the law, the oath
7 that they have taken, sworn to, and the problem that
8 continues to exist is that while you have the legislation
9 in place, they must follow that legislation. The
10 legislation and the community norms do not accommodate
11 each other.

12 **CO-CHAIR RENE DUSSAULT:** It seems to me
13 that the role of the police is to apply the law, not to
14 make the law and what is not clear to me is that your brief
15 addresses more to the law itself that is applied by the
16 police and this is of course a major issue, an issue of
17 self government, but my question is, do you see the role
18 of the police as to being something else than applying
19 the law? As it is with the discretion that is involved
20 in police powers generally.

21 **MR. WALLY MCKAY:** It is my belief that
22 as long as we have these institutions in place that without
23 -- and that is why I am recommending that we look at new

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 arrangements dealing with jurisdiction. We have not
2 touched or tabled jurisdictional issues dealing with
3 enforcement or protection in the security of the
4 communities. We have to deal with jurisdiction. As long
5 as we do not deal with jurisdiction we will be simply become
6 agents of the present systems that are in place and that
7 is not what we want.

8 **CO-CHAIR RENE DUSSAULT:** I understand
9 that. Our concern at this point is with the police itself
10 and the way it behaves and performs its duties and we have
11 been told by many people within communities, women in
12 particular, that they really are looking at a professional
13 police force that is not political, that do not have too
14 close a relationship with the band council, that could
15 be acting independently and it brings the whole question
16 of control, the kind of political control on the police
17 and that is a problem that we have in the larger societies,
18 the kind of ministerial responsibility they have to in
19 the operation be able to act independently. But on the
20 other hand, they have to be a political responsibility
21 for them and my question was, in fact, is your Commission
22 enabling this to happen or if there is a discipline in
23 every case, for example, are you involved in that or is

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 it done through the Ontario Police Commission or what is
2 the situation?

3 **MR. WALLY MCKAY:** The role of the Police
4 Commission is very narrow because of the mandate it has.
5 The role of the Commission was basically adopted from
6 what Police Commissions are in place. We perform all the
7 functions except for the --- role or the discipline role,
8 they don't give us that but as we are into discussions
9 and we are looking at how to resolve a number of outstanding
10 problems and issues, we are beginning to realize the
11 shortfalls of the Police Commission as it is and I believe
12 that many negotiations that are going on throughout Ontario
13 on stand alone regional arrangements are facing the same
14 problems we have, to begin the process of establishing
15 what it would look like if we had a totally stand alone
16 type of an independent Police Commission. The negotiators
17 are always back to the point, trying to make reference
18 to the laws and also the federal and provincial governments
19 have responsibility that they cannot just let go, go ahead
20 and do it because they have their tie to a legal
21 responsibility so nobody knows how far to go.

22 My opinion and thinking is that we have
23 to establish a process and a model by where both the federal

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 government and the provincial government --- that the First
2 Nation can use as a reference.

3 **CO-CHAIR RENE DUSSAULT:** Thank you. If
4 you could provide us with some additional data as to the
5 situation of the band Constable within the province it
6 would be useful for us.

7 Mary?

8 **COMMISSIONER MARY SILLETT:** Thank you
9 very much Wally. I just want to ask you, or to clarify
10 something that Mr. Dussault asked. You were saying that
11 special Constables are hired by the police. Can the Chief
12 fire them? Who fires these guys or women?

13 **MR. WALLY MCKAY:** It is a very confusing
14 situation, who has the authority to be able to do that.
15 The Chief and council and the Ontario Provincial Police
16 are caught in a dilemma when it comes to terminating the
17 individual. On one hand the Ontario Provincial Police
18 have a system whereby for infractions or the conduct of
19 their officers is not becoming an officer they go through
20 certain levels of processes. There might be a suspension,
21 different levels of suspension, but on the other hand the
22 issue, if the Constable in a First Nation does something
23 that is not acceptable, automatically he loses credibility

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 and he is not wanted.

2 On the same hand the OPP has to go through
3 their process to find a way of relieving that individual
4 so it is a very frustrating kind of situation even to fire
5 the Constable because you have two sets of values in place.

6 **COMMISSIONER MARY SILLETT:** I think the
7 point we were trying to raise is this simply. If, and
8 this is the case in some places, a Constable is hired by
9 the band, can be fired by the band then the question many
10 people raise is how can they represent other than the band?
11 Who are they loyal to in the community, that is the
12 question and that raises the whole question of
13 independence. People wonder if that is the scenario on
14 an Indian reserve or in a community, how able are those
15 people or how willing are those people to represent the
16 other interests and that is something that has been raised
17 to us. What we have heard for example if Aboriginal
18 communities are to develop their own police forces or
19 whatever, or peacekeeping forces, then they must be
20 independent and then they must be trained properly.

21 **MR. WALLY MCKAY:** I think the idealistic
22 approach is to have the First Nations assume the total
23 responsibility for their policing and it has to be done.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 As long as the present system exists where you have a
2 situation of an individual having two masters it creates
3 an environment that is not good for the peacekeeping or
4 the policing on a reserve, it does not do anything to
5 advance the integrity of the First Nations in that
6 community. We have been under that ruling, under that
7 system and it has to change. We have entrenched and
8 divided loyalties because of how it is put in place.

9 **CO-CHAIR RENE DUSSAULT:** Thank you very
10 much. We still have three presenters and we are running
11 behind schedule so we will try to be as scientific as
12 possible.

13 **MRS. LILLIAN MCGREGOR:** Thank you Mr.
14 McKay.

15 Our next presenter will be Mr. Monte
16 Hummel who is the president of the World Wildlife Fund.

17

18 **MONTE HUMMEL, CALLED**

19

20 **MR. MONTE HUMMEL:** Good morning. I am
21 going to try to be practical, specific, solutions oriented,
22 make proposals that aren't going to cost you money and
23 save you time.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 First a note about our organization.
2 World Wildlife Fund is now the largest conservation
3 organization in the world. I guess we are best known for
4 having a Panda for a logo and a Prince for a president.
5 The Panda logo I am told is recognized by one out of two
6 Canadians and they understand that the WWF stands for the
7 World Wildlife Fund and not the World Wrestling Federation.

8 Prince Philip is our international
9 president which is appropriate since this is a Royal
10 Commission and also because the treaties were signed with
11 the Crown.

12 Our principals are, we are not an
13 anti-hunting organization, we are not an animal rights
14 organization or a humane society, we are committed to
15 conserving biological diversity, to sustainable use of
16 natural resources, to promoting actions that reduce
17 pollution and the wasteful use of energy and our ultimate
18 goal globally is to stop and eventually reverse the
19 accelerating degradation of our planet's natural
20 environment and to help build a future in which humans
21 live in harmony with nature and it is that last overall
22 goal that I would like to try and make specific today.

23 I will leave for the Commission a copy

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 of our most recent annual report which gives you a breakdown
2 of our legal status and our directors.

3 WWF worldwide now has about five million
4 members. Since our founding we have supported about
5 10,000 projects worth almost a billion dollars in 130
6 countries. We have worked extensively with indigenous
7 peoples worldwide.

8 Here in Canada since I have been
9 president in 1978 we have funded over 100 projects in this
10 country, drawing directly on the advice and guidance of
11 Aboriginal peoples, deferring to their approval,
12 knowledge, hiring local people, having Aboriginal peoples
13 on steering committees which control the expenditures of
14 money and on our board of directors.

15 I would like to also table with the
16 Commission some reports on our past work, one an Arctic
17 project that I was personally involved in called Whales
18 Beneath the Ice that worked on the status and sustainable
19 use of Arctic Whales, another one called Agowertuk which
20 is more relevant to today's presentation, the first
21 proposal for a whale sanctuary in Canada which is coming
22 forward from the people of Clyde River in north Baffin
23 Island.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Our submission to the Commission is
2 based on this kind of experience plus two principal
3 documents, one is a chapter by Georges Erasmus in our book
4 which is called Endangered Spaces. I will leave one for
5 your library, published in 1989, and a research paper
6 commissioned especially for this purpose today by World
7 Wildlife Fund on the question of protected areas and
8 Aboriginal interests.

9 Regarding the first document, Georges'
10 chapter in our book, it not only appeared in the book but
11 more important the book launched a campaign called
12 Endangered Spaces and I notice that the camera person is
13 wearing an Endangered Spaces T-shirt. The goal of the
14 campaign is to represent all 340 natural regions of Canada
15 with protected areas, that is parks or nature reserves
16 or wilderness areas amounting to at least 12 percent of
17 the area, the land mass of our country. The criteria we
18 have are that all such areas should exclude logging, mining
19 and hydroelectric development and our position has been
20 that ownership is irrelevant. In other words, as long
21 as it is managed and control is based on conservation
22 principles, we don't care who owns the land.

23 The need for this is urgent in Canada

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 contrary to what many Canadians seem to believe. We now
2 have 236 species listed on our endangered species list.

3 So far we have only represented 25 percent of our 340
4 natural regions with protected areas of one kind or another
5 and we have lost the option in '91 of our 340 natural regions
6 to establish a wilderness area of 50,000 hectares or more
7 which is kind of a guideline for a minimum size at least
8 of a wilderness area.

9 So the book and campaign have been
10 launched, recognized by a wide variety of groups and range
11 of interests. Two hundred and seventy five groups have
12 now endorsed the campaign which makes it the largest
13 coalition of interests ever pulled together around a
14 conservation concern in Canada. These interests include
15 Aboriginal interests.

16 Georges not only contributed a chapter
17 to the book, he signed the Canadian Wilderness Charter
18 which I will also table for you and one of the clauses
19 in the Wilderness Charter, one of the whereas clauses is,
20 "Whereas Canada's Aboriginal peoples hold deep and direct
21 ties to wilderness areas throughout Canada and seek to
22 maintain options for traditional wilderness use."

23 The Assembly of First Nations and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Indigenous Survival International were represented by Dave
2 Montour at the launching of the campaign and I remember
3 Dave looking up at the assembled press and saying, "It
4 was all one big park before you guys got here."

5 A lot of this so far suggests that there
6 is a strong overlap between wilderness advocates and
7 Aboriginal interests but there are also some differences
8 and sore spots which means that we don't always get along.
9 Some of these differences may seem to be intensifying
10 especially as Aboriginal self government becomes a fact
11 in Canada.

12 The purpose of our paper for the Royal
13 Commission is to identify areas of agreement, areas of
14 disagreement and to suggest solutions. I am going to focus
15 today on areas of agreement and solutions.

16 Overall I am optimistic wilderness
17 conservationists and First Nations may travel in different
18 canoes and I think that is okay but I am convinced that
19 we share the same waterway and I am hopeful that we can
20 arrive at a common destination so first I would like to
21 state a number of areas of agreement.

22 First, we agree that protecting areas
23 in a natural state at least helps maintain the option of

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 a land based lifestyle for those who choose it. Primarily
2 by conserving wildlife for use and appreciation by both
3 Aboriginal and non-Aboriginal people. These benefits
4 extend beyond wildlife to sacred places and sites important
5 for spiritual and cultural reasons as well.

6 We agree that conservation lands and
7 waters are almost always more desirable for such purposes
8 than areas that have been degraded and destroyed by
9 industrial activities such as logging, mining and
10 hydroelectric development and there are a number of cases
11 of this which I could give across Canada.

12 Third, we agree that if wild living
13 resources are going to be used by people, by any people
14 anywhere those resources must be used on a biologically
15 sustaining basis. Endangering species or running down
16 wildlife populations is not in the best interests of
17 wildlife or the people who depend on it. Put differently,
18 no one is entitled to use wildlife unsustainably.

19 Fourth, we agree, at least WWF does that
20 Aboriginal rights to hunt and fish are promised through
21 legally binding treaties as well as Section 35 of the
22 Constitution Act and that Aboriginal users should have
23 priority over other users especially for subsistence

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 purposes, subject of course to the principles of long term
2 biological conservation.

3 Fifth, we agree that Aboriginal
4 ownership, control and management of protected areas need
5 to be more widely practised as a means to ensure long term
6 conservation of lands and waters in Canada.

7 Finally, we agree that the unique
8 knowledge and experience of indigenous peoples must be
9 sought and used in modern efforts to conserve biological
10 resources.

11 I am going to skip over our areas of
12 disagreement, not because I want to duck them but I am
13 interested in saving you some time and I would like to
14 focus specifically on some solutions. I would be
15 delighted to discuss the areas of disagreement with you
16 if you are interested.

17 I think that a number of the areas of
18 disagreement are based on ignorance or misunderstandings
19 and they are not unique to wilderness of parks or protected
20 areas and they tend to become even more accentuated when
21 concerns about hunting and trapping are raised in a context
22 of protected areas such as Algonquin Park and others.

23 So turning to solutions, number one, WWF

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 believes that modern policies regarding parks and
2 protected areas must recognize the moral legitimacy and
3 the legal reality of Aboriginal title, self government,
4 treaty rights and outstanding land claims. We further
5 believe that the conservation objectives can be integrated
6 into all of these.

7 Second, in practical terms, there is no
8 reason why Aboriginally owned or managed conservation
9 lands and waters could not make extremely important
10 contributions to campaigns such as the Endangered Spaces
11 effort provided that these lands too meet the criteria
12 of no logging, mining or hydroelectric development and
13 provided wildlife use is sustainable.

14 In other words, jurisdiction over
15 protected areas is immaterial to us provided certain
16 conservation values are assured. Some of these protected
17 areas will no doubt be included in the land selection
18 process and established as Aboriginally owned protected
19 areas. In other cases such areas may be left out of the
20 land selection process but still form part of an overall
21 agreement with Aboriginal peoples who wish to see such
22 areas established to complement their land claim whether
23 or not they own them.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Examples are Banks Island through the
2 Inuvialuit settlement, Aweetuk, North Baffin and Ellesmere
3 National Parks through the Nunavut settlement and Vuntut,
4 protecting the --- flats which was signed off just last
5 weekend through the Council of Yukon Indians Agreement.

6
7 Canadians are indebted to Aboriginal
8 peoples for their insistence that such outstanding
9 protected areas be included in the negotiation process
10 and I think many of them would have been dropped off the
11 table if Aboriginal interests had not insisted that they
12 stay there.

13 Third, in some cases lands may not be
14 Aboriginally owned but treaty rights can still be respected
15 through joint management as is the case with the Nishka
16 Memorial Lava Bed Provincial Park in B.C. and with Temagami
17 in Ontario, now administered by joint stewardship
18 authority with the Teme-augama Anishnabai.

19 Incidentally, in Australia Kakadu and
20 Uluru National Parks are owned by Aboriginal people and
21 leased back to the Australian National Parks and Wildlife
22 Service. The point is that a number of different ownership
23 and management arrangements are possible but the

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 conservation objectives shared by Aboriginal and
2 non-Aboriginal people alike can still be met.

3 Fourth, in looking at the more
4 successful and innovative arrangements a pattern starts
5 to emerge. Aboriginal people are involved from the very
6 beginning in the process of establishing protected areas.

7
8 Aboriginal uses including sustainable
9 harvesting of fish and wildlife continue subject to sound
10 conservation practices. Some kind of management board
11 or stewardship council is established with at least equal
12 if not majority Aboriginal representation.

13 Local and traditional knowledge is
14 respected and integrated into management decisions along
15 with current science and modern conservation biology.
16 Commitments are made to train and employ Aboriginal
17 residents and to give them priority when it comes to new
18 business opportunities associated with protected areas.

19 Finally, in cases where there may be
20 disagreements regarding the impact of motorized travel
21 or increased access to back country or the level or the
22 season or the methods of taking fish and wildlife or
23 specific issues such as introducing small scale native

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 logging -- we had a tangle with the Champagnesic people
2 over predator control in an area adjacent to Kuhani
3 National Park.

4 For all of these issues all I can suggest
5 is that we keep on talking, we come to the table with good
6 will and with mutually agreed upon specific conservation
7 objectives to see what we can work out.

8 Today in my remarks and I have
9 deliberately scoped them down, I can only scratch the
10 surface regarding the whole subject of protected areas
11 and Aboriginal interests. Our paper goes into much more
12 details and cites almost 100 examples from across Canada.

13 I think we have researched it reasonably carefully.

14 I know that you Commissioners have an
15 immense pile of presentations and papers to consider but
16 I truly hope you will have a chance to look at ours because
17 I believe it is one of the few you will receive on this
18 specific subject.

19 In the past there is no doubt that in
20 much of Canada Aboriginal interests have been swept aside
21 or ignored when parks and protected areas were established.

22 Now however, we believe it is the First Nations political
23 agenda which will influence protected area programs and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 not the other way around.

2 At the end of the day however I hope it
3 isn't just sort of raw power and political expediency which
4 causes us to work better together but rather a deeply shared
5 concern to leave at least some parts of our planet in a
6 natural condition. Unlike almost everywhere else in this
7 world, we still have a chance to do that here in Canada
8 so let's do it together. Thank you.

9 **CO-CHAIR RENE DUSSAULT:** Thank you. I
10 must say that I just had an opportunity to glance at the
11 brief that you presented to us this morning and it is quite
12 an impressive one, very detailed and informative and I
13 can assure you that we are going to have a close look at
14 it, not only the Commissioners but our staff.

15 It is a very important issue and as you
16 said, we are not likely to receive many as detailed and
17 researched on this area. We of course are interested in
18 being pointed out areas of common interests and areas of
19 differences. We want to build our solutions on areas of
20 interest but also to find ways to resolve differences that
21 exist and so this is going to be useful.

22 I am not sure that we can go much further
23 than that this morning without having gone through the

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 brief and materials you have given us but I want to again
2 assure you that you made your point very forcefully and
3 effectively. Thank you.

4 **MRS. LILLIAN MCGREGOR:** Thank you Mr.
5 Hummel. Our next presenter will be Mr. Mark Taylor who
6 is the president of the Addiction Research Foundation.

7

8 **MARK TAYLOR, CALLED**

9

10 **MR. MARK TAYLOR:** Thank you very much
11 and thank you, in fact, for the opportunity of appearing
12 before you to bring forward the concerns of the Addiction
13 Research Foundation with respect to Canada's Aboriginal
14 people.

15 Really I want to make a fairly simple
16 and straightforward point and I can certainly confine my
17 remarks to a fairly brief set. In essence I am here to
18 suggest to you that my own organization and perhaps many
19 like it in the social and health field are very anxious
20 to provide whatever assistance they can to Canada's
21 Aboriginal communities but in order to do that they need
22 the help of this Commission and that is the basic theme
23 I have.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 I am happy to be here because at the
2 Addiction Research Foundation we have a profound interest
3 in the issues of alcohol and other drug abuse as they apply
4 to Aboriginal communities.

5 On the other hand I am sorry to be here
6 because if we were better equipped to do our job we might
7 already have solved those issues at least partially.

8 But truth be told, we are rather
9 ill-equipped to apply our knowledge, our programs and our
10 treatment systems to Aboriginal communities.

11 This is a source of great sadness and
12 frustration to the Addiction Research Foundation.

13 We are frustrated because we have the
14 knowhow to educate the children about drug use and we know
15 how to intervene with teenagers who are on the road to
16 trouble and if it comes to that, we know how to treat those
17 who already are in trouble. We even know how to assess
18 what communities need in policies and prevention programs
19 and treatment resources.

20 What we do not know is how to apply this
21 knowledge in uniform and productive ways across the range
22 of Aboriginal communities.

23 We have had considerable success as it

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 happens on an individual basis working with individuals
2 and individual communities across Ontario.

3 Let me tell very briefly about a little
4 bit of that work. We have been working with selected
5 Aboriginal communities in northwestern Ontario to address
6 solvent abuse. The Foundation is determining the
7 magnitude of the problem and is establishing working
8 relationships with the communities to develop solutions.
9

10 At the same time we realize that native
11 people need more information about alcohol and drugs.
12 We operate a toll-free telephone information line but until
13 now it has not reached out effectively to native
14 communities. We are working with Aboriginal communities
15 to develop information line messages in Cree and
16 translating public information brochures into Cree. We
17 will also produce radio public service announcements in
18 Cree and English aimed at the Aboriginal communities.

19 We are currently conducting a pilot
20 study with the Six Nations Reserve near Brantford that
21 will lead us to the development of a comprehensive survey
22 of alcohol and drug use among native people.

23 As well, we have an ongoing interest.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Next March for example we will host along with other
2 Canadian sponsors, the Fifth Annual Conference on the
3 Reduction of Drug Related Harm, a major international
4 event. We hope to devote a significant part of that
5 conference to Aboriginal issues.

6 As well, we propose to hold a series of
7 meetings with key people from Aboriginal communities in
8 northern Ontario to get a clear understanding of the health
9 promotion approaches that will work and are needed.

10 The Foundation is also establishing
11 relationships with two or more native treatment centres
12 in northern Ontario where we hope to field test our
13 Inventory of Drinking Situations which is a self report
14 questionnaire designed to help assess people seeking
15 treatment.

16 But in spite of these modest
17 initiatives, there is I fear a deep seated structural
18 problem in our approach to Aboriginal communities because
19 unlike some other communities, they do not have counterpart
20 agencies with which we can effectively do our work.

21 We believe that we excel at working
22 through systems within communities. We do not go directly
23 into classrooms, we train teachers to do drug education.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 We do not treat people who are in trouble with alcohol
2 but work with front line folk in treatment agencies to
3 help them deliver and develop effective treatment. We
4 do not impose alcohol or gambling policies on communities
5 but work with community leaders to develop appropriate
6 policies.

7 Doing what we do best requires real
8 partnerships. To be honest, we have yet to learn how to
9 forge these real partnerships with the Aboriginal
10 communities of Ontario. And so we hope that this Royal
11 Commission can make recommendations so that organizations,
12 mine and others, can learn how to create effective links
13 with Aboriginal communities.

14 I say "others" with reason. It has
15 become clear to me over the last years that the Addiction
16 Research Foundation and other helping organizations do
17 have a common sense of failure in relating to Aboriginal
18 communities.

19 We hope your work results in the creation
20 of tools and mechanisms that will turn our hopes and ideas
21 and good intentions into real, concrete results.

22 If that is achieved we will all be better
23 for it. In the meanwhile, let me tell you what we would

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 wish for Aboriginal communities, what could be achieved
2 if the systems and structures and means of connection and
3 communication can be created.

4 We would wish that these communities
5 could be empowered through collaboration and training and
6 not left dependent on external resources.

7 We would wish that off reserve and
8 non-status Aboriginal and Metis groups would not be
9 forgotten in these matters.

10 We would wish for good knowledge of
11 prevalence of use of substances both on and off reserve.

12 We would wish that an understanding
13 could be created of the role of traditional values,
14 protective factors and community dynamics in prevention
15 and treatment efforts.

16 We would wish for an emphasis on
17 prevention and health promotion to strike a better balance
18 between preventive and health recovery work.

19 We would wish that every reserve school
20 enjoy healthy school policies which would include
21 preventive curricula, early identification, disciplinary
22 procedures, links with the community and training of
23 teachers.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 We would wish that governments change
2 policies about uniform pricing of alcohol which in effect
3 subsidizes that price of alcohol relative to other
4 commodities shipped to the north.

5 We would wish that alcohol and drug
6 treatment workers in First Nations communities be
7 certified to ensure quality of care.

8 I am sure that you have heard many wish
9 lists and that you will hear more but when all is said
10 and done, it is my belief that our wish list and probably
11 others will be fulfilled when and if bodies like this can
12 help the broader Canadian community to learn how to work
13 with the people of the First Nations for the benefit of
14 us all.

15 I offer these thoughts with respect and
16 in hope. Thank you very much.

17 **COMMISSIONER MARY SILLETT:** Thank you
18 very much. I was wondering in your work with the Canadian
19 Research Addiction Foundation, can you tell me of all the
20 models that are in operation throughout the country to
21 address addiction, what are the more effective ways of
22 dealing with this?

23 **MR. MARK TAYLOR:** I think you can

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 generalize to the extent of saying, and there is a very
2 celebrated example in the First Nations community Alkalai
3 Lake that those communities which take onto themselves
4 the recognition of the problem and the responsibility for
5 its solution are those where the greatest success is
6 achieved and that really reverts to the heart of my
7 presentation. We believe that we know the techniques,
8 we don't know how to make them available in a way in which
9 they will get used effectively so that the essence of it
10 is that individuals and communities recognize the problems
11 and then are equipped to the ways of responding.

12 **COMMISSIONER MARY SILLETT:** As well,
13 the Canadian Addiction Foundation, can you give me an idea,
14 I guess I am at a loss in my head, I don't know what it
15 looks like, what the structure is like, do you just do
16 research, do you do advocacy, do you have an office here,
17 have you in your research found out, done some work on
18 how the addiction problems in First Nations communities
19 compare with the non-Aboriginal communities and have you
20 made steps to involve Aboriginal people within your
21 organization?

22 **MR. MARK TAYLOR:** First of all I should
23 point out that the Addiction Research Foundation is, by

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 accident of history if you like, an agency of the Province
2 of Ontario. That means that our primary focus is indeed
3 within Ontario but nevertheless as a centre for research
4 in the field of addictions we are the largest in North
5 America and in that sense we serve a national and
6 international role and that includes the fact that we are
7 a collaborating centre of the World Health Organization.

8

9 Very roughly, our work is divided into
10 two parts, that is to create the knowledge that can help
11 reduce the incidence of substance abuse and treat those
12 who have it and then to put it into the hands of those
13 who can put it directly to work. We believe that not
14 only does no organization like ours have the budget to
15 deliver all the direct services themselves but in fact
16 going back to my earlier answer that it is much more
17 effective to make knowledge and skills and techniques
18 available to people who are in the front line who are close
19 to the problem who are part of the community where the
20 problem may lie. We do work with First Nation
21 communities across Ontario on a limited basis. We have
22 tried to create much broader contacts and frankly have
23 failed, my expression of frustration with ourselves, not

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 the communities. We haven't learned how to do it.

2 Our general sense can only be anecdotal.

3 We do not have data that reflects the specific severity
4 of drug and alcohol abuse within First Nations communities
5 because we have not had the opportunity or found the way
6 of surveying that specifically but I don't think that there
7 is any question in our minds that what one knows anecdotally
8 about the problems of First Nations communities has at
9 least some degree of truth. There are some very acute
10 problems within those communities, problems which wherever
11 we see them regardless of what type of community it is,
12 we regard as markers of deep seated concern that must be
13 dealt with.

14 **COMMISSIONER MARY SILLETT:** Are you
15 able to tell for example, I know you don't have the data
16 but do you have an idea, has the problem gotten worse over
17 the last ten years, 20 years or has the problem gotten
18 better? What we are hearing as we have gone across the
19 country is that there are successful models, Alkalai Lake,
20 we heard from an individual presenter who said, "In my
21 reserve when I was a child all of the 35 families drank.
22 Now there is only two."

23 So we do hear positive changes and I am

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 wondering if you could comment on the question.

2 **MR. MARK TAYLOR:** Again, I can comment
3 on the basis of what I hope is common sense and general
4 observation but not on the basis of specific knowledge
5 that is research backed.

6 We do know in Canadian society generally
7 that in fact the use of alcohol and other drugs has
8 diminished over the past ten or 15 years. I would suspect
9 that that may well be true equally of the First Nations
10 communities.

11 I think what may be happening is two
12 trends, one of which is certainly present in the Canadian
13 community more generally. The two trends that I think
14 are taking place is, one is simply the recognition of
15 problems that had previously laid buried. We are coming
16 to grips with a sense of real concern about some of the
17 things and activities within all communities including
18 First Nations communities that we simply hadn't recognized
19 before.

20 The second point that I would make that
21 in fact in the broader community what we tend to find is
22 that while the overall usage of substances is diminishing
23 it is concentrating into particular areas of society and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 becoming endemic in those areas so that you find that
2 generally on average people are for example drinking less
3 but there are subsets of the community, in the case of
4 the broader community at least, young males in the case
5 of drinking who appear to be drinking more heavily.

6 Now I suspect that there is something
7 akin to that happening within the First Nations communities
8 but again, I can only say that from common sense
9 interpretation.

10 COMMISSIONER MARY SILLETT: Thank you
11 very much for your presentation and your time.

12 MRS. LILLIAN MCGREGOR: Thank you Mr.
13 Taylor. Our next presenter will be Mr. Floyd Favel. He
14 is the artistic director of the Native Earth of the
15 Performing Arts.

16

17 FLOYD FAVEL, CALLED

18

19 MR. FLOYD FAVEL: Hello. I am very glad
20 to be able to present today and because we do theatre and
21 theatre goes into many different areas so I always look
22 at it in terms of culture, contemporary living culture
23 so for me it has always been in my experience working here

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 in Canada, it is an uphill battle, a very uphill battle
2 in terms of getting people to understand the importance
3 of culture.

4 I have always understood it as one of
5 the primary needs so it always very much surprises me when
6 it often takes a back seat in terms of any discussion or
7 thoughts towards the betterment of our people. To talk
8 of sovereignty or independence, it is like, my question
9 always is how can you do that without a cultural mandate
10 because if I look at every government in the whole world,
11 everybody has a cultural mandate. This is the core and
12 the guiding principle of any well functioning balanced
13 government but I don't know if one government exists like
14 that in the whole world. I would like to think that it
15 is an ideal and something to strive for.

16 I know for certain it was something which
17 we once had up until not too long ago, 50 or 100 years
18 ago. So my biggest concern has been that to feel that
19 our people and I guess people in general do this, because
20 what I hear from other theatre people across Canada is
21 they don't think of contemporary culture. Contemporary
22 culture and heritage, our traditional past, they are
23 related but they are very much related, intertwined and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 they each influence the other. So as I said before it
2 surprises me that it would take a back seat because I feel
3 if you concentrate on culture it alleviates many, many
4 other problematic areas because you are working directly
5 and I know this may sound a little too ungrounded but you
6 are dealing directly with a person's feelings, ideas and
7 memories.

8 Once you can deal with that you can often
9 solve the problem of perhaps alcoholism or despair leading
10 to suicide. If you take into consideration that we have
11 a contemporary, we need to express ourselves.

12 We have created energy and it is a human
13 fact and it was something that we always knew so that the
14 idea of separating it, the idea of ignoring that aspect
15 of ourself I think is a vital mistake, to not take into
16 consideration that everybody here is a creative being and
17 one of the ways to express that is through words, music,
18 dance and this is culture, architecture.

19 If you look at the past histories of
20 civilization what they remember is the art. They remember
21 the architecture, they remember the paintings, they
22 remember the artists, they remember the culture because
23 the culture was always at the root of that government and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 civilization.

2 So this for me has been kind of the
3 thoughts which fly through my head when I think about myself
4 as native people here in Canada and as contemporary artists
5 so in that way it gives me pleasure today to be able to
6 present that.

7 I am the artistic director of Native
8 Earth Performing Arts and we are the only professional
9 native theatre company here in Toronto and one of two in
10 Ontario and one of three in Canada so a lot of our work,
11 we work with text, literature in the creation of a
12 contemporary literature. Once they are produced at Native
13 Earth they very often go directly into the school
14 curriculum and this, my feeling is by going into the school
15 curriculum then it is going more forward and this has been
16 said often enough about towards the betterment through,
17 to inspire our children who are the ones in school.

18 This is contrary to a lot of sometimes
19 public opinion which sometimes views art, culture, theatre
20 as irrelevant or a waste of time. It is like it is
21 impractical, it is done by impractical individuals.

22 Behind any serious creation of art that
23 we create goes ten years, 15 years of intensive training.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Some of us spend ten years in the studio, have been able
2 to isolate ourselves just for, towards the work of culture
3 so a lot of our work ends up in school curriculum,
4 universities, not only here in Canada but across the world.

5 This I feel is like a little step, a little drop because
6 in 100 years, 200 years, 300 years, 500 years it is still
7 the work, the efforts that we are doing at Native Earth
8 will finally perhaps be recognized as we have our
9 contribution to culture.

10 Why I say "recognized" is because at this
11 point maybe it is a general problem in terms of what I
12 said earlier about lack of support for culture it is like
13 maybe it is a North American thing.

14 When I was studying in Europe I see lots
15 of models for how certain governments valued a contemporary
16 artistic culture. Now those words are very important,
17 contemporary artistic culture because we are in the living
18 present.

19 We have our past, some of us have our
20 language, we have our heritage, we have our grandparents
21 but at the same time we are contemporary and living and
22 how we have survived has been through the adaptation and
23 intercultural exchange with different people.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 In Europe I see that it is possible there
2 that people there value so much their culture they are
3 able to have a national theatre, a national theatre. So
4 when I look here at our Canadian situation as native people,
5 I run also a theatre school in the summer time and I run
6 also the native theatre, Native Earth Performing Arts the
7 other time, is we find ourselves nickel and diming, nickel
8 and diming for culture. This is absurd because should
9 it not be first priority, it is my feeling and so often
10 I sit at the desk in immense frustration because you think
11 it is, I thought that everybody shared this feeling that
12 we would consider and value ourselves as human beings,
13 creative individuals as opposed to solely rational people.

14

15 So that has been my goal in the next few
16 years and I would like to be able to present this to the
17 Royal Commission. The goal for us in the next few years,
18 what I would like is what I feel the native theatre
19 community would like is an acknowledgement, not verbal
20 sometimes but directly, monetarily support for culture
21 because it is the only way we can create art because right
22 now we spend most of our time looking for five hundred
23 bucks here, \$1,000.00 there. We spend most of our time

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 doing that as opposed to continuing our creative work.
2 The creative work that goes directly into the schools,
3 that goes directly into the minds and hearts of up and
4 coming people, up and coming generations.

5 I firmly believe that and our work
6 demonstrates what we do at Native Earth and so my feeling
7 is, like, I am thinking ahead a long, long time and I feel
8 that it is the only way for us to, if we think of sovereignty
9 to do the elaboration of contemporary artistic culture.

10

11 I don't have any, I am not an academic
12 person like that but if you want to ask any practical direct
13 questions you can ask me and I will be able to answer.
14 If you need statistics or something, I got them here so
15 thank you for giving me the time to present.

16 **CO-CHAIR RENE DUSSAULT:** As you are
17 probably aware we had a major presentation by the Seven
18 Circles.

19 **MR. FLOYD FAVEL:** Yes, I run that
20 theatre school.

21 **CO-CHAIR RENE DUSSAULT:** I would like
22 to start in asking you in terms of clarification, you
23 received money from the Intervenor Funding Program for

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 a project and you are supposed to produce it for the end
2 of June so your presentation this morning, is it part of
3 it or is it a preview or is it something completely
4 separate?

5 **MR. FLOYD FAVEL:** It is all related.
6 Call it a preview. It is a preview because the researcher
7 is Pamela Mathews so she is on the final draft of the
8 presentation, of her report.

9 **CO-CHAIR RENE DUSSAULT:** So we can
10 expect your brief early in the summer?

11 **MR. FLOYD FAVEL:** By the end of June,
12 yes.

13 **CO-CHAIR RENE DUSSAULT:** Okay, thank
14 you. Mary?

15 **COMMISSIONER MARY SILLETT:** I am not
16 going to ask you any statistics or technical questions.
17 I would just like to thank you very much for your
18 presentation.

19 I think that we are made very, very aware
20 especially in this round of hearings how integral culture
21 is to the wellbeing of the community and how it could be
22 a good vehicle for better relationships between Aboriginal
23 and non-Aboriginal people so I would like to thank you

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 very much for your presentation.

2 **MR. FLOYD FAVEL:** Thank you and I think
3 it could be more than 'could be'. Very often it is a living
4 reality when you do cross cultural work. I have worked
5 with everybody through culture. From my reference point
6 as a Cree person from Saskatchewan, that is where I feel
7 is the humanizing force, so thank you.

8 **MRS. LILLIAN MCGREGOR:** Thank you Mr.
9 Favel. We will now break for lunch and we will return
10 here at 1:00 p.m.

11

12 --- Recess

13

14 **MRS. LILLIAN MCGREGOR:** Good afternoon.
15 We are prepared to start this last session.

16 We have from the Native Mens Residence
17 the executive director, Gus Ashawasega. Accompanying him
18 is Judi Hall.

19

20 **GUS ASHAWASEGA, CALLED**

21 **JUDI HALL, CALLED**

22

23 **MR. GUS ASHAWASEGA:** Good afternoon.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 First of all thank you very much for allowing us to be
2 here today. With me is Judi Hall who is a board member
3 of Nishnawbwe Homes Inc. here in Toronto. My talk is going
4 to be very brief and to the point. I know that the
5 Commissioners have heard numbers of comments about the
6 need for urban Aboriginal housing. I believe probably
7 in Vancouver and also in Ottawa. We just wanted to give
8 you our perspective in Metropolitan Toronto.

9 As you know, in April of 1993 the
10 government of Canada announced that as of January 1st,
11 1994 new funding commitments for urban Aboriginal housing
12 initiatives would no longer be provided. This is an
13 arbitrary decision made by the federal government and to
14 us it is very disgraceful. We, the Aboriginal peoples
15 of this country cannot accept this decision made by the
16 government which appears to have no respect for the First
17 Peoples of this country.

18 Our request to this Royal Commission is
19 that they do everything within their power individually
20 and collectively to help rescind the federal government's
21 action to no longer fund new urban Aboriginal housing
22 projects in 1994.

23 Throughout Canada the need for adequate

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 and affordable housing for Canada's Aboriginal peoples
2 is at an all time high. While the housing needs may vary
3 from province to province, city to city, it is verified
4 that our people in Metropolitan Toronto are in great demand
5 for housing.

6 The Native Men's Residence is only one
7 of five urban Aboriginal housing organizations in Toronto
8 addressing the housing requirements of our people. The
9 other four organizations are Wigwamen Inc., they have 305
10 units and provide centralized housing for seniors and
11 disabled plus scattered housing for families, Gabriel
12 Dumont Non-profit Homes operates an 80 unit housing complex
13 in Scarborough, Nishnawbe Homes Inc. runs ten homes with
14 49 units and these are shared housing for single men and
15 women and Anduhyaun Inc. operates an emergency 17 bed
16 emergency residence with programs for homeless Aboriginal
17 women and their children.

18 The Native Men's Residence itself
19 operates a special 26 bed emergency residence for homeless
20 Aboriginal men who are 16 years of age and over. We provide
21 shelter and meals, life skills, literacy and general
22 counselling programs plus we promote traditional culture
23 and values all of which help our people to regain self

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 esteem and individual self responsibility to live in our
2 urban environment.

3 Toronto's five housing agencies operate
4 a total of less than 500 housing units for a total
5 Aboriginal urban population of approximately 40,040.
6 This is according to Stats Canada's 1991 census. Needless
7 to say that this figure of 40,040 we know is low. The
8 true population figure of Aboriginal people in Toronto
9 can be estimated at between 60,000 to 70,000.

10 All the Aboriginal housing providers are
11 turning away applicants for housing. We, the Native Men's
12 Residence on slow days turn away three to five people,
13 on busy days eight to ten. It is only for short term
14 emergency housing for men. For Aboriginal peoples
15 with children the housing need is far more desperate.
16 We have been informed that there are several hundred
17 Aboriginal families and individuals on non-profit waiting
18 lists throughout the city.

19 Many of our people are using emergency
20 shelters including the very streets of Toronto as their
21 home. Too many others are living in overcrowded, poorly
22 maintained and unsuitable housing. These situations are
23 shameful and should not be condoned.

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 Urban Aboriginal peoples, those looking
2 for adequate and affordable housing are a high need
3 disadvantaged group. The majority of them have left their
4 home communities and reserves to look for a better life
5 in cities. They have left situations where there may have
6 been a lack of housing, overcrowded homes, no running
7 water, no indoor washrooms and so on. Some have left
8 because of abuse.

9 Many because of violence or substance
10 abuse are no longer welcome in their home communities.
11 Many also are single parents with one or more children.
12 The aforementioned organizations and other new ones
13 continue to attempt to establish additional decent,
14 affordable and accessible housing for our people. There
15 are now about 200 units in the planning stages in Toronto
16 which may open next year. However, the federal cutbacks
17 may prevent some or all of these initiatives from becoming
18 reality.

19 Pride, self esteem, cultural
20 reawakening and maintenance, a strong and good sense of
21 self worth, self responsibility, self determination, these
22 and other words come to mind when we as Aboriginal peoples
23 operate to live in housing, especially built for people.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 With caring honesty, sharing, good relations, strong and
2 effective member involvement, we can enhance the quality
3 of life of our people.

4 Aboriginal operated housing enables us
5 to have greater control over our lives and our future.

6 Urban Aboriginal housing is reasonable.

7 CMHC estimates that 35 percent of today's urban Aboriginal
8 population are in core housing needs. They live in
9 overcrowded or inadequate housing and conditions. They
10 have low incomes and cannot afford decent housing.

11 The Aboriginal population is still the
12 fastest growing population in Canada. In Ontario, over
13 50 percent of Aboriginal population live in urban areas.

14 The majority of the Aboriginal population in Ontario lives
15 in Metropolitan Toronto. The most important concern
16 which needs attention is to have the federal government
17 rescind their decision that no new funding for Aboriginal
18 housing initiatives will be available in 1994. Again,
19 we ask the Royal Commission to help in a timely manner
20 on this urgent matter. Urban Aboriginal housing for
21 families, singles, homeless, two-spirited peoples,
22 seniors and the disabled and so on are needed and will
23 continue to be in demand.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 As an example, a hostel for homeless
2 Aboriginal men with a capacity of fewer than 40 beds is
3 needed in the city of Toronto.

4 We have been requested to look into this
5 over the last several months but so far we have not been
6 able to get too close.

7 In 1992 CMHC allocated only about 750
8 units of Aboriginal housing across Canada in urban areas.
9 Even this amount, if such were allocated to Toronto would
10 not be enough to meet the needs of this urban area.

11 There is also a question of
12 jurisdiction. It is our belief that urban Aboriginal
13 housing for our people is a right which the federal
14 government cannot transfer to other jurisdictions. The
15 federal government should continue to be responsible and
16 continue to provide the necessary funding for the housing
17 needs of Aboriginal people whether they live on reserves
18 or in urban centres. The government of Canada has to
19 continue to recognize that Aboriginal people have unique
20 cultural and housing needs and these have to be addressed
21 in funding requirements in building Aboriginal housing.

22 We need to be fully informed, fully
23 involved in all federal urban Aboriginal housing policies

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 and program decisions. We cannot be left out and dictated
2 to any longer. Those times are over. Give us the respect
3 to handle our own responsibilities. Urban Aboriginal
4 housing providers should be given the flexibility to access
5 this federal funding and build housing for their people
6 in designs which will instill pride in our people living
7 in such housing.

8 Lastly, we talk of self determination
9 and self government but only when we as Aboriginal peoples
10 practise these rights will we be able to face ourselves
11 and provide solutions for our lives and the future of our
12 people.

13 Thank you. Meegwetch. Any questions?

14 **CO-CHAIR RENE DUSSAULT:** Thank you. We
15 would like if you could tell us the immediate effect of
16 the last federal budget on your operation from January
17 1st next year, 1994. What will this mean for your Men's
18 Residence in practical terms? Does it mean that you might
19 have to close?

20 **MR. GUS ASHAWASEGA:** We will not have
21 to close but there is a possibility of funding cutbacks
22 as far as we hear plus the fact we are also negotiating
23 right now for property further up from our present site

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 at St. Clair and Russell Hill Road and we have already
2 got a signback offer from the vendor but if the funding
3 is not allowed next year we would lose the property. That
4 is 47 units right there for singles and small families.

5

6 There are other organizations in Toronto
7 that are going the same route right now. They have got
8 the locations, the sites, possible buildings but if the
9 funding does not come through, everything is lost.

10 CO-CHAIR RENE DUSSAULT: So what is
11 involved is new funding for new development. It is not
12 your operation budget for the residents at the moment,
13 it is not involved in this?

14 MR. GUS ASHAWASEGA: No.

15 CO-CHAIR RENE DUSSAULT: It is for new
16 commitments?

17 MR. GUS ASHAWASEGA: Yes.

18 CO-CHAIR RENE DUSSAULT: So it is the
19 growth, the development that is curtailed.

20 MR. GUS ASHAWASEGA: We all have waiting
21 lists. Last year we were able to generate 150 lists of
22 people who want to move into our new place immediately.

23 Nishnawbe Homes has told me yesterday they have about

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 300 on their waiting list so the demand is there.

2 **CO-CHAIR RENE DUSSAULT:** It is a major
3 concern because, as you said, there are more and more
4 Aboriginal people living in the city, not only because
5 of the birth rate but because the migration trend is
6 increasing all the time.

7 What kind of relationship is there
8 between the five units within the city? Do you have a
9 kind of clearing house when you have spaces available --

10 **MR. GUS ASHAWASEGA:** The five agencies
11 are now meeting on a regular basis once a month. We are
12 trying to come up with a solution as to waiting lists to
13 transfer from one waiting list to another and so on, yes.
14 We keep each other informed of our progress and our
15 initiatives.

16 **CO-CHAIR RENE DUSSAULT:** What are the
17 criteria? Does your residence host Metis as well as Indian
18 or Inuit if there were any in Toronto?

19 **MR. GUS ASHAWASEGA:** All Aboriginal
20 peoples, Metis, Inuit, status, non-status, yes. We don't
21 discriminate.

22 **CO-CHAIR RENE DUSSAULT:** Or
23 distinguish. When you say that you turn away three to

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 four and on a busy day eight to ten people, what are those
2 people doing?

3 **MR. GUS ASHAWASEGA:** We try to refer
4 them to other non-native agencies but some of them will
5 not go there because of the lack of cultural understanding
6 and so forth, they prefer to sleep on the street or we
7 try to refer them to maybe a friend's home for the time
8 being. In fact we have a 26 bed capacity. On a very cold
9 night or rough day we will put them on the couches, so
10 up to 30 people sometimes but we are not funded for up
11 to 30 people but we still house them.

12 **CO-CHAIR RENE DUSSAULT:** Do you have any
13 assessment as to how many Aboriginal people live on the
14 street in Toronto?

15 **MR. GUS ASHAWASEGA:** It has been
16 estimated that anywhere from 3,000 to 5,000 and we see
17 them everyday at various street corners.

18 **CO-CHAIR RENE DUSSAULT:** Do you try to
19 get in touch with them?

20 **MR. GUS ASHAWASEGA:** One of the other
21 agencies, the Nishnawbe House in Toronto has street workers
22 going around to the various people on the street and giving
23 them food, coffee and trying to get them to go into shelters

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 when it is a very rough day out there but again, that is
2 very limited.

3 **CO-CHAIR RENE DUSSAULT:** What is the
4 maximum length of stay or duration for somebody to stay
5 in your residence?

6 **MR. GUS ASHAWASEGA:** Three months but
7 we will extend the stay if a person is disabled or going
8 to school or maybe just needs another month to get their
9 first and last month's rent, we will somehow say okay,
10 there is no problem.

11 **CO-CHAIR RENE DUSSAULT:** I understand
12 that this is a men's residence. What about women? Do
13 they have the same?

14 **MR. GUS ASHAWASEGA:** They have the same.
15 Further down from where we are there is a 17 bed residence
16 with children and they are also trying to expand. In fact,
17 they have bought a property up on Weston Road, further
18 up in York, there is a possibility that their funding has
19 come through but theirs is from the province. Theirs is
20 at the stage of being torn down and built.

21 **CO-CHAIR RENE DUSSAULT:** Earlier this
22 week we had a presentation by the Legal Service. Do you
23 have some relationship with this organization?

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. GUS ASHAWASEGA:** Yes we do. It is
2 informal. I am on their Community Council which is a
3 diversion program for criminal activities and so on plus
4 they come to our residence to speak on legal issues. We
5 work with them on family violence issues at the same time,
6 so we all work together.

7 **CO-CHAIR RENE DUSSAULT:** I realize and
8 certainly other Commissioners do that the needs are
9 enormous and resources are getting more and more scarce
10 and we will certainly, we will see what we can do as you
11 know. It is a reality that urban issues and the situation
12 of the people living in cities is of major concern not
13 only now but as it is a trend for the future for the
14 Commission -- this has been overlooked in the past and
15 we are aware of that and we are concentrating many of our
16 efforts to people living in the cities. I would like at
17 this point to thank you for presenting us with this brief
18 and I ask my colleague Mary to ask you questions.

19 **COMMISSIONER MARY SILLETT:** Thank you
20 both for coming today. Just for clarification, Aboriginal
21 housing initiative, is that under CMHC?

22 **MR. GUS ASHAWASEGA:** Yes.

23 **COMMISSIONER MARY SILLETT:** So your

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 residence, the building is funded through the CMHC. What
2 about the staff salaries. Where does that money come from?

3 **MR. GUS ASHAWASEGA:** In our case we have
4 diverse funding. We are able to generate funding from
5 Metropolitan Toronto, United Way, the Ministry of
6 Community and Social Services for three counselling
7 positions, but for the property and the upkeep of the
8 building it is CMHC. Ours is a different type of program
9 compared to regular housing. It is an emergency
10 residence.

11 **COMMISSIONER MARY SILLETT:** Right now,
12 how is the funding under CMHC given to your organization?
13 Is there an agreement, is there an end date? When does
14 your agreement run out?

15 **MR. GUS ASHAWASEGA:** It is a 35 year
16 mortgage of course but we just renewed the mortgage last
17 year so we are quite safe right now but as I say for new
18 additional housing --

19 **COMMISSIONER MARY SILLETT:** There is no
20 possibility.

21 **MR. GUS ASHAWASEGA:** It may be gone.
22 I have no idea for sure until we see what happens with
23 the federal government, what their announcement may be

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 but we are hoping that they will rescind this announcement
2 for new funding for 1994. It is a desperate situation.

3 **COMMISSIONER MARY SILLETT:** So with the
4 Native Men's Residence how many staff do you have working
5 there? Are they all Aboriginal? What capacities do they
6 hold?

7 **MR. GUS ASHAWASEGA:** Yes, Aboriginal
8 men and women, 14, we are open 24 hours a day, 365 days
9 a year. We never close so the staff have to be there all
10 the time and we have counselling, life skills for people
11 to adapt to urban lifestyle, we have literacy counselling
12 and of course general counselling, for people to find jobs,
13 further their education, we have cultural teachings and
14 so on and we have resource people to come in and talk about
15 the urban issue.

16 **COMMISSIONER MARY SILLETT:** Thank you
17 very much for the important work that you are doing and
18 I really wish that we could do something too.

19 **MRS. LILLIAN MCGREGOR:** Good afternoon,
20 we have several people here to present their discussion.
21 They are from the Southern Ontario Metis and Non Status
22 Indian Association, SOMNSIA.

23

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 TONY BELCOURT, CALLED

2 AUDREY MAYES, CALLED

3 KIM COYLE, CALLED

4 DAVE JACOBS, CALLED

5 PAUL DAY, CALLED

6 TREVOR MINNIE, CALLED

7 CHRISTI BELCOURT, CALLED

8

9 MR. TONY BELCOURT: Commissioners, we
10 want to first express our appreciation to the Commission
11 for this opportunity. Knowing your schedule we are
12 especially grateful for the time you are providing to our
13 delegation.

14 We are the Southern Ontario affiliate
15 of the political body which has represented the interests
16 of Metis and off reserve Indian people in Ontario for more
17 than two decades.

18 In 1971, our people founded the Ontario
19 Metis and Non-Status Indian Association. We changed the
20 name in 1987 to the Ontario Metis Aboriginal Association
21 to reflect the fact that many of our members had gained
22 their status after the Indian Act was changed through Bill
23 C-31.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 The delegation here today is from
2 throughout southern Ontario, the region we represent.
3 I would like to introduce them.

4 Our executive; Marion Larkman, Metis,
5 president of SOMNSIA who lives in the small town of Bewdley
6 near the Alderville First Nation, Don Cadeau, Metis, vice
7 president of SOMNSIA from Port McNichol on Georgian Bay,
8 myself, Metis, secretary-treasurer of SOMNSIA, originally
9 from Lac Ste. Anne, Alberta, now in Ottawa.

10 Our board members; Bob McCormick,
11 Ojibwa, vice president of the London local, originally
12 from Serpent River First Nation, John Redbird, Ojibwa,
13 founder of the Hamilton Metis club, from the Saugeen First
14 Nation, Margaret Yateman, Metis, president of the metro
15 Metis Association, David Jacobs, Ojibwa, director for the
16 Peterborough area, a member of the Curve Lake First Nation
17 and Muriel White, Metis, founder of the Quinte Kowa Local
18 in Trenton, Ontario.

19 Other members of our delegation; Audrey
20 Mayes, MicMac, president of Injigigadowat Nishnawbe, the
21 Ottawa Local affiliate, a member of the Shubenacadie First
22 Nation, Christi Belcourt, Metis, vice president on
23 Enjigigadowat Nishnawbe, Trevor Minnie, Metis, president

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 of the Quinte Kowa Local whose ancestral territory is in
2 the Curve Lake area, Paul Day, Metis, president of the
3 Turtles Rest Local in the Curve Lake area, Kim Coyle,
4 Ojibwa, Chief of Kawartha Nishnawbe, near Curve Lake, Ten
5 Henderson, Metis, president of Be Wa Bon Local in Port
6 McNichol.

7 Although our introduction may seem
8 rather long, we did want to impress upon you the diversity
9 of the people in our organization.

10 As you can see, many of us are Metis.
11 Others identify with their respective First Nation. Some
12 are status Indian, others are not.

13 Although we are from various distinct
14 nations within the family of Aboriginal peoples in southern
15 Ontario, we nevertheless share much in common, socially,
16 economically, territorially, politically and legally.
17 While we are equal this way among each other, we are
18 anything but equal within the broader context of the
19 Aboriginal peoples of Canada.

20 This brings us to the first point we want
21 to address among the four touchstones outlined in your
22 discussion paper "Focusing the Dialogue".

23 While we commend the goal, equality,

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 respect and reconciliation, the focus of this objective
2 neglects to address a critical concern to us and that is
3 the relationship of Metis and off reserve Indian people,
4 first within the Aboriginal community as a whole and then
5 within the Canadian society at large.

6 You have heard this term before. Second
7 class Aboriginal people and third class Canadians.
8 Because of our situation this is exactly our circumstance.

9 We need your help to bring about equality, respect and
10 reconciliation for all Aboriginal peoples. In order to
11 do that you need to focus attention on the inequality being
12 subjected on the majority of Aboriginal people in Canada,
13 the Metis and off reserve Indian population.

14 When governments, the media and the
15 Canadian public hear about programs and services for
16 Aboriginal people in Canada, or land claims or other
17 interest, few if any make a distinction that 99 percent
18 of the time they concern status Indian people on reserves
19 only. It may be that in Canada's Constitution, the
20 recognition of Aboriginal peoples is given equally to
21 Metis, Indians and Inuit. The reality is far removed from
22 this image.

23 Plain and simply, we are constantly

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 subject to discrimination, not only by society in general,
2 but by our own people as well. It is time everyone faced
3 up to this truth. We are determined to bring about change.

4 The source of the problem rests with the
5 government of Canada. It is perpetuated through the
6 Indian Act.

7 While in the Constitution Act, 1867, the
8 federal level of government clearly has legislative
9 jurisdiction for Aboriginal people through Section 91
10 (24); the government has long practised a form of prejudice
11 by its legislation. The Indian Act results in the
12 government being partial to one segment of the Aboriginal
13 peoples. It is practising a form of favouritism. It has
14 separated our people. Families have been split apart.
15 Over generations, those who have been accorded this form
16 of favouritism have been goaded by Indian Affairs to feel
17 a superiority over the rest of us. The consequence is
18 that our people, the Metis and the off reserve Indian people
19 face racism, by our own people let alone the public at
20 large.

21 In this province, this scandalous
22 situation is being further perpetuated by the government
23 of Ontario. While we applaud the statement of political

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 relationship that brings respect between the Ontario
2 government and the First Nations, the fact that our long
3 established representative body is left out further
4 compounds the discrimination which is initially heaped
5 on us through the federal policy.

6 We are Aboriginal people, no more nor
7 no less entitled to our rights as those who are the same
8 blood as us but who are different only because of geography,
9 because they live on reserves.

10 The Metis and off reserve Indian people
11 we represent, for the most part, have no choice in this
12 matter. For the Metis, there never has been an option.

13 For off reserve Indian people, the option is merely a
14 mirage. If they are off reserve and take full part in
15 our organization, it is because there is no choice. In
16 some cases, although they may have regained their status
17 through Bill C-31 they are simply unwelcome by their band.

18 In other cases, the reserve lands simply cannot
19 accommodate them and consequently they are likewise
20 unwanted. In others, our people simply cannot reintegrate
21 into the reserves because their way of life has been so
22 far removed because of adoptions, ancestral migration and
23 so on.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 To gain equality, there must be respect.

2 With it can come reconciliation. To the extent
3 possible, we will do our part with the Chiefs. The
4 commission can assist by acknowledging this anomaly among
5 the Aboriginal peoples. It can also propose solutions.

6 First, the government of Canada must be
7 compelled to provide equitable treatment to all Aboriginal
8 people as it has the constitutional obligation to do so.

9 Second, the government of Ontario must
10 be urged to recognize our long established Association
11 as a legitimate representative assembly of Metis and off
12 reserve Indians.

13 Third, governments must provide
14 necessary supports to our Association to enable us to have
15 the organizational means to properly represent our
16 interests.

17 Fourth, we should undertake an
18 enumeration and registry process on an urgent basis in
19 order to clearly define those who are represented by their
20 respective organizations.

21 Fifth, governments should immediately
22 establish a working relationship with us on a government
23 to government basis which is equitable to other Aboriginal

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 groups.

2 We are very much supportive of the
3 statement that the essence of the commission's mandate
4 is to bring about a new relationship between Aboriginal
5 and non Aboriginal people in Canada. We have a point
6 to make concerning the element of solution you refer to
7 as public education on Page No. 9 of "Focusing the
8 Dialogue".

9 Others in our delegation will speak more
10 fully on this subject but we wanted to point out the key
11 role of Ontario in this vital area.

12 It is a fact that approximately 40
13 percent of the total population of Canada lives in this
14 province. Yet, while provinces with a fraction of this
15 population such as Saskatchewan have an Indian and Metis
16 Education Advisory Committee, no such panel exists in this
17 province.

18 Ontario has not only been the economic
19 engine of Canada, it is also the job of communications.

20 It also provides 40 percent of the political
21 representation in the House of Commons, the Senate and
22 the Federal Cabinet. People taught in Ontario's schools
23 are our broadcasters, media gurus, top educators at learned

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 institutions such as Queen's, Osgoode and York. Yet what
2 do these people learn in Ontario's schools about Aboriginal
3 people? What little they do learn is laced with bias,
4 paternalism, bigotry and half-truths.

5 There is little wonder that Aboriginal
6 people face such pervasive and systemic discrimination
7 and insensitivity. Our schools are teaching prejudice.

8 The lifelong learning process is merely an extension
9 of this behaviour.

10 The solution, as you properly indicate
11 is public education. However, we need to begin by
12 immediately reviewing, revising or replacing the
13 instruments of learning, not just books but other tools
14 such as videos, films and so on.

15 The touchstone of self determination has
16 a fundamental goal which we, of course, endorse: control
17 of the future. We want to take this opportunity to present
18 our goals in that regard.

19 One, our people should have the right
20 to define their own constituency and maintain their
21 registry.

22 Two, our people require a means to
23 negotiate a land and resource base.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Three, we should have a process to
2 negotiate expanded participation in the design and
3 delivery of programs in the areas of economic development,
4 education, training and skills development, resource
5 management, housing and family services.

6 Four, we want to obtain jurisdiction
7 over the taxation and management of our own lands.

8 Five, our objective is to become
9 self-sufficient, self governing authorities through which
10 we can facilitate the orderly transfer of jurisdiction
11 and resources for our institutions of self government.

12 Six, our self government structures will
13 reflect the local, provincial and territorial dynamics
14 of our people.

15 Seven, our inherent right of self
16 government must be reflected in the constitution of Canada
17 as a third order of government.

18 Eight, we must ensure that our people
19 are fairly represented in the House of Commons, in the
20 Courts and on federal and provincial regulatory boards
21 and agencies.

22 While these are our goals, we want to
23 point out that, for the most part, we are at present without

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 any process for negotiations.

2 We would like to comment on those "Routes
3 to Self-Government" which are of most interest to us.

4 You should be aware that treaty and land
5 claims processes are not open to us. The federal
6 government's policy, as it applies in Ontario, is
7 specific to Indians on reserve. The Ontario land claims
8 process mirrors the federal policy.

9 As a result, not only do we lack a forum
10 to negotiate through this route, claims by some First
11 Nations may, in fact, prejudice the rights of our people
12 in certain claimant areas.

13 Your document refers to the route of
14 individual acts of federal and provincial legislatures.

15 In the absence of any process for negotiations, this route
16 is remote.

17 The fifth route of direct government to
18 government agreement as exemplified by the Metis Nation
19 Accord is likewise not open without a process for
20 negotiations.

21 The sixth route is devolution of
22 existing funds and programs from the Department of Indian
23 Affairs and Northern Development to band governments.

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 Under present circumstances, although there is a federal
2 envelope specifically provided because of Bill C-31, the
3 federal policy prevents us from any access to this route.

4 Our lack of a process for negotiation
5 is not the only frustration we face in our goals of self
6 determination. The preferential treatment by government
7 has resulted in bilateral and trilateral negotiations with
8 First Nations by the federal and Ontario government while
9 we are intentionally denied access to these negotiations.

10 One solution is to provide a tripartite
11 self government negotiation process for our people in
12 Ontario. Processes of this kind exist in other areas.
13 For example, the Metis of Manitoba have enjoyed such a
14 process since 1987. Off reserve Indians in New Brunswick
15 have been involved in a tripartite process for some time.

16 Another solution would be to compel the
17 federal government to provide those of us who fall within
18 the category of Bill C-31 to have direct access to the
19 funds for negotiation which have been set aside in federal
20 fiscal plans. There is no reason to exclude us from access
21 to those funds and that negotiations process, other than
22 the imposition of an unfair unilateral practice which is
23 totally unjustified, morally or constitutionally.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 We enthusiastically endorse the
2 touchstone of self sufficiency and the goal, the ability
3 to be self sustaining. While, without question, an
4 unacceptable level of poverty and social degradation
5 exists within our communities, we take pride in being
6 peoples who have historically been self sufficient and
7 who, today continue in this tradition.

8 In our view, the key to self
9 determination is our ability to be self sufficient.
10 Despite the negative stereotypical image of our people,
11 the vast majority of our people are working and
12 contributing to the economy. We all pay taxes, income,
13 sales, GST and the myriad of hidden taxes.

14 But what is our relative benefit?
15 Where is our capital base? Where are our institutions
16 of health or education. What resources do we control?
17 What is our opportunity to create wealth to improve the
18 standards of our people?

19 In short, the benefit of our toil has
20 been marginal. But given the adequate authority and
21 resources, we are confident of what can be achieved.

22 Your discussion document suggests that
23 an element of the solution towards self sufficiency is

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 access and control of land and resources.

2 Commissioners, nobody needs this more
3 that the Metis and off reserve Aboriginal peoples we
4 represent. As a consequence of the discriminatory
5 practices of governments we can cite a litany of profound
6 injustice in this area. Our people lack a land base for
7 any use, industrial, resource development, residential,
8 commercial. The Ontario government has outlawed a way
9 of life for many of our people who want to follow their
10 traditional pursuits. Even those who can legally access
11 their hunting and fishing rights are denied these rights
12 where there is literally no physical access to crown lands.

13 There is no means for us to participate in wildlife, plant
14 life or water resource management.

15 Again, the solution is for us to have
16 a process to negotiate access to lands and resources.
17 Governments must be made to understand that this is the
18 only logical route to take.

19 We want to take a moment to let you know
20 of our successes when we access the modern economy. Our
21 parent organizations has been managing the rural and native
22 housing program for CMHC. It delivers the program in
23 Ontario to all people in rural areas, native and

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 non-native. When it entered into an agreement to operate
2 this program on a fee-for-service basis, it did so at 50
3 percent of CMHC's costs to provide the same volume of
4 business. Last year, our profits were in the
5 neighbourhood of \$750,000.

6 Our parent body also operates a
7 development corporation which provides loans to Aboriginal
8 entrepreneurs who live off reserve. We are proud that
9 our loan-loss ratio is far below that of conventional
10 lending institutions.

11 These are indications of another
12 sensible solution towards the goal of self sufficiency,
13 provide us the tools to access the modern economy. We
14 suggest that the Royal Commission follow up on
15 recommendations which are all around us such as this one
16 by the Standing Committee on Aboriginal Affairs in December
17 last year. "The committee recommends that the government
18 of Canada transfer, in consultation with Aboriginal
19 people, control of housing along with sufficient resources
20 to Aboriginal people in order to ensure that there is
21 greater community control over the development and
22 delivery of housing programs."

23 Aboriginal people themselves would

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 determine whether the appropriate delivery structures
2 should be developed at the local, tribal council, regional
3 or nations levels. Responsibilities of delivery
4 organizations could include The Development of Aboriginal
5 Lending Institutions, the Development of Aboriginal
6 Insurance Companies, the Development of Aboriginal
7 Controlled Housing Corporations, the Development of
8 Aboriginal Controlled Housing Construction Corporations.

9 Addressing in a comprehensive manner
10 problems such as the lack of bonding for Aboriginal
11 controlled corporation, the collection of data on housing
12 conditions, the allocation of federal funding, economic
13 development, program delivery, liaising with other
14 departments regarding input into policy and program
15 decisions such as skill development training programs,
16 with a view to eventual transfer of further responsibility
17 from the federal agencies now delivering these programs
18 to the Aboriginal organizations.

19 Your fourth and final touchstone,
20 "healing, mending the bodies, minds and souls" is of
21 profound concern to us.

22 It hurts us deeply to see the Royal
23 Commission identify comparable standards of medical and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 social services as an element of the solutions and to know
2 how hollow that rings where Metis and off reserve people
3 are concerned.

4 Did you know that our people cannot
5 access the Aboriginal treatment centres because they are
6 funded through the discriminatory practices of the federal
7 government? Did you know that the preventative programs
8 which are so vital to healing are likewise targeted
9 exclusively on reserves?

10 This is a travesty. We have street
11 people in need who cannot get help because they lack proper
12 I.D. The irony is, in many cases, since they are status
13 Indians, they may very well qualify for the help at the
14 treatment centres.

15 As Aboriginal people we treasure the
16 ideas of control of programming, of holistic approaches
17 to critical symptoms, of recognition of traditional
18 healing and traditional culture, the idea of an Aboriginal
19 justice system and agencies for child and family services.

20 You have identified the solutions. The
21 next step is to ensure that they are equally accessible
22 by Metis and off reserve Indian people.

23 Thank you for your attention.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 **MS. AUDREY MAYES:** Good afternoon, my
2 name is Audrey Mayes and the first thing that I am going
3 to be talking about is the education recommendations for
4 Metis and off reserve natives from SOMNSIA.

5 The Ministry of Education has a review
6 committee established to study written materials that are
7 used in the education system. We recommend that there
8 be Aboriginal representation placed on this board to ensure
9 that the material relating to Aboriginal people is accurate
10 and precise in reflecting the history and culture of native
11 people.

12 To enhance the process of teaching
13 Aboriginal history, we recommend creating a directory of
14 videos, texts, literature, and native authors that are
15 related to Aboriginal people and make this available to
16 all educational institutions across Ontario.

17 The purpose of this directory is to
18 encourage discussions about native culture, history and
19 achievements and to include the fact that Aboriginal
20 peoples had a history prior to colonization.

21 To ensure proper representation of
22 native history, we recommend the establishment of a native
23 film board to encourage native film makers and native

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 writers to produce accurate Aboriginal history.

2 Education is a part of the healing
3 process and would create an improved relationship between
4 non-natives and natives. By creating a better
5 understanding of Aboriginal people we would eliminate the
6 misconceptions held by non-natives.

7 If these recommendations were
8 implemented the long term outlook would make these programs
9 a necessary component in the advancement of the educational
10 curriculum which affects Aboriginal people.

11 We have to take measures to protect our
12 culture as there is no other place in this world that
13 Aboriginal culture can be recaptured once it disappears,
14 eg. the Beotuks in Newfoundland are an extinct Nation due
15 to the pressure placed on them by the Europeans.

16 Due to the past policies of
17 assimilation, native people have endured many struggles
18 to preserve their native languages and traditions. Our
19 elders are the last teachers of our distinct cultures.
20 We need their wisdom to reverse the effects of
21 assimilation.

22 One native elder spoke of her concern
23 about education and the importance of our languages in

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 our community. I would like to share her thoughts. I
2 would like to quote her in saying, "Another language stole
3 my kids, now I have lost them."

4 We would like to point out that all other
5 distinct cultures can choose to learn about their heritage
6 and use their vast resources to do so but what is more
7 important is they have the opportunity to learn about their
8 heritage but once an Aboriginal culture becomes extinct
9 it is final.

10 We would like to see a serious effort
11 to encourage the Ministry of Education to include the
12 wisdom of native elders in all aspects of education.

13 The second topic I am going to be talking
14 about is a report prepared by Christi Belcourt who is a
15 member of SOMNSIA. It was a report on racism and its
16 effects on Aboriginal communities of southern Ontario.
17 I am just going to read off some of the summaries and
18 recommendations.

19 Racism affects Aboriginal people
20 differently than it affects minority groups, simply
21 because they did not immigrate to this land. The
22 relationship between Aboriginal people and the Canadians
23 is intricate and ingrained in Canadian law. The Indian

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Act is a prime example. First Nations and Inuit peoples
2 history and culture had been portrayed insensitively and
3 inaccurately since the first Metis were born.

4 Specific programs geared towards
5 combatting racism as it affects Aboriginal people must
6 be autonomous from minority groups but the issue of racism
7 affecting Aboriginal people must be examined from a
8 holistic viewpoint. The geographical, linguistic and
9 cultural distinctness of each nation must be considered.

10 To battle racism on a community level
11 as well as on a society level would require an in-depth
12 assessment of the needs of each of the communities
13 involved. How do we then go about tailoring the programs
14 and services available for anti-racism initiatives to the
15 needs of each unique community?

16 Evidence of overt acts of racism can
17 still be found today but most non-native people believe
18 that racism towards Aboriginal people is not found today
19 to the degree it was historically. There has been a
20 growing understanding of late however towards the view
21 that racism in Canada is chiefly systemic or covert in
22 nature. Racism is not only acts of discrimination
23 perpetrated on a group or individual on the basis of race

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 but also it is an attitude or a mindset. Racism is easily
2 recognizable, but difficult to describe. It is illusive
3 in nature.

4 Systemic or institutionalized racism is
5 especially illusive, reason being that it is often hard
6 to identify and even harder to prove. It is often
7 perpetrated unknowingly or unconsciously by people, or
8 a system who has been socialized to believe that their
9 own ways or culture is superior to those of any other race.

10 There is a denial of obligation towards
11 Aboriginal people expressed more and more by the younger
12 generations of non-Aboriginal people. Encouraged by a
13 culturally insensitive educational system which does not
14 study in any depth the issues that surround native people,
15 non-Aboriginal students are encouraged in ethnocentric
16 curriculum.

17 The effects of racism can be
18 internalized with devastating results on the Aboriginal
19 population reflected in discrimination between Aboriginal
20 groups; low self esteem, powerlessness, the use of
21 violence, abuse of drugs and alcohol, hopelessness, et
22 cetera.

23 During these consultations, many people

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 expressed the need for Aboriginal self determination to
2 be recognized. Taking control of our own destiny. It
3 is felt that if Aboriginal people are no longer dealt with
4 in a paternalistic manner but on a Nation to Nation basis,
5 then we will undoubtably be the best medicine against the
6 sickness of racism, because of the positive images we will
7 be capable of perpetuating.

8 A new relationship between
9 non-Aboriginal and Aboriginal people is needed as already
10 defined by the Royal Commission on Aboriginal People.
11 How do we go about changing the present relationship
12 between us to one of mutual respect?

13 The present education system presents
14 a Catch-22 situation for Aboriginal students. In that
15 an education is needed for economic growth and development
16 but at the same time is probably the main source of
17 Aboriginal student discouragements through overt and
18 systemic racism within the educational system and
19 curriculum contributes to the drop out rates of Aboriginal
20 students.

21 Our elders need to be utilized. It was
22 pointed out that the current standards for educators are
23 completely insensitive to the wisdom and teachings of our

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 elders within the community. Literacy should not be an
2 indicator of knowledge and that some of the valuable
3 teachings our elders have would be extremely beneficial
4 to non-native students as well as native ones.

5 Utilize native authors' publications.

6 There are many books, both fiction and non-fiction,
7 children's and adult's that have been published. It was
8 noted that not only does the educational system in Ontario
9 not utilize these publications, neither do most libraries.

10 Some of the recommendations are often
11 schools will host activity days which give students
12 opportunities to participate in and learn something other
13 than the outlined curriculum. It was suggested that an
14 Aboriginal cultural awareness day be implemented into each
15 elementary school throughout the province for ages
16 approximately four to ten years. A number of tour groups
17 could be formed to include speakers, performers,
18 storytellers, et cetera.

19 Professional career development update
20 program sessions for those involved in and around the
21 education of students in the Ontario education system.

22 To establish a Curriculum Commission
23 made up of native people, who would review and make

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 recommendations concerning the current curriculum.

2 Exchange programs for non-native
3 students to visit various reserves.

4 Exchange programs for native graduating
5 students from reserves to visit Ottawa. Tours could
6 include places like Parliament Hill, the Museum of
7 Civilization (Douglas Cardinal, Architect), Department
8 of Indian Affairs, Royal Commission of Aboriginal Peoples,
9 Assembly of First Nations, Native Council of Canada, Inuit
10 Tapirisat of Canada, Association of Friendship Centres,
11 et cetera.

12 Pow-Wow trips, both non-native and
13 native students should be encouraged to attend local
14 pow-wows in their area. Bus trips and/or camping trips
15 could be considered.

16 Production of a series of video tapes
17 to be circulated in schools and all levels of government
18 exploring the problems of racism affecting Aboriginal
19 people. Video could be accompanied by a summary handbook.

20 Establish a library and display board
21 consisting of experienced native people who could review
22 relevant books and displays in local libraries and museums.

23 Libraries in all towns, cities and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 schools must have books on native people especially in
2 history sections, ie. Iroquois Falls Library does not have
3 one book exclusively on native people, not even in the
4 children's books.

5 A number of Aboriginal people could be
6 utilized as contacts for government to review government
7 commissioned artwork and statues.

8 That a portion of the money allotted by
9 the National Film Board be utilized for native film and
10 video producers, in the production of awareness films
11 geared for the non-native public.

12 Obtain various publications lists, ie.
13 Pemmican Publications et cetera, as well as lists from
14 native owned bookstores, ie. Mohawk Nation Bookstore, et
15 cetera and make sure that those responsible for the
16 purchase of books used in Ontario schools have access to
17 those publications by native authors. For example, the
18 "All My Relations" text now being used in some schools
19 in Hamilton.

20 Form a contact list of elders by asking
21 the different communities both on and off reserve who their
22 elders are. Then invite them into schools or bring
23 students to them.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 That is the complete report of the OJAARS
2 Committee be submitted to the Royal Commission on
3 Aboriginal Peoples.

4 **MS. KIM COYLE:** Bonjour. My name is Kim
5 Coyle. I am the Chief of the Kawartha Nishnawbe and off
6 reserve community. I am a mother and I am Nishnawbe.
7 I am here today to address the issue of Bill C-31
8 discrimination.

9 Issue: the legislation Bill C-31 is a
10 discriminatory document unto itself, as is the Indian Act
11 as it pertains to a specific population and legislates
12 that they will be treated differently from the larger
13 population.

14 Recommendation: that the Act be revised
15 to ensure that the unconstitutional discriminatory
16 elements are eliminated, ie. the gender issue, funding
17 envelopes and distribution, equity and mobility of rights,
18 off reserve tax benefits, housing, education.

19 Issue: the fact that 65 percent of
20 registered status Indians reside off reserve and under
21 the Indian Act are not afforded the opportunity to
22 participate in the selection of their First Nations
23 governments and the day to day business of running the

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 First Nations. That majority of Bill C-31 reinstates
2 reside off reserve as there is insufficient land base to
3 enable them to reside on reserve, if in fact they would
4 choose to do so. Keep in mind that these people have likely
5 never resided on nor been involved in on reserve life.

6 The recommendation, that the Indian Act
7 and Bill C-31 are contrary pieces of legislation and in
8 fact should be dismantled, self governing legislation
9 written and ratified by Aboriginal people should replace
10 these racist documents. Self government must allow for
11 equity of access. Programs and services must be barrier
12 free regardless of gender, economic or social standing
13 and place of residency. Mobility of rights must be adopted
14 and protected. We are Nishnawbe wherever we are, not only
15 when we are on a parcel of land recognized by the British
16 crown.

17 Issue: that many on reserve First
18 Nations governments hide behind the racist Indian Act to
19 discriminate against off reserve and Bill C-31 members.
20

21 Recommendation: education of on reserve
22 people to the realities of off reserve existence. Their
23 fear is understandable when we consider that they have

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 always existed under a discriminatory law. They have in
2 the past been powerless to set their own direction. We
3 as off reserve Nishnawbe have been actively pursuing and
4 in fact exercising some self government in our communities
5 in our daily existence. This is threatening to our on
6 reserve brothers and sisters. We have survived despite
7 oppression and discrimination by dominant society. We
8 are often viewed as aggressive because we have to be to
9 survive. This should not be viewed as a threat by on
10 reserve governments but as an asset. By working together
11 self government is a reality.

12 The issue: the uncertainty of reinstated
13 status Indians of rights, the services and programs that
14 they are entitled to.

15 Recommendation: education of off
16 reserve peoples to the realities of the Indian Act. We
17 must understand that this Act breeds discrimination and
18 its existence will continue to divide our Nation.

19 Education of all Aboriginal peoples is an essential first
20 step in implementing self government. We as Nishnawbe
21 have to step outside the Acts and legislation that divide
22 us to unite on a spiritual level. Once we recognize and
23 respect where each other is coming from and that in fact

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 our path is one and the same can we begin to form the self
2 governing legislation that will govern us as one Nation.

3 **MR. DAVE JACOBS:** Commissioners,
4 guests. I am making a presentation to the Royal Commission
5 of Aboriginal Peoples on hunting and fishing. My name
6 is David Jacobs, I am an off reserve status Indian, an
7 Ojibwa Indian.

8 Years ago when we welcomed the
9 non-native people to the land we greeted them with open
10 arms. Little did we know that shortly they would almost
11 exterminate all the buffalo, beavers and fur bearing
12 animals for profit. They left thousands of tons of meat
13 on the prairies and United States and only took the hides.

14 They introduced disease, booze and other
15 ailments along with the wars with natives and they almost
16 exterminated all Indian people.

17 The native people have always had the
18 inherent right to hunt and fish in our country. Before
19 non-native people came over from Europe, we hunted and
20 fished but never harvested fish or fur bearing animals
21 for profit.

22 Our people always hunted and fished for
23 food or barter. When non-native people came over, they

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 saw a country abundant with fur and fish. They killed
2 our beaver, muskrat, ducks, geese, et cetera without regard
3 for further use for our people or their people. Until
4 the non-native people taught our people how to trade fur
5 and fish for profit, we as natives were not doing too bad.

6 When the non-native people came over they took advantage
7 and killed every animal in the country that they occupied
8 then they pushed the native people back so they could
9 harvest the fur and fish that for years we as native people
10 have always held as sustenance. That is hides for housing,
11 intestines for water bags, the deer bones for sewing
12 needles for making clothes and tents. By that I mean we
13 never wasted any of the parts that we harvested, the game
14 that we harvested.

15 We used every bit of the animals that
16 we harvested. As native people we always got along with
17 non-native people. We sometimes traded fish or venison
18 for potatoes, vegetable or whatever they had when we both
19 had surplus.

20 We always respected our native unwritten
21 laws on conservation and once the Ministry of Natural
22 Resources was established, we respected their laws also.

23 At the time the Chiefs signed the

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Williams Treaty in which our people relinquished our rights
2 to hunt and fish in Ontario, my grandfather Jack Jacobs
3 left Curve Lake years before that treaty was even
4 mentioned. When he heard about the Williams Treaty even
5 though he had already left Curve Lake reserve he took his
6 lawyer to Curve Lake and told his people that they were
7 signing a bad treaty. The Chiefs that were signing the
8 treaty at that time were promised some money which we as
9 residents of Burliegh Falls never received anything, nor
10 did we sign that treaty but for years we have lived with
11 that law probably because we still hunted and fished for
12 our own use and no one really ever bothered us. At that
13 time there wasn't too many non-native people in our area.

14 Then came along the interim policy by
15 the NDP government and as native people we were then allowed
16 to hunt and fish for our own use 12 months of the year.
17 That is, for our own use, cultural and barter.

18 Then came the Ontario Federation of
19 Anglers and Hunters. First they claimed that if this
20 policy was implemented the native people would kill all
21 the fish in the Kawartha Lakes. At that time I asked the
22 president of OFAH how many members he had in his
23 organization. He stated that he had over 70,000 members.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 As the four reserves in the area that he was talking about,
2 Hiawatha, Alderville, Curve Lake and Skilgog had
3 approximately 2,000 members, including elders and
4 children. How could our 2,000 members compete with his
5 70,000 members in harvesting the fish? At that time he
6 never had an answer.

7 If hunting and fishing is open six months
8 of the year for non-natives and natives and they have 70,000
9 members, how can they say that 2,000 native people who
10 hunt and fish all year long, how can they say we kill all
11 the fish? When I say 200 people out of that 2,000 members
12 I mean that not all the 2,000 people hunt. There are
13 elderly people, there are children, there are homemakers.
14 They don't hunt. It is mostly the men that hunt and fish.

15
16 How we are going to deal with OFAH I don't
17 know because how are we going to compete with a big
18 organization like that? They have doctors, lawyers who
19 are members and they have all these resources. People
20 have to be aware of what OFAH is doing and what they are
21 capable of doing because they are generating all kinds
22 of misinformation about us but we don't do that.

23 I am not going to continue to speak about

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 the injustices that the non-native people have done to
2 my people. It seems that the old story I heard about one
3 Chief of a reserve and that was one of the people who signed
4 that treaty. He said he was an apple, red on the outside
5 and white on the inside. It seems that regardless of what
6 we try to accomplish we still have to go along with the
7 non-native people's laws.

8 My recommendation is the only way this
9 problem is going to be solved is by the government. Rather
10 than the interim policy, the government should pass a law
11 that we could either hunt and fish 12 months of the year
12 or we have to revert back to the same old law that says
13 we have to buy licences, we have to abide by the
14 conservation laws that we have now.

15 If they continue to fool around with this
16 interim policy, we are still going to be discriminated
17 by non-native people by saying, "How come you can fish
18 12 months of the year and we can only fish six months of
19 the year?" So the only way that they are going to do that
20 is for the government to say okay, we are putting a law
21 into this land that says our people can hunt and fish,
22 our native people can hunt and fish for 12 months of the
23 year and not only that but not to stipulate a certain place

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 or area that we can hunt. We are supposed to be able to
2 hunt all over Ontario.

3 The second topic I am going to talk about
4 is water control and this is on the Trent Severn Waterway
5 system. I started hunting and fishing with my father about
6 45 years ago. At that time we had lock masters at each
7 lock. We had one in Buckhorn, one at Lovesick Lake, at
8 Burliegh Falls, Young's Point and right into Peterborough.

9 In all those years we never had any problems with the
10 water levels and water control until the Trent system
11 started using computer systems.

12 My brother-in-law Brydon Hill and myself
13 criticized then how the water was being regulated.
14 Fourteen years ago we contacted Mr. Kitchen, Water Control
15 Officer. We tried to explain how they were flooding our
16 beaver, muskrat and all fur bearing animals that reside
17 near the water and how that by lowering the water they
18 also trapped fish back in the bays and because the fish
19 couldn't get out they all died.

20 Last year over approximately 1,000 fish
21 washed up on the shores of Curve Lake reserve due to the
22 fact that the water was so low they ran out of oxygen,
23 at least that is what the biologist told us. We never

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 really did find out what happened but that is what the
2 biologist told us.

3 When we asked Mr. Kitchen why he dropped
4 the water level so fast he said it was to accommodate
5 tourists who use the system because the water is running
6 so fast apparently it is dangerous for people on the lakes
7 to navigate their boats.

8 The Trent Canal System at Burliegh Falls
9 is going full tilt all winter. The dams are all fully
10 open. Then when the pickerel spawn in the spring they
11 close the dams and the water goes down so low the pickerel
12 have no chance at all of hatching. The answer that we
13 received was that the lower the water the quicker the
14 pickerel will hatch on account of the water warming faster.

15 I don't know whether to believe that or not but again
16 that is what the biologist was saying.

17 They never stop to think that the birds
18 eat most of the spawn in the low water, the seagulls eat
19 the spawn and the crows and all those fish they get right
20 in there and eat it. Other fish, the suckers and carp,
21 they get in there and also eat all the spawn. Then OFAH
22 again has the audacity to say that native people are going
23 to harvest all the fish and the sports fishermen aren't

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 going to have any more fish to catch.

2 The Trent Canal System, in my opinion
3 and that is my opinion, kill more fish and game in one
4 year than native people have killed in 50 years.

5 In the fall the beaver and muskrat and
6 mink build their houses and store their food near their
7 houses and then the Trent Canal System drop the water
8 leaving their houses and feedbeds high and dry and then
9 the animals have to move down with the water and build
10 another house and gather more food and then the Trent Canal
11 System raises the water again and then it starts all over
12 again. They have to move back up and build another house
13 and it is just a vicious circle.

14 During the winter the water is going up
15 and down. Animals freeze right in their houses because
16 the water is so low they can't get out from underneath
17 the ice. We tried to explain that to them but they said
18 the computer looks after all this. It seems like it is
19 a waste of time to try to explain it to them. Fortunately
20 the non-native people are starting to complain. They are
21 finally realizing that what we have been saying for years
22 is probably true. We used to fish up in Gold Lake and
23 the water was pretty good but now there are boat houses

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 sticking out of the water eight or nine feet due to low
2 water. Where all that water is going I don't know.

3 The recommendation that I make is that
4 we go back to the old ways, that each lock master have
5 control of the water level on the lake they are assigned
6 and not be put right into the computer system where one
7 fellow programs this computer and he says take two logs
8 out here, take four logs out there and he never gets out
9 of that office. He doesn't know what it is doing to our
10 animals or fish.

11 As the locks nowadays are all pretty well
12 hydraulically operated so the lock master would have plenty
13 of time to regulate his own water.

14 That is all I have to say on this. Thank
15 you for listening to me.

16 **MR. PAUL DAY:** My name is Paul Day and
17 I would like to speak on the problem of access to Crown
18 Land.

19 In our area, Aboriginal people are
20 denied access to most Crown Lands because we have to cross
21 over private property to get to the land. As an example
22 there is one person in our area who owns almost 1,000 acres
23 and he has signs posted saying private property on his

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 own property but he retains a hunt camp on Crown Land.
2 In order for us to get to that Crown Land we have to cross
3 his property but we can't cross it.

4 On one piece of land where I hunted and
5 fished for years, the MNR changed it to a designated park
6 and we were charged that fall for hunting there.

7 There is a policy that they intend to
8 convert some or all of these Crown Lands into parks so
9 we will not be able to hunt or fish any of them.

10 It took two years from the time it was
11 a designated park until it was officially made a provincial
12 park. There was no input obtained from the year-round
13 residents, both native and non-native as to whether they
14 wanted a park established or whether they wanted it to
15 be left as Crown Land for everyone's use. The only place
16 we can hunt as natives is on private land with permission
17 or Crown Land.

18 The recommendation that I have is that
19 Aboriginal people should be guaranteed access to Crown
20 Lands to pursue their traditional lifestyles. The whole
21 idea of Crown Lands is for everyone's use. There should
22 always be right of ways left open to Crown Land and to
23 natural lakes.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 There are two lakes in our area that are
2 totally surrounded by private cottages with no access to
3 the water. All natural bodies of water should have public
4 access points. The MNR should ensure that these lands
5 and waters are accessible not only to Aboriginal people
6 but also to the general public.

7 Thank you.

8 **MR. TREVOR MINNIE:** I am Trevor Minnie
9 and I am from Quinte ---.

10 Our issue that we had was the Manpower
11 and Employment and we find that the Manpower office claims
12 to have counselling for the native population but when
13 they approach the person who is trying to get in to see
14 one of these people, one of these people is told to make
15 an appointment which when made can then take up to six
16 weeks before the client can go in to see the counsellor.

17

18 When they finally come face to face, the
19 counsellor is non-native and knows nothing about any
20 programs to assist the native.

21 I also found that when I first went to
22 Manpower to request this meeting, they had pamphlets on
23 display and when I returned a few weeks later the pamphlets

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 were gone off the shelves.

2 The recommendation that we would like
3 to make is that we ask that natives be trained for these
4 positions as native employment counsellors. Our people
5 would feel that their problems and questions would be
6 better understood by someone who is truly a native
7 counsellor.

8 Thank you.

9 **MS. CHRISTI BELCOURT:** My name is
10 Christi Belcourt. I am here to speak on behalf of those
11 who cannot speak for themselves, the trees, the winds,
12 the birds, the land, the waters, the animals and the
13 insects.

14 My direction for this brief presentation
15 comes from a well respected elder in our community, Wilfred
16 Pelltier. To quote him, "People lose their roots to the
17 land and once they lose that they develop pesticides,
18 bombs, kill the land, the water, the fish, they kill
19 everything that grows in the land. Every one of those
20 things is our sustenance. That is what we need to survive.

21 We need those insects, all the birds that live off them.

22 Our trees cannot survive or grow without them and the
23 land. Because they cultivate the land, they keep turning

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 it over but they are poisoning the soil because of that
2 stuff that they spray all over the insects has gone down
3 into the earth. It is destroying our food that grows under
4 the ground and the roots. We can't find anything healthy
5 any more for our bodies. Everything is dying. All we
6 have got is the earth, that is who we are. We are the
7 land."

8 Aboriginal people are the keepers of the
9 land. Our elders know that once this land goes, we go
10 with it because we are the land. What will economic
11 development, self sufficiency, self government or healing
12 mean if we continue to kill the earth at all, let alone
13 at a reduced rate. Does it mean that in our new
14 relationship with non-native people we can all die off
15 as friends? What exactly is it that we are going through
16 all of this? In what direction are we going? Is it to
17 improve the quality of life for our children or is to
18 improve quality of life for the next seven generations.
19

20 Somehow we undermine our good work and
21 intentions by playing the role of pacifist too often by
22 allowing abuse to continue. No one can own the land.
23 It is an illusion that people have bought into. The earth

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 owns us but when we say this is our land, how far are we
2 as Aboriginal people willing to carry it? This is our
3 land we say but if we are keepers of the land we should
4 be willing to go to any lengths to protect it and keep
5 it just as we received it by the creator within the best
6 of our ability. Just because they say we no longer own
7 the land and are no longer the dominant society doesn't
8 mean we have in any way stopped caring for our environment.
9 As long as we are here we still care.

10 Even though some of us seem to have
11 traded in our keepers jobs for a nine to five, we need
12 to be reminded that the same paper we get paid with comes
13 from the trees and as a matter of fact, as Wilfred said,
14 there is nothing on this earth that doesn't come from the
15 earth.

16 My recommendation is to implement a
17 provincially based mandatory professional upgrading
18 course for all those who are in any way responsible for
19 our environment including those in government Ministries
20 and companies who dump waste into our waters and our land,
21 let them spend a minimum of two solid weeks out in the
22 bush with some of our respected elders. Maybe if they
23 learned to appreciate the land as Aboriginal people have

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 they might try a little harder to protect it.

2 Meegwetch.

3 **MRS. LILLIAN MCGREGOR:** Before we have
4 question period we are going to take a short break and
5 then we will come back to the question period.

6

7 --- Recess

8

9 **CO-CHAIR RENE DUSSAULT:** Thank you.

10 First of all I would like to thank each and every one of
11 your for presenting us with such an extensive brief that
12 covers a lot of ground and I would like to start in getting
13 some clarification as to the association itself and my
14 question would be to you Mr. Belcourt, in your brief on
15 Page No. 1 you mention that your Association was founded
16 in 1971 and was founded under the name of Ontario Metis
17 and Non-Status Indian Association and that you changed
18 your name, the Association name, in 1987 to the Ontario
19 Metis and Aboriginal Association.

20 I understand that your Association has
21 both Metis and non-status off reserve Indians. Could you
22 be a bit more specific? Could you explain the change of
23 the name because further along in the presentation you

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 speak about off reserve and I think it is implicit that
2 you are talking about non-status and off reserve so what
3 is the difference between the two names, the Ontario Metis
4 and Non-Status Indian Association and Ontario Metis
5 Aboriginal Association. Could you be a bit more specific
6 on that?

7 **MR. TONY BELCOURT:** The terminology non
8 status Indian in the name originally was wrong after Bill
9 C-31 because many of our members got their status so there
10 was a name change. I don't know that any of us are
11 particularly pleased with the name as it is. It seems
12 kind of ambiguous. The name change was to reflect that
13 there were many Metis and Aboriginal people in the
14 Association who are all off reserve. Basically that is
15 the answer for the decision at the time.

16 **CO-CHAIR RENE DUSSAULT:** In fact, my
17 question is, you have members that obviously are C-31
18 people who recovered their status through the amendment
19 to the Indian Act in 1985 but are living off reserve and
20 many of them are part of your Association, are they?

21 **MR. TONY BELCOURT:** Yes, we have a great
22 many of our members who got their Indian status back but
23 when we changed from being an Association of Metis and

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 non status Indian people to being an Association of Metis
2 and status Indian people. Many people who had never lost
3 their status in the first place also joined our
4 Association. We now have people who have been band
5 members but are disassociated with their bands who belong
6 to our organization.

7 **CO-CHAIR RENE DUSSAULT:** So you have
8 long standing status Indian people living off reserve that
9 are members of your Association?

10 **MR. TONY BELCOURT:** Yes.

11 **CO-CHAIR RENE DUSSAULT:** My second
12 question will deal with the Metis Nation in the west and
13 does it reach to the western part of Ontario? How do you
14 define or see your Association as opposed to the Metis
15 National Council for example and those who are covered
16 by the Metis National Accord which was agreed upon along
17 side the Charlottetown Accord?

18 **MR. TONY BELCOURT:** Our parent body, the
19 provincial body belongs to the Metis National Council for
20 representation of the Metis people of Ontario at the
21 national level. In the historic Metis Nation which has
22 been documented in history books, centred in Manitoba and
23 western Canada, as we all know historically existed in

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 northern Ontario as well but what is not known and is not
2 written about are the communities of Metis people in
3 Ontario that have been here for just as long as Metis
4 communities in the prairies.

5 We are not sure why some of the
6 communities didn't start resurrecting until within the
7 last couple of decades but the fact that there was a \$5,000
8 bounty on Riel's head in 1870 by the publisher of the Globe
9 and Mail might have something to do with the fact that
10 some Metis at the time may not have been surfacing so much.

11

12 The contemporary Metis Nation is
13 embracing people in Ontario who identify as Metis in Metis
14 communities such as Port McNicoll and Charbot Lake and
15 Dudely and other places, the far reaches of Southern
16 Ontario.

17 **CO-CHAIR RENE DUSSAULT:** Just trying to
18 be more specific, am I correct in thinking that there are
19 Metis members of your Association that are part of the
20 Metis Nation, the western Metis Nation and are there Metis
21 members who would not be seen as part of the Metis Nation
22 by the Metis Nation, the western Metis? That is a problem,
23 or a reality, that we have to wrestle with as a Commission

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 and not only as a Commission, you are aware of the
2 distinction so how do you see your Metis members? Are
3 they members of the Metis Nation or is there a Metis Nation
4 of Ontario? Last week we were both in Montreal and
5 we had a presentation by a group of Metis, a large cross
6 section that defined themselves as the Metis Nation of
7 Quebec and we had this kind of discussion with them but
8 as you are on the cusp between the west and the east, if
9 you could be more specific.

10 **MR. TONY BELCOURT:** Well, I think what
11 needs to be understood is that the Metis Nation, even in
12 the historic homeland in the prairies for example, they
13 are not homogenous.

14 The base language in Manitoba of the
15 Aboriginal people there might be Soto. The Mitchif
16 language, its base might be Soto whereas where I come from
17 its base is Cree. Customs are somewhat different even
18 though geographically and politically and so on the Nation
19 seemed to evolve. The same holds true in Ontario.

20 What has taken place rapidly within the
21 last year or so more than at any other time is an
22 understanding on the part of people in western Canada that
23 there are people who exist in Ontario who are just as much

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 a part of Metis Nation as they are and that is now -- we
2 are now seeing ourselves as being part of the Metis Nation
3 of Canada, those of us here in Ontario.

4 **CO-CHAIR RENE DUSSAULT:** Still, they
5 were not covered by the Metis National Accord. Some of
6 them were? I try to see where the line is drawn.

7 **MR. TONY BELCOURT:** I am quite familiar
8 with the Metis National Accord. The Metis National Accord
9 included the government of the province of Ontario and
10 the Ontario Metis Aboriginal Association so the Metis in
11 Ontario were included in the Metis National Accord but
12 the Metis of Quebec were not. That is correct.

13 **COMMISSIONER MARY SILLETT:** And
14 Labrador. I just want to expand on this. I think the
15 dilemma that we are running into is that people are saying,
16 we have been left out. This country has a history of
17 inclusion, exclusion. At one time we were inclusionary
18 societies through the Indian Act, through the membership
19 of various organizations, through the Federal
20 Comprehensive Land Claims, specific land claims, we have
21 had labels, people are left out and how do we get back
22 to the point where we are inclusive. Through this process
23 I guess that one of the things we have often heard is that

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 we are not represented. We are labelled. That creates
2 problems for us and how do we fix it.

3 With the Metis National Accord we have
4 been hearing that it is an Accord that includes some people,
5 leaves some people out, we don't necessarily like it.
6 It might good for a group of Metis and we have been reminded
7 of our responsibility to look at ways which would not repeat
8 the mistakes of the various federal governments and the
9 various federal programs and that is to exclude people
10 --- the dilemma that faces us is how to we get to a point
11 where we don't exclude anyone who shouldn't be excluded.

12 **MR. TONY BELCOURT:** There are a few
13 points that I want to make sure are clear. One of them
14 is that in Ontario none of the people who want to
15 participate or be part of the Metis National Accord are
16 going to be excluded. We practice the politics of
17 inclusion in this province. I accept that as a person
18 who belongs to the Metis Nation we haven't yet reconciled
19 the issue concerning the Metis of Quebec and the Metis
20 of Labrador but they have not historically been linked
21 with the Metis Nation.

22 Now that doesn't mean that it is not
23 possible, that it can't be done and in fact there are

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 discussions going on amongst the leaders now that they
2 want to discuss that situation with the leaders from Quebec
3 and Labrador but that is an issue for the Metis National
4 Council.

5 As far as the Metis National Accord is
6 concerned it should be understood that the Metis National
7 Accord was nothing more or less than a framework agreement.

8 A framework that would permit negotiations on self
9 government to take place and it was for a defined group
10 of people who said we want that framework agreement. It
11 was the Metis from Ontario, from B.C. and the Northwest
12 Territories who said they wanted it and they negotiated
13 it in combination with the provinces, with the Ministers
14 of their respective provinces and the government of Canada.

15 As far as what might happen in the
16 future, if that framework agreement is to be broadened,
17 we have to renegotiate it as you know, if it is to be
18 broadened it would have to be broadened first of all by
19 the Metis National Council in agreement with the people
20 from the other provinces.

21 **CO-CHAIR RENE DUSSAULT:** If we go back
22 to Ontario itself you said that the statement of political
23 relationship that was signed and agreed upon in the summer

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 of 1991, that the Metis were not part of this statement.

2 That is correct?

3 MR. TONY BELCOURT: That is correct.

4 CO-CHAIR RENE DUSSAULT: It covers only
5 Indian people?

6 MR. TONY BELCOURT: Yes, it was only
7 signed between the government of Ontario and the
8 representative Chiefs but not all the Chiefs.

9 CO-CHAIR RENE DUSSAULT: Were there
10 negotiations or discussion with the Metis before or were
11 you made aware of that?

12 MR. TONY BELCOURT: No.

13 CO-CHAIR RENE DUSSAULT: Could you tell
14 us a bit more? What preceded the signature of this
15 political statement? An organization like yours, were
16 you involved or did you try to be part of it?

17 MR. TONY BELCOURT: I can't speak for
18 the executive at the time. I wasn't there and the Ontario
19 -- this is something that was done at the provincial level.

20 CO-CHAIR RENE DUSSAULT: At the
21 provincial level but your Association is a provincial one,
22 is it?

23 MR. TONY BELCOURT: We are the southern

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Ontario region for the provincial one so we are not the
2 provincial executive that would be involved in the
3 negotiations. I can tell you this. During the
4 Constitutional discussions last year, it was very
5 difficult for OMAA, our parent provincial body, to bring
6 along the government of Ontario. They finally did but
7 with a lot of resistance. They have a political
8 relationship with the Chiefs that they did not want to
9 upset and in the end they agreed to participate with the
10 Metis National Accord but we still have a long way to go
11 with the government of Ontario in terms of their
12 recognizing our Association provincially. They are not
13 having so much problem any more as far as our representation
14 of the Metis people. They accept that.

15 They are prepared to fund the
16 enumeration of the Metis but when we asked for funding
17 to do work in the area of identifying the issues and the
18 people who require self government for off the reserve,
19 they are very reluctant and it is because of the
20 relationship they have with the Chiefs.

21 **CO-CHAIR RENE DUSSAULT:** When you say
22 that the government of Ontario is prepared to fund the
23 enumeration of the Metis, is it in the process of being

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 done?

2 **MR. TONY BELCOURT:** We are at the very
3 early stages. We received, we put a submission in and
4 received some funding to develop some models for
5 enumeration and we are currently doing that work. We have
6 been told that the Ontario government has also set aside
7 some money to begin the registry process later on this
8 year.

9 **CO-CHAIR RENE DUSSAULT:** This
10 enumeration will cover all your members, even the status
11 --

12 **MR. TONY BELCOURT:** The funding
13 actually is specifically for the enumeration of the Metis
14 but as we have said in our brief, there should be an
15 enumeration and a registry for all people who are off the
16 reserve who are within our organization who will negotiate
17 in the future on matters of self government. The Metis,
18 where they are concerned, there is no problem but for off
19 reserve Indian people are concerned, this is a big issue.
20 We have to work out a relationship with the bands and
21 the Chiefs but it is very clear as you well know in some
22 areas our people may have been put back on band lists but
23 they are absolutely unwelcome and so, do they just sit

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 there not without representation or do they have it? Those
2 people are seeking representation through our Association
3 and we want to work out self government arrangements for
4 them.

5 **CO-CHAIR RENE DUSSAULT:** What is the
6 proportion of your members that are living in cities in
7 Ontario, in Toronto? How is the breakdown between rural
8 areas and mid-size cities and major cities?

9 **MR. TONY BELCOURT:** In southern Ontario
10 our people live in all the urban areas of southern Ontario,
11 Sarnia, London, Windsor, the Niagara area, Ottawa, Trenton
12 and so on but we also have locals in smaller communities
13 and towns. Not many of our constituency lives in -- first
14 of all there is just no way you can live on Crown Land
15 or there are no reserves so we don't live in the rural
16 hinterlands much.

17 **CO-CHAIR RENE DUSSAULT:** I didn't find
18 in your brief elements of solution for the reality of
19 Aboriginal people living in the cities and many of your
20 members are living in the cities so what are your views
21 as to what should be done for Aboriginal people, Metis
22 Aboriginal people living in the city in terms of self
23 government? There are proposals saying the rights should

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 follow the person wherever he or she goes but that being
2 said do you see a distinct reality in the cities that should
3 be organized as such distinct from community origin? Does
4 your Association have some views on how self government
5 should manifest itself in the cities? Should it only be
6 at the level of services, the delivery of services, the
7 school boards, the health facilities and others or should
8 there be some kind of political organization along side
9 of the town or city councils?

10 **MR. TONY BELCOURT:** We don't have the
11 luxury of being able to work on models. We don't have
12 any offices and that sort of thing and the sort of thing
13 we talk about is only when we can come together at meetings
14 so to be frank we haven't got a lot of documentation on
15 this. Having said that, just generally we see that the
16 whole, the first thing that has to be discussed is the
17 areas of jurisdiction that our government institutions
18 are going to have. Jurisdiction does not have to be over
19 people living in a specific territory. Jurisdiction can
20 be over things like the provision of child and family
21 services province wide. This can be something that is
22 shared with the province of Ontario where we will, for
23 our people administer certain programs and services, where

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 we will have the jurisdiction to be able to establish
2 regulations. That might apply in an area of housing for
3 example and that would then free us up from being under
4 the restrictions of the standards of Canada Mortgage and
5 Housing in areas where those kinds of standards don't make
6 any sense.

7 So that is the first thing that we need
8 to do, we need to be able to define the areas of
9 jurisdiction. A lot of that is going to depend on
10 discussions that we have to have in our communities and
11 we just haven't had them.

12 CO-CHAIR RENE DUSSAULT: So you would
13 start in looking for some kind of control in areas of
14 services like child services --

15 MR. TONY BELCOURT: Sure. As we
16 presented during the Constitutional negotiations the areas
17 of jurisdiction we have most interest in are things like
18 matters of justice, child and family services, control
19 over our own lands, we want to negotiate for resource rights
20 and so on. We don't want to put any limitations but then
21 there are some areas that we are not interested in. We
22 are not interested in coast guard services or some of the
23 other things that might be in Section 91 or 92. We have

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 definite areas. This was what we intended through the
2 Metis National Accord. We would be able to have trilateral
3 negotiations. These kinds of negotiations go on now in
4 Manitoba, tripartite negotiations with the Metis in
5 Manitoba and they are starting to get somewhere in the
6 area of education for example. We haven't even started
7 in Ontario.

8 **COMMISSIONER MARY SILLETT:** I know you
9 have been in this business for a long time but there is
10 something that occurred to me when you were talking. You
11 know, there is always much reference to Section 35 and
12 how it defines Aboriginal people and I remember in the
13 earlier days when Constitutional discussions were being
14 held many people in the communities felt why should I
15 participate, what will it ever mean to me and now that
16 Section 35 does contain that particular clause, I am
17 wondering what impact or what kind of result has that had
18 on Metis people at any level, at the community level, at
19 the regional level or at the provincial level or has it
20 had any impact. People fought so hard to have that in,
21 I am just wondering, so many years later, what has the
22 actual impact, if any, been?

23 **MR. TONY BELCOURT:** I guess one impact

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 is the change to the Indian Act. There hasn't been very
2 much tangible for us. We thought the greatest opportunity
3 on the horizon for us was through the proposed changes
4 to the Constitution that we were able to negotiate.

5 I guess the biggest thing I can point
6 to is that we at least get to go to the table when
7 Constitutional talks are being held but we still struggle
8 to be able -- for example, right now there is a meeting
9 of Ministers of Housing, federally and provincially. We
10 have a real stake in that area and we are fighting to get
11 to the table in the meeting of the Ministers of Housing.
12 It should be automatic.

13 If we are going to be dealing in the
14 spirit of self government that our organizations would
15 be asked to participate in those but we are not yet. It
16 hasn't really made a big difference at all at the community
17 level. It hasn't done a thing. It certainly made it
18 easier for us to see the big discrepancy that does exist.

19 **COMMISSIONER MARY SILLETT:** I was
20 saying earlier, for example, that of all the funding that
21 ever goes to Aboriginal programs, if you really did an
22 assessment you would find that 99 percent of funding goes
23 to reserves and I guess land reserved for status Indians.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 This is something I have always wondered. What are the
2 programs that actually benefit off reserve Indians? Have
3 you got any documentation like that, statistics which would
4 show actually how much federal government actually
5 benefits off reserve Indians, Inuit, who don't live in
6 communities or Metis, anyone who lives off reserve?

7 **MR. TONY BELCOURT:** SOMNSIA doesn't but
8 our provincial and the national organizations have this
9 kind of documentation and I know when they appear before
10 you in the fall they intend to bring some of this
11 information forward but I can give you an example.

12 In the area of training in 1991, "\$44
13 million set aside for Aboriginal training". There was
14 only one project that was off reserve, Metis specific,
15 for \$100,000 out of the \$44 million.

16 We can't access that funding if we don't
17 have the resources when that kind of thing comes onstream,
18 if you have an office and administration, people who can
19 plug in right away they are going to be first there and
20 the money is going to be committed so we just don't have
21 access because we don't have an infrastructure.

22 Now having said that, I guess we have
23 to make something else clear. We don't want to put down

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 the fact that Indian people on reserves are getting
2 finances. You know as well as we do how desperate some
3 of the situations are on some of the reserves. We are
4 not saying either that we want to have an Indian Act or
5 parallel financial system to what exists for status Indians
6 on reserves but we want to make no mistake that there are
7 additional resources that are necessary.

8 We think as we have tried to say in our
9 brief we would be able to if we had the resources, we would
10 be able to make our own way. We feel strongly about that
11 and in some cases, we have been robbed of our inheritance
12 and it is due to us and some of it can't be returned to
13 us because the lands are gone. Some of the obligations
14 can't be fulfilled because the lands simply aren't there
15 so why would we not be entitled to financial compensation
16 as is common for status Indians on reserves.

17 We believe that if we had some of that
18 which is due to us we would be able to invest that as well
19 and use that for our own needs. We want to negotiate these
20 things but we have no way of negotiating it, is basically
21 the bottom line and we need to be able to have that kind
22 of framework.

23 COMMISSIONER MARY SILLETT: I am going

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 to ask the trapper a trapping question. I understand that
2 from the presentation -- I want to make sure that there
3 is trapping done in your area. Is that correct? Your
4 people hunt, fish and trap? Are you a trapping area?

5 **MR. DAVE JACOBS:** The Kawartha Lakes,
6 the area where I come from for years has been known for
7 the fishing and the hunting and the trapping. Until
8 recently with all these boycotts from Greenpeace and all
9 these people, they are saying don't you buy a fur coat
10 or anything or we will paint it, the fur has gone down
11 so all we trap for now is enough for our people to eat.

12

13 We eat muskrat, we eat beaver and that
14 is about all we catch them for. We don't throw the hides
15 away, we sell them for the little pittance that they give
16 us but yes, my area has been known as the best producing
17 fur, the biggest muskrat pelts, the biggest beaver pelts.

18

19 When we fish, there has been trophy
20 muskies taken out of our lake so when you say is it noted
21 for hunting and fishing, certainly it is. It is being
22 noted all over Ontario. "Let's go out to the Kawartha
23 Lakes because that is where all the action is."

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 **COMMISSIONER MARY SILLETT:** The reason
2 I ask that is because it is very, very difficult for us
3 to know, without a real knowledge of the geography, what
4 is done in what area.

5 **MR. DAVE JACOBS:** there is one thing I
6 would like to bring up too. Years ago there was a lot
7 of unemployment in our area so I guess the Department of
8 Hunting and Fishing, whoever it was, the Ministry of
9 Natural Resources, they introduced a program, just like
10 a make work program. You could go in and you could learn
11 how to trap and hunt, never did find out who taught it,
12 and whoever passed the six week course, they were
13 automatically issued a license to hunt and fish. This
14 area that my father and I trapped on for years, it once
15 run right from Burliegh Falls from where we lived right
16 clear down to Clear Lake which is about ten miles, so once
17 they got all these non-native people who were getting these
18 licenses, they cut our area right in half, well, not in
19 half, more than that, pretty soon they had about ten people
20 trapping in this one little area. That is another point
21 that was brought up and then when the fur prices went down
22 they automatically quit because they couldn't make a
23 living.

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 **COMMISSIONER MARY SILLETT:** You know,
2 yesterday or the day before we did hear from a group, The
3 Canadian Association for Humane Trapping and they made
4 some interesting statements but their recommendations to
5 us was that we should tell the Chiefs and elders that they
6 should be given information to convince the trappers in
7 their areas to promote humane trapping improvements and
8 also that we should tell those groups to adopt humane
9 trapping regulations. I don't really understand what all
10 that meant but I thought that if we ever got into a situation
11 where we were meeting with people who knew this business
12 I would ask them what they thought of those
13 recommendations.

14 **MR. DAVE JACOBS:** We have always dealt
15 as fairly as possibly with humane trapping. We use ---
16 traps, they are deadly traps, they kill almost instantly
17 so there is no suffering in that. We have the big one
18 for our beaver, they are approximately 16 by 16 and then
19 you have smaller ones for mink and smaller ones for muskrat.
20 That is humane trapping.

21 The leghold traps which people say, yes,
22 to do that to the animals but there is a mechanism on that
23 trap that springs up like this so they can't cut their

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 arm off and they naturally topple into the water where
2 they drown within minutes so there again, there we go with
3 the humane, so we have always practised that and possibly
4 like you say we don't know too much about it.

5 I don't know how we could educate you
6 people how the humane trapping is being done. Just like
7 Christi said, come out in the bush and hunt and fish with
8 us for one or two weeks and then you will see what we are
9 doing, rather than the non-native people criticizing us,
10 you are doing terrible things, they don't even know what
11 they are talking about because they have never been on
12 the lake to trap.

13 MS. KIM COYLE: I would just like to add
14 to those advocates to humane trapping, perhaps if they
15 did in fact adopt the recommendation of Christi's, that
16 they enter the bush for a couple of weeks, the natural
17 cycle of life is not always humane and sometimes the natural
18 order of death is not the most humane way and as Dave said,
19 I think if they want to start talking about what is inhumane
20 they should be looking at all the electronic and
21 technological advances that are being used by the sport
22 hunters and fishers and anglers of this province. I don't
23 know how humane it is that they can tell exactly how many

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 fish are laying beside a log at 20 feet deep and be able
2 to drop their line right on top of that fish, that is not
3 humane, that is for sport, and as Dave said, we practice
4 the most humane methods we can with as little suffering
5 as possible to the animal.

6 **COMMISSIONER MARY SILLETT:** At your
7 level, is there any dialogue, is there any communication
8 between your group and groups like this to discuss these
9 kinds of issues?

10 **MS. KIM COYLE:** We had a meeting last
11 week in our area and every environmental group, native
12 and non-native alike sat at the table. The only group
13 that did not participate in that discussion, and that was
14 the first meeting and there is a commitment by all members
15 to continue the dialogue, was the Ontario Federation of
16 Anglers and Hunters. They did not participate in that
17 meeting and we had everyone there from native communities
18 and recognized First Nations, we had marine operators,
19 we had boat rental places, we had tourist outfitters,
20 everyone was at that table and the agreement at that time
21 was we would move forward on developing some kind of a
22 protocol agreement.

23 Some of the discussions centred around

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 stopping the use of pesticides along lakes and streams
2 and rivers because there is absolutely no way of regulating
3 the amount that they are putting in.

4 They have to apply for permits to put
5 the stuff in and you are only allowed to use it on a
6 percentage of your waterfront property but then the
7 Catch-22 is it is only sold in one litre size. Your permit
8 may only allow you to use a quarter of a litre but you
9 are issued one litre so there is no mechanism to pick up
10 the three quarters of that litre.

11 We talked about pesticide use, we talked
12 about a moratorium on larger boats along the Trent Severn
13 to try to encourage the wild rice beds to come back and
14 other habitats, even the bulrush which is being eliminated.

15 There are preliminary discussions taking place at the
16 local level. The fact is it is hard for everyone to get
17 to that table without resources and networking and
18 communication and again when you have the large Federation,
19 like the Ontario Federation of Anglers and Hunters who
20 are very well pocketed, well monied organization with a
21 very slick campaign it is difficult to overcome that
22 propaganda.

23 **COMMISSIONER MARY SILLETT:** It is very

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 difficult too when you ask them to come to a meeting and
2 they don't even come. They were encouraged also to come
3 to this Royal Commission and they were the only group who
4 did not come so we have been told for many days the
5 difficulties in relationships and sometimes I wonder what
6 we can do about it.

7 Do you have any recommendations that we
8 can take away with us?

9 MS. KIM COYLE: Do I have
10 recommendations how to deal with OFAH? Of building
11 relationships. I think the most important, the thing we
12 can do is to try to educate not only non-native people
13 but we have to educate ourselves about the realities about
14 what conservation is and true conservation and
15 environmental concerns, it is not just how many fish we
16 take, it is not just how many fur bearing animals we trap,
17 the environment is everything, the quality of the air we
18 breathe, the quality of the water that covers maybe 70
19 percent of the land that Dave and Paul and I are from and
20 the fact that it is not in good shape right now.

21 We have to look at the bigger issues and
22 we have to look at -- they say tourism is the big thing
23 here in Ontario. That brings money, yes, but it also

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 brings all these other things like the environmental issues
2 and they have to be addressed and if we truly are concerned
3 about conservation we have to look at the broad picture
4 and I don't think we can just focus in on native hunting
5 and fishing. We have to look at the whole spectrum.

6 We have to look at water control, we have
7 to look at shoreline development. A lot of the trap line
8 that Dave spoke of, that he and his father traditionally
9 trapped has been eaten up by development.

10 **COMMISSIONER MARY SILLETT:** I would
11 just like to say that we would like to acknowledge the
12 work that was put into this. We know that you spent a
13 lot of time and we really appreciate the distance that
14 some of you had to come, so thank you very much.

15 **CO-CHAIR RENE DUSSAULT:** Just very
16 briefly on the same topic and the relationship between
17 an organization like yours and the non-Aboriginal
18 organization is quite striking in your presentation in
19 the Trent Severn Waterway System. You are saying that
20 14 years ago you contacted the Water Officer and nothing
21 really changed to raise your concern about the level of
22 waters and you are saying that at last, now there seems
23 to be a better understanding as non-native people are

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 starting to say the same thing that you were saying for
2 many, many years and I can't help thinking that those years
3 were lost in a way.

4 It brings us back to the question of the
5 relationship and the possibility of putting your concern
6 across and being listened to because this has been sorely
7 lacking and if we are to develop a new relationship there
8 has to be the means to achieve that. I understand that
9 at the local level it is starting to be done but there
10 is a lot of, there is some kind of frustration here because
11 there is some knowledge that from our experience Aboriginal
12 people do have and they were not able to put across to
13 the other side. So we are quite interested in trying to
14 come up with recommendations that would enable that because
15 the whole society could benefit from this knowledge that
16 you got from many, many years and generations.

17 **MR. DAVE JACOBS:** When I said that we
18 contacted Mr. Kitchen years ago, I don't mean that we just
19 contacted him the once. This has been an ongoing contact.
20 We tell him every year, come up and look at our fish.
21 "Oh, I haven't got no time", so it has been an ongoing
22 situation and when I said that non-native people were
23 starting to realize that what they are doing is wrong,

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 that is just what I meant.

2 Our lake further north is down so low,
3 like I said, this cottage was eight or ten feet above where
4 the water used to be. This also affects all the fishing
5 and it affects the game. When I say 14 years ago,
6 I didn't just mean 14 years ago the once, I meant 14 years
7 ago and it has been an ongoing fight all along and they
8 still haven't recognized us to say perhaps we are wrong
9 and you people are right. They haven't recognized that
10 fact.

11 **CO-CHAIR RENE DUSSAULT:** I would like
12 to pursue moving to your recommendation and your
13 recommendation is to that we go back to the old days and
14 let each lock master have control of the water level on
15 the lake where they are assigned. I understand that but
16 I am not sure that this will be the most effective way
17 to convince the other side to move ahead so I would like
18 to hear a bit more about that because it is always difficult
19 to -- as you said earlier, we are fighting against the
20 overall computer.

21 **MR. DAVE JACOBS:** When I said the lock
22 masters go back to the original system, they used to have
23 a kind of ruler on their locks, they could see the water

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 going down one inch, two inches, they will go back and
2 lift the log a little wee bit and regulate the water.
3 That went all the ways down the system.

4 But this water control manager or
5 whatever he is, he has never been on the lake, all he does
6 is he gets the rain report, it says it is going to rain
7 ten inches in one area and it is going to rain two inches
8 in another area, he puts that in the computer and it works
9 from there without him going out and actually looking and
10 seeing what damage is being done by just randomly saying
11 okay, we are going to lift this lake up ten feet or we
12 are going to drop this lake four feet, what damage is he
13 doing by just working on the computer without going out
14 in the field and finding out just what he is doing.

15 MS. KIM COYLE: I think part of the
16 difficulty stems too from the fact that the Trent Severn
17 Waterway System is run by the federal government and there
18 is very little, to us, very little dialogue in a working
19 relationship with the provincial Ministry of Natural
20 Resources and that is where some of our difficulty will
21 lie. There is a federal body that governs portions of
22 the waterway, then you have the provincial ministries.

23 Then you have each region along the

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 waterway that has a conservation authority who seem to
2 be exercising more and more power. Initially they were
3 formed to strictly operate in the floodplains and now they
4 are starting to exert authority and power over anything
5 that they are calling a conservation type issue.

6 Dave is right when he says that these
7 people operate from an office. They don't ever come out.

8
9 This winter we actually brought them
10 out. We brought the Ministry of Natural Resources and
11 the fellow from Trent Severn, chiselled a hole in the ice
12 and threw the mud up on the ice where four days before
13 there had been several feet of water, enough water to fish
14 in, and in a four day span they dropped water levels so
15 that the ice was laying on the mud. That was on a Friday
16 night. By Tuesday the ice was raised back up to a five
17 foot water level. You can't tell me that that is sound
18 water management.

19 When the fellow was out and the mud was
20 being put up on the ice he said he was sorry and he said
21 he had never been out before, he had never seen that, he
22 didn't realize that that was happening.

23 MR. TONY BELCOURT: I would like to add

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 a thought and also Don Cadeau, our vice president wanted
2 to add something as well.

3 Perhaps we don't say it often enough.
4 We say it all the time but we have expertise, as you can
5 see, that the governments ought to be using especially
6 in areas of resource management. It is expertise that
7 ought to be used because our people are hired in management
8 positions but also the knowledge that exists in the
9 community ought to be used by advisory groups and advisory
10 committees to the managers in resource areas. The
11 government should be encouraged to look that way. They
12 seem to think that they are the experts because they have
13 just gone to school and not ever taken in to account the
14 indigenous knowledge that is probably a lot more valuable
15 than some of the academic training they are getting.

16 CO-CHAIR RENE DUSSAULT: I think this
17 is a very good point and a very good case to exemplify
18 the point.

19 MR. DONALD CADEAU: --- I just wanted
20 to reaffirm some information that sometimes these
21 Ministerial people are not aware of what happens at a local
22 level and how to deal with native people and the problems
23 that they do have. For information sake, we have been

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 able to deal with the Ministry of NCB which is the Native
2 Community Branch. There, Ministry --- teaching them
3 sunrise ceremonies --- and how to deal with us at the local
4 level. We are a branch of the community, not the Native
5 Community Branch.

6 In other areas, with the Ministry of
7 Colleges and Universities, we have been afforded the luxury
8 in our area, of dollars to have a --- so some of the
9 ministries are coming on side and understanding where we
10 are coming from. I don't think the whole government ---
11 but the other people who do not have special concerns are
12 knowledgable so we have to try and equate them with the
13 formulas that we judge our value of life by --- but the
14 doors are not all open to us. The door is there but the
15 key of convenience and opportunity is not acceptable to
16 us, only the window to see who is there and there is not
17 great opportunity for any Nation or tribe to stand up and
18 look in through the window and not able to touch. That
19 is all I have to say.

20 CO-CHAIR RENE DUSSAULT: Thank you.

21 Just a last point on Bill C-31.

22 In your brief that you mentioned that
23 under the Indian Act off reserve people are not afforded

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 the opportunity to participate in the selection of First
2 Nation governments. That is true but it doesn't say
3 everything because I know you are aware that each band
4 could decide to go under custom and open up their selection
5 process to their off reserve members and many of them don't
6 do that.

7 **MS. KIM COYLE:** Yes, I am aware that each
8 band was afforded that opportunity. I am also aware of
9 the fact that it had to go to community ratification vote
10 with 50 plus one percent and I am darn sure the federal
11 government knows that it is almost impossible to get that
12 kind of a vote out even for an election, let alone a
13 ratification to allow someone else to be allowed to vote
14 on your reserve. I am not certain that you would get 50
15 plus one percent to vote on any issue. I don't know of
16 maybe three reserves where off reserve people are afforded
17 the opportunity to vote.

18 I know right now that it is being tested
19 right now to the north of where I am from and it is looking
20 like that off reserve constituent is going to win the right
21 to vote on his reserve.

22 Maybe that is what we have to do but I
23 would hate to see the fact that we have to fight amongst

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 ourselves when the Act itself is encouraging that type
2 of discontent among our Nation. I know at home we don't
3 have that right and in 1985 even when they were given the
4 opportunity to determine their membership they weren't
5 able to pull together the numbers needed to ratify that
6 vote.

7 **CO-CHAIR RENE DUSSAULT:** There are
8 substantial numbers of bands who have decided to go through
9 custom and allow this to happen. In fact, when you say
10 the federal government knows that, the question that is
11 always in my mind is that it was the same in '85. The
12 federal government was caught between the desire of many
13 leaders not to open up the law and of course the fact that
14 the Charter of Rights made it necessary to erase at least
15 that level of discrimination that was there for women who
16 were losing their status getting married, so I think it
17 is important to address the issue in a realistic fashion
18 that there is still a lot of resistance.

19 **MS. KIM COYLE:** I think that as long as
20 the Indian Act itself exists there will always be that
21 resistance because that is the Act that enables that
22 segment of the population that is resisting, they are able
23 to hide behind that Act, they are able to use that. That

June 4, 1993

**Royal Commission on
Aboriginal Peoples**

1 is the last little piece of power they have and I try to
2 talk to them, we can understand that fear, that power,
3 and they are worried about their resources and the fiscal
4 realities of the day. Everyone's resources are shrinking
5 and they have to look at their populations which were
6 doubled with the introduction of Bill C-31 and I am sure
7 their resources weren't doubled.

8 I don't know, that information isn't
9 available to me but I think the Indian Act itself
10 perpetuates this type of segmenting of our Nations and
11 I think as long as that Act exists we are going to continue
12 to have that.

13 **COMMISSIONER MARY SILLETT:** It is
14 interesting that you say that because that is sort of
15 confirms what we heard in other hearings. They were saying
16 that they fought very long and hard for Bill C-31 and if
17 they wanted victory they couldn't credit any of their
18 Chiefs for that victory, it was women who fought alone,
19 women who were threatened along the way and it was only
20 through the Canadian Charter that this was pushed and that
21 Bill C-31 is seen as a partial victory but there is still
22 discrimination based on sex that continues. There must
23 be changes not only to Bill C-31 but to all of the Indian

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 Act.

2 We hear that more and more people are
3 wanting to go back to their reserve because of Bill C-31
4 but what I am hearing today is that there are maybe as
5 many who will not go back to the reserve for many, many
6 reasons and we hear today, which is something that we
7 haven't heard, that the resources that are allocated for
8 the services for that group should not stay strictly on
9 the reserve, not be administered strictly by the band.
10 Is that correct, what I am hearing?

11 MS. KIM COYLE: Yes.

12 CO-CHAIR RENE DUSSAULT: Thank you. I
13 think the way you expressed it at the end makes it clearer
14 because very often the approach is made through the federal
15 government and we are told by the federal government that
16 they would like to change that, that they are caught, they
17 were in '85 between the desire of many leaders, Aboriginal
18 leaders, not to go further than that. I think that if
19 we want to progress in the discussion of that issue we
20 have to focus on where is -- I understand that the Indian
21 Act as it stands is used, as you said in your brief, as
22 a front not to move further but I think it is important
23 that the debate is done on a clearer fashion to address

June 4, 1993

Royal Commission on
Aboriginal Peoples

1 not the responsibility but maybe the responsibility, where
2 it lies most.

3 Thank you.

4 I would like on behalf of both of us to
5 thank each and every one of you for presenting us with
6 your views, your briefs. These issues, as you know, are
7 difficult. It was very useful for us to hear from you,
8 representing the Metis Aboriginal people of southern
9 Ontario and we got a much better understanding of the
10 situation. I hope that we will be able to be of some help
11 later on in the process.

12 Meanwhile, we will keep in touch and you
13 will forward us with additional thoughts as you are ready
14 to do in the coming future.

15 Thank you.

16 --- **Closing Prayer**

17

18 --- Whereupon the hearing adjourned at 4:30 p.m.