

COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON  
ABORIGINAL PEOPLES

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"for the record..."

**STENOTRAN**

1376 Kilborn Ave.

OTTAWA 521-0703

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1 **Ottawa, Ontario**

2 **--- Upon Resuming on Thursday, November 4, 1993**

3 **at 9:00 a.m.**

4 **CO-CHAIR RENÉ DUSSAULT:** I would like  
5 to ask Father Guy Lavallee. J'aimerais demander au Père  
6 Guy Lavallee d'ouvrir cette séance d'audiences publiques  
7 de la Commission.

8 I would like to ask Father Lavallee to  
9 open this Public Hearing.

10 Père Lavallée, s'il vous plaît.

11 **FATHER GUY LAVALLEE:** Thank you, Mr.  
12 Chairman. Ladies and gentlemen, good morning.

13 God our Father, we your people, members  
14 of the Métis Nation and of the Royal Commission on  
15 Aboriginal Peoples, we come before you today with respect  
16 and humility.

17 We acknowledge that You are our Creator  
18 and we praise You for being a God of love and for creating  
19 us in Your image and in Your likeness.

20 We thank You for this great opportunity,  
21 for this great country we call Canada and for all the human  
22 and natural resources contained therein.

23 Great Spirit, we thank You in a special

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1 way, for the freedoms and the human rights we enjoy here  
2 in Canada. As we all know, this is not the case for many  
3 of our indigenous brothers and sisters in other lands,  
4 such as Guatemala, where I spent the last two weeks  
5 attending an international conference with indigenous  
6 peoples.

7                   Sustain them, Great Spirit, in their  
8 courageous quest for a just and equitable society, in spite  
9 of the gigantic odds they have to face and endure.

10                  Perhaps in Canada, Great Spirit, we can  
11 take some pride in the fact that some people enjoy the  
12 exercise of basic freedoms and of human rights.  
13 Nevertheless, Great Spirit, there are many people, far  
14 too many people in Canada who still do not enjoy wholesome  
15 and fuller life.

16                  For example, Great Spirit, the last 100  
17 years have left many Métis people lacking in the basic  
18 necessities, such as justice and education. There are  
19 reasons, Great Spirit, why this is so and these reasons  
20 can be identified and they can be dated historically.

21                  Besides physical, military, economic  
22 and political violence, there is also such a thing, Great  
23 Spirit, as cultural violence. The Métis in Canada, Great

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1 Spirit, is an indication of this cultural violence. The  
2 Métis, the offspring of two distinctive parental groups,  
3 are often recognized in terms of what they are not. A  
4 Métis is not a white person, not an Indian. Briefly, a  
5 Métis is someone who is not.

6 Cultural violence, Great Spirit, goes  
7 far. It suppresses the identity of individuals and of  
8 groups. The historical denial of Métis identity, Great  
9 Spirit, is a major impediment to the Métis development,  
10 along with federal denial of responsibility and denial  
11 of a land base.

12 During this historic meeting we call  
13 upon You, Great Spirit, to help us overcome our cultural  
14 blindness and replace it with your spirit of discernment  
15 and of wisdom. We pray in a special way, Great Spirit,  
16 that the individual and collective rights of the Métis  
17 Nation, the personal and communal interests of the Métis  
18 Nation be affirmed and established across Canada.

19 Finally, we hope, Great Spirit, that  
20 under Your guidance these meetings will prove to be  
21 productive and fruitful for all peoples concerned. Amen.

22 Thank you.

23 **CO-CHAIR RENÉ DUSSAULT:** Thank you very

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1 much.

2 First of all, I'd like to ask Gerald  
3 Morin to tell us a bit more about the way the Métis National  
4 Council would like to make its presentation this morning.

5 It is, of course, possible to make all of your presentation  
6 and then we move to the discussion period and we could  
7 try to divide it around a coffee break or, if you prefer,  
8 to go by instalments, two or three of them, depending on  
9 the subjects, we are really in your hands on that.

10 As you know, we plan to be finished by  
11 noon, so you might let us know the way you envisage to  
12 make your presentation.

13 I would like also to remind all the  
14 participants that there is another meeting in the room  
15 beside us and it is very important that everybody speaks  
16 close to the microphone, put the red button on. For the  
17 sake of the record, if you could introduce yourself also.

18 You may proceed whenever you are ready.

19 I would like on behalf of all  
20 Commissioners to welcome all of you to this very important  
21 session. We are looking forward to a good discussion.  
22 Thank you.

23 **GERALD MORIN (President, Métis National**

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1 **Council):** Mr. Dussault, in terms of the format, what we  
2 were thinking was that I would give an introduction as  
3 President of the Métis National Council, introduce our  
4 Cabinet Ministers in the Métis Nation Cabinet and they  
5 would similarly give their presentations, as I would.  
6 Then, after we have all made our presentations, we were  
7 thinking that we could go into a question and answer period  
8 at that time for the remainder of the session.

9 I want to start off by thanking the Royal  
10 Commission on Aboriginal Peoples for having us today and  
11 for hearing our presentation. We certainly appreciate  
12 it. Every forum that we have as Métis people we take  
13 advantage of it to educate and familiarize and expose our  
14 issues; the issues which are important to our people and  
15 our communities. On behalf of the Métis Nation I want  
16 to thank all of you and thank the Commission.

17 What I will do is I will start off by  
18 introducing our Cabinet and some of those people who are  
19 at the table here with us. First of all, of course my  
20 name is Gerald Morin, President of the Métis National  
21 Council. You heard from Father Guy Lavallee and I just  
22 want to make it known that Father Guy, as I refer to him,  
23 has the title of Métis National Priest for the Métis Nation.

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1 We involve him in many of the public forums and a lot  
2 of the internal sessions that we have in the Métis National  
3 Council, so he's our Métis National Priest and an  
4 ambassador for the Métis Nation.

5 Next to him is Ron Swain. Ron Swain is  
6 the President of a newly formed organized and association  
7 in Ontario. He is the President of the Métis Nation of  
8 Ontario. Yesterday the Métis National Council signed a  
9 Memorandum of Understanding with the Métis Nation of  
10 Ontario where we officially and formally recognized their  
11 association as speaking for and representing the interests  
12 of the Métis in the Province of Ontario.

13 Mr. Swain is also the Minister  
14 Responsible for Economic Development and Housing in the  
15 Métis Nation Cabinet.

16 To my immediate right is Sheila  
17 Genaille. Sheila is the President of the Métis National  
18 Council of Women. We have a women's wing within the Métis  
19 National Council and there are provincial associations  
20 which fall, for example, in Saskatchewan we have a women's  
21 wing called the Métis Women of Saskatchewan. They are  
22 a member organization of the Métis National Council of  
23 Women. They have similar associations in place in other



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1 provinces.

2                   Sheila is also the Minister Responsible  
3 for Culture and the Status of Women in the Métis Nation  
4 Cabinet.

5                   We have as well Gary Bohnet. Gary is  
6 the President, Métis Nation, Northwest Territories. Gary  
7 is also the Minister Responsible for Northern Development,  
8 the Environment and Land Claims North of 60 -- I want  
9 that thoroughly understood -- Health and Social Affairs  
10 as well in the Métis Nation Cabinet.

11                  Next to him is Gerald Thom. Gerald is  
12 the President of the Métis Nation of Alberta. I am very  
13 happy to introduce Gerald because Gerald in the past few  
14 months has, of course, been serving as Interim President,  
15 serving the mandate of the late Larry Desmeules. About  
16 a month and a half ago he got his own mandate and was elected  
17 by the ballot box system by the Métis people of Alberta  
18 as the President of the Métis Nation of Alberta. So it  
19 makes me very happy to be able to introduce him here today.

20                  Gerald is also in the Métis Nation  
21 Cabinet, the Minister Responsible for the Royal  
22 Commission, Recreation, Youth and a couple of other items  
23 in the Métis Nation Cabinet.

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1                   Next to him is Ernie Blais, President  
2 of the Manitoba Métis Federation. Ernie again, just three  
3 weeks ago I believe, was elected as President of the  
4 Manitoba Métis Federation. He too as well was serving  
5 out the mandate of the Hon. Yvon Dumont who is now the  
6 Lieutenant-Governor for the Province of Manitoba and now  
7 has his own mandate, was elected by the ballot box system  
8 by our people in the Province of Manitoba.

9                   Ernie is also in the Métis Nation Cabinet  
10 the Minister Responsible for Training, Education,  
11 Employment and Land Claims South of 60.

12                  As well, there are some other people who  
13 have joined us up here. To my far left over there is Mr.  
14 Clem Chartier who of course has been an active member of  
15 the Métis Society of Saskatchewan, the Métis National  
16 Council and has served in various capacities within the  
17 Métis National Council in the past, also at one time was  
18 President of the World Council of Indigenous Peoples.

19                  To my immediate left is Mark Leclair.  
20 Mark is the Chief Administrative Officer of the Métis  
21 National Council. He is the one who basically does all  
22 of the work in the Métis National Council, not all of us,  
23 but most of it anyway. He is a very hard worker and I'm

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1 happy to have him here today.

2                   What I will start off doing this morning  
3 is I will read a couple of paragraphs from the Executive  
4 Summary of the Métis National Council Report that we have  
5 submitted to the Royal Commission. I want to read a couple  
6 of paragraphs because I think it fairly represents this  
7 whole exercise as far as we are concerned, in terms of  
8 what we attempted to do in putting together our report  
9 in the past few months. I will do that and then I'll  
10 further make some introductory remarks and maybe touch  
11 on some of what I feel are the important points and the  
12 major features that we have addressed in our report. Then  
13 we will go on to the Cabinet Ministers.

14                   Going to the Executive Summary, it says:

15       "This Report to the Royal Commission on Aboriginal  
16                   Peoples presents an overview of the  
17                   conditions, needs and aspirations  
18                   of the members of the Métis Nation  
19                   as they struggle to overcome more  
20                   than a century of colonialist  
21                   oppression in Canada.

22       The Report focuses strongly on four recurring themes  
23                   which flow throughout the history

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1 of the Métis Nation since its  
2 military suppression on the  
3 battlefields of Batoche in 1885,  
4 which characterize contemporary  
5 efforts to advance the interests  
6 of the Métis people. They are:  
7 (1) the struggle for individual and national Métis  
8 identity amidst a state-directed  
9 policy of defining the Métis people  
10 out of existence;  
11 (2) the struggle for a land and resource base;  
12 (3) the struggle for federal recognition and the assumption  
13 of federal constitutional  
14 responsibility to deal with the  
15 Métis as an Aboriginal people and  
16 a distinct national community,  
17 and;  
18 (4) the struggle for self-determination in the form of  
19 self-government and the right of  
20 Métis to control their own social,  
21 cultural and economic development.

22 The Report constitutes a state of the Métis Nation  
23 address to the state and people of

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1 Canada about how the Métis seek to  
2 fit into the Canadian federation  
3 as it enters the 21st century.

4 It identifies the problems and poor  
5 conditions besetting the Métis  
6 population and proposes workable  
7 solutions based on important  
8 precedents and models established  
9 by Métis Nation representative  
10 bodies in recent decades."

11 I think that introduction in the  
12 Executive Summary gives you a fair description of this  
13 whole exercise and the submission of our report and our  
14 presentation here today.

15 As you look at the report, it basically  
16 touches on every aspect, virtually every aspect of the  
17 Métis Nation. It talks about a land and resource base  
18 for the Métis peoples. It talks about self-government,  
19 our understanding of self-government and how we see  
20 ourselves as Métis people moving forward in the future  
21 in terms of implementing self-government in our  
22 communities.

23 It talks about enumeration and the need

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1 for the development and establishment of a Métis Nation  
2 registry. We have spoken many times in the past about  
3 the need to enumerate our people, so that governments  
4 cannot use that as an obstacle not making progress on land,  
5 self-government and programs and services. There is, on  
6 a practical basis, a need for us to know who our people  
7 are and to have a comprehensive Métis Nation registry.

8                   It talks about economic development and  
9 the need for our people in our communities to move to  
10 greater economic self-sufficiency in our communities, nor  
11 for greater colonialism and dependence and economic  
12 suppression in our communities, but the need for economic  
13 self-sufficiency in our communities and the establishment  
14 of economic infrastructure.

15                   It talks about social services. It  
16 talks about justice issues. It talks about a whole variety  
17 of issues. I think it is important that we proceed on  
18 that basis. We cannot just talk about land and  
19 self-government or just talk about economic development.  
20

21                   We have always said and it's our view  
22 that if we are going to make any kind of meaningful progress  
23 in our communities that we have to proceed in our

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1 development on a holistic basis. We can't just tinker  
2 on the fringes or scratch the surface, which is basically  
3 the effect of governmental policies and actions to date,  
4 which is to tinker on the fringes.

5                   If we are going to make any kind of  
6 substantial and meaningful progress for our people and  
7 our communities, we have to move on all fronts.

8                   The fundamental point that you have to  
9 remember -- and we touch on this from time-to-time in our  
10 report -- is that we are a Métis Nation based in western  
11 Canada in the Métis homeland. You see the representatives  
12 here today representing the Métis Nation from that Métis  
13 homeland. We are here today.

14                  As a Métis Nation, we are moving ahead  
15 based on our inherent rights as a nation. It is important  
16 that that be recognized because for us it is not only a  
17 struggle of rights and having a land and resource base  
18 in our communities, but unfortunately in the year of 1993,  
19 many years after Canadian Confederation and many years  
20 after our people have made their mark in the lands of  
21 western Canada, we are still engaged in that basic and  
22 fundamental struggle for the recognition as a distinct  
23 peoples and a distinct nation in Canada.

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1                   We are still at that level and we still  
2   don't have that recognition. That has to be the  
3   fundamental starting point when you are dealing with us,  
4   the recognition that we are a distinct Métis Nation based  
5   in the Métis homeland in western Canada. And that we as  
6   a Métis Nation, along with other Aboriginal peoples, have  
7   the inherent right to self-govern, have the inherent right  
8   to govern our communities and to determine our own destiny.

9                   I was happy to see the Royal Commission  
10   release their policy statement a couple of months ago  
11   saying exactly that for all Aboriginal peoples, including  
12   the Métis. I have referred to that in various  
13   presentations that I have made. For example, when we spoke  
14   to the Premiers in Baddeck, Nova Scotia I reminded them  
15   of that, that we are a self-governing nation and that we  
16   have support for that position. That is the foundation,  
17   that we are a Métis Nation and we have the inherent right  
18   of self-government. That's the foundation that has to  
19   be recognized and from that foundation we can further  
20   discuss and enter into a dialogue and elaborate on various  
21   areas as they affect the Métis Nation, such as justice,  
22   economic development, land and resources.

23                   I think that has to be recognized, and



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1 based on that foundations. When I said earlier we want  
2 to develop holistically, we have to move in all these areas  
3 of jurisdiction. We have to move on the economic  
4 development front. There is a need, a desperate need for  
5 a land and resource base in our communities. There must  
6 be -- justice issues which must be tackled in our  
7 communities, social issues, the role of Métis women within  
8 our communities. We have to move holistically in these  
9 different areas of jurisdiction, based on that foundation  
10 of inherent rights. That's the only way that we as a Métis  
11 people and as a Métis Nation are going to move ahead on  
12 a substantial basis in the future, if we are going to make  
13 any kind of meaningful change at the community level.

14 I think, keeping in mind the policy  
15 statement that the Royal Commission had issued, now is  
16 an ideal time for us to move ahead in terms of implementing  
17 the inherent right to govern ourselves in our communities.

18 Now is just as good a time as ever. We have a new Liberal  
19 government now that is being sworn in here this morning  
20 and that new Liberal government in their policy platform  
21 stated very clearly during the election campaign that their  
22 starting base is the recognition of the inherent right  
23 of self-government for Aboriginal peoples.

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1                   So we have now a federal government who  
2   supports, according to their policy framework, that  
3   fundamental point.

4                   When we were in Nova Scotia about two  
5   or three months ago, the ten Premiers who were in attendance  
6   stated quite clearly on the public record that still they  
7   are supportive of the inherent right of self-government  
8   and that that is their starting base. So as we speak we  
9   have a new federal government and ten Premiers whose  
10   starting base is the recognition of the inherent right  
11   of self-government.

12                  We in the Métis community and in the  
13   Métis Nation, if you examine our history even in the past  
14   20 or 30 years, have been doing everything within our power,  
15   in spite of the fact that governments have been suppressing  
16   our ability to government ourselves, we have been doing  
17   everything in our power to try to express that inherent  
18   right to govern ourselves through our various Métis  
19   associations in western Canada; organizations like the  
20   Manitoba Métis Federation, the Métis Nation of Alberta,  
21   the Métis Nation, Northwest Territories.

22                  Within these associations we have  
23   governing structures, we have provincial Métis Councils,

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1 we have regional councils, we have locals. We have  
2 affiliated programs and services that deliver those  
3 services to our people. We have Elder Senates. We have  
4 Métis Women's Associations within those Métis governments.

5 So, in spite of that suppression of our inherent right  
6 to government ourselves, we have done whatever was within  
7 our power to be able to express the exercise of that right  
8 through our provincial associations and governments and  
9 we continue to move in that direction.

10 We are exploring options right now in  
11 the Métis National Council to -- we are developing options  
12 for the development of some sort of a Métis National  
13 Parliament.

14 In provincial associations, provincial  
15 governments we are gradually moving forward towards  
16 legislative assemblies; legislative assemblies which would  
17 involve our local presidents, legislative assemblies which  
18 would allow us to pass our own laws, our own legislation.

19 In Saskatchewan we are seriously  
20 exploring this option of involving our Provincial Métis  
21 Council which are our provincial leadership that are  
22 elected by the ballot box system and the local Presidents  
23 meeting in a legislative assembly, two, three or four times

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1 a year. The Provincial Métis Council, who would be the  
2 Cabinet Ministers, would be designated portfolios by the  
3 President, such as Minister of Education, Minister of  
4 Economic Development. They would be responsible for  
5 introducing laws and legislation in our legislative  
6 assembly, a legislative assembly which would involve the  
7 community leadership.

8                   We would pass our own Métis Education  
9 Acts, our own Métis Citizenship Acts and by doing so we  
10 would be exercising our inherent right to self-government,  
11 implementing our inherent right to self-government and  
12 in a sense practising what we preach and putting our money  
13 where our mouth is, not just saying that we want to move  
14 in that direction, but by demonstrating through our actions  
15 and how we express ourselves that we recognize that  
16 foundation and that we want to develop those areas of  
17 jurisdiction.

18                   When this legislative assembly is in  
19 place at some point in the future, say through the Métis  
20 Society of Saskatchewan, our legislative assembly, for  
21 example, would pass a Métis Citizenship Act and through  
22 that legislation which would be agreed to and adopted by  
23 our leadership from the provincial, regional and local

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1 levels through that legislative assembly, we would be  
2 deciding for ourselves who are the citizens of the Métis  
3 Nation. Only we can decide that for ourselves.

4                   One of the fundamental aspects of our  
5 inherent rights and one of those areas of jurisdiction  
6 that rests on that foundation is the right to determine  
7 our own citizenship, not for a Department of Indian Affairs  
8 concept where they pass an Indian Act or a Métis Act and  
9 then all of a sudden we have status Métis, non-status Métis,  
10 Bill 62 Métis and so on. We would determine who our  
11 citizens were. That is one of the fundamental aspects  
12 of our inherent right.

13                   I suggest that the confusion and the  
14 turmoil that we are experiencing in Canada today as to  
15 who is who in the Aboriginal community is a direct  
16 manifestation of that colonialist and racist approach to  
17 dealing with Aboriginal peoples by passing Indian  
18 legislation and telling them what they can or can't do  
19 in their communities, which they have done to us by more  
20 informal means. That kind of history has to be wiped out  
21 and we have to move towards the proper respect and  
22 recognition of us as a Métis Nation, the proper recognition  
23 and respect that we have inherent rights and that

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1 everything that the federal government does and provincial  
2 governments do and Canadians in the private sector do is  
3 to respect those fundamental positions and to foster that  
4 kind of atmosphere, so that we can move forward on our  
5 own on an evolutionary basis and in a sensible and practical  
6 manner. That is the only way it will happen.

7                   You can't move from colonialism to all  
8 of a sudden turning on a light switch and all of a sudden  
9 you have self-government and you have a perfect society.  
10 We don't believe in that particular approach. We know  
11 it is impossible. I don't think there are too many of  
12 our people who voted for the Natural Law Party on the belief  
13 that we were going to create a perfect society within a  
14 few hours.

15                   We realize that through an evolutionary  
16 process, through a sensible and practical way of evolving  
17 to greater self-government in our communities and  
18 developing these different areas of jurisdiction and  
19 recognizing that foundation that gradually we can take  
20 more control over our own destiny and gradually start  
21 healing and start undoing the damage and the hurt that  
22 has been created in our communities by successive  
23 governments within Canadian Confederation.

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1                   Those problems were created over a long  
2 period of time and we are not going to address those  
3 problems overnight in our communities, but we must be  
4 allowed to move in that direction and ultimately, in the  
5 long run, that's what is going to be the solution.

6                   I think one of the things that  
7 governments, the federal and provincial governments, have  
8 to recognize is that in their dealings with us and with  
9 all Aboriginal peoples that they have to be cognizant of  
10 that foundation and the development of those areas of  
11 jurisdiction and who we are and not perpetuate, for  
12 example, what I call these Aboriginal welfare melting pot  
13 concepts, where they perpetuate welfare models and greater  
14 dependence.

15                  They have to deal with us as a Métis  
16 government. They have to deal with us on the basis that  
17 we have the inherent right and that we are a third order  
18 of Métis government and deal with the Métis governments  
19 when it comes, for example, to delivering programs and  
20 services to our people, not force us through their policies  
21 and their actions to sit around a table with other  
22 Aboriginal peoples or non-Aboriginal people and through  
23 that framework deliver programs and services to our people.

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1 They must deal with us as a Métis government and when  
2 it comes to even the delivery of programs and services  
3 they have to deal with us and it's through that framework  
4 that we deliver programs and services to our people.

5 A couple of weeks ago we were in  
6 Saskatoon and our Minister of Education, Training and  
7 Employment, Ernie Blais, was heading up the Métis  
8 delegation. I spoke there very briefly as well and we  
9 made it very clear that we weren't in favour of the Pathways  
10 to Success approach at the national level, of putting us  
11 there with all other Aboriginal peoples where we had to  
12 compete with dollars to deliver training and education  
13 programs in our communities, but that we would like our  
14 own separate and distinct process at the national, regional  
15 and local level.

16 And through the Pathways to Success  
17 program, as was talked about in the Métis Nation Accord,  
18 observe that principle of gradually devolving our share  
19 of government programs and services to Métis authorities  
20 and self-governing institutions, so that we can deliver  
21 them to our own people and develop the capacity of our  
22 self-governing institutions and move down that road  
23 towards greater self-government and self-determination.

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1     That's what I mean when I say that governments have to  
2     be cognizant and have to relate to us on that basis and  
3     walk down that path with us to develop self-government  
4     and self-determination, not to develop these  
5     infra-structures which are based on welfare models, which  
6     at some point in the future have to be undone anyway and  
7     we have to turn around and move in a different direction  
8     towards self-government and self-determination.

9                     So, I think that's a really important  
10    part of our report and we make reference to it at various  
11    times. As I said earlier, now is just as good a time for  
12    us to implement that inherent right of self-government.

13    We can do it now. We can do it within the current  
14    constitutional framework, as we said in Baddeck and we  
15    don't need a constitutional amendment.

16                    We would like to see a constitutional  
17    amendment at some point in the future to make it very clear  
18    in the Constitution that we do have the inherent right  
19    of self-government and, as we attempted to do during the  
20    Charlottetown process, to put the frameworks in place for  
21    the exercise and implementation of that inherent right.

22    But that's something we will work on in the future when  
23    the political environment has changed and when people are

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1 prepared to discuss the Constitution again. But for the  
2 time being we can move ahead within the current  
3 constitutional framework, based on policies, based on  
4 programs and services, based on governmental attitudes  
5 and how they relate to us.

6                   The major framework in which we see  
7 ourselves moving ahead in implementing the inherent right  
8 of self-government in our communities, the major framework  
9 that we see ourselves moving ahead today is the Métis Nation  
10 Accord or a similar instrument. The Métis Nation Accord,  
11 as you know, was a parallel non-constitutional document  
12 that we were successful in negotiating during the  
13 Charlottetown discussions.

14                   It's a non-constitutional document.  
15 The framework and the vision that was laid out in that  
16 document was a sensible and practical way to implement  
17 that inherent right of self-government in our communities.

18                   When we met -- when we were involved in  
19 the Charlottetown process, the federal government and ten  
20 provinces agreed to that.

21                   When we were in Nova Scotia just two or  
22 three months ago, we asked the five western Premiers where  
23 the Métis homeland is, the Métis Nation Premiers, the

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1 Northwest Territories government, to move in that  
2 direction of the establishment of a Métis Nation process.

3

4                   There is the Aboriginal process, just  
5 as there was in the Charlottetown discussions and there  
6 is an Aboriginal process in place again between the  
7 Premiers and the Aboriginal leaders and we are part of  
8 that Aboriginal process.

9                   We also felt it was important to put in  
10 place a Métis Nation process to explore the development  
11 of a Métis Nation Accord or a Métis Nation document. At  
12 that time four of the five provinces expressed support  
13 for moving in that direction.

14                   The Premier of Nova Scotia, John Savage,  
15 based on an undertaking that he made to the Métis National  
16 Council in Nova Scotia, has written letters to the Métis  
17 Nation Premiers, the territorial government, to respond  
18 to us and to him as to whether they are prepared to move  
19 ahead. The territorial government has responded and said  
20 that they are prepared to move ahead with this Métis Nation  
21 process. I presume at least four of those five provinces  
22 that indicated in Nova Scotia they are prepared to explore  
23 this process will indicate so in the letters which they

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1 eventually sent to us and to the Premier of Nova Scotia.

2                   As well, since that time I've had the  
3 opportunity to sit down with Premier Romanow of  
4 Saskatchewan. He indicated to myself that his government  
5 was prepared to host a meeting in Saskatchewan, initially  
6 at least comprised of the Aboriginal Affairs ministers  
7 from the five western provinces, the territorial  
8 government and the federal Métis interlocutor responsible  
9 for Métis affairs.

10                   We will be meeting soon with whoever  
11 happens to be the federal Métis interlocutor after today,  
12 to ask that person to play a leadership role in ensuring  
13 that this meeting that we are trying to host in Saskatchewan  
14 takes place.

15                   So, we've made some progress since the  
16 defeat of the Charlottetown Accord in reviving and  
17 resurrecting the Métis Nation Accord. At least we have  
18 a process in place and there is a very real possibility  
19 that this meeting will take place and we will have a Métis  
20 Nation process to explore a Métis Nation document, a Métis  
21 Nation framework which would allow us to move ahead in  
22 implementing the inherent right of self-government in our  
23 communities.

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1                   That Métis Nation Accord basically  
2 contains all of those items, those major items which we  
3 feel are important and which would allow us to move ahead.  
4    For example, it talks about the federal government, the  
5 five western provinces, negotiating with the  
6 representatives of the Métis Nation on putting in place  
7 self-government arrangements and institutions in our  
8 communities.

9                   It talks about the establishment of a  
10 land claims process for the Métis Nation. You know, of  
11 course, that we as Métis, as far as we are concerned, our  
12 land claims remain unresolved. We do not have a land and  
13 resource base in our communities and we don't even have  
14 access to a land claims process. The Métis Nation Accord  
15 would have put in place a land claims process that would  
16 have brought forward the federal and provincial  
17 governments and Métis leadership to negotiate land and  
18 resource issues on behalf of our people.

19                  It talks about devolving our share of  
20 government programs and services to Métis self-governing  
21 authorities and institutions based on that inherent right  
22 and based on the fact that we are a third order of Métis  
23 government. It talked about financing provisions. It

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1   talked about transfer payments for federal and provincial  
2   governments to our third order of Métis government.

3                   It talked about the establishment of a  
4   Métis Nation registry and the enumeration of our people.

5   Of course, when it was part of the Charlottetown package,  
6   the Métis Nation Accord, part of that also included a  
7   clarification of section 91(24), that the Métis clearly  
8   fell under that section.

9                   It is interesting, it wasn't an  
10   amendment to add something to 91(24) and say the Métis  
11   are now in 91(24). The amendment in the Charlottetown  
12   Accord called for a clarification that indeed the Métis  
13   do fall under 91(24) and always have.

14                  So that the Métis Nation Accord  
15   addresses those basic issues which are important for our  
16   people and the process of implementation was as follows:

17   Once the Métis Nation Accord was in place as a national  
18   framework for the Métis Nation to move ahead, once it was  
19   signed and ratified by the provinces and the federal  
20   government, and of course it would be ratified through  
21   enabling legislation in their respective legislatures and  
22   we would go to general assemblies and have it ratified by  
23   our people and that's still how we would see it. That's

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1    why I say when we can move ahead within the current  
2    constitutional framework, the Métis Nation Accord is an  
3    example of that because we can simply negotiate it today,  
4    make adjustments to conform with today's realities and  
5    simply implement that Métis Nation Accord through  
6    legislation, enabling legislation in the legislatures and  
7    the Parliament of Canada.

8                    But once it was in place, then we would  
9    implement the substantive provisions of the Métis Nation  
10  Accord through tripartite discussions in our respective  
11  provinces and territories. In the Prairie provinces of  
12  Alberta, Saskatchewan and Manitoba, we have signed  
13  tripartite agreements between the Métis governments in  
14  those provinces, the provincial government and the federal  
15  governments. We are currently engaged in tripartite  
16  discussions and we are working to help other Métis people  
17  outside of the Prairie provinces within the Métis homeland  
18  to also put those tripartite agreements in place. But  
19  in the Prairie provinces they are currently in place.

20                   So a lot of that process framework to  
21  implement the Métis Nation Accord is already in place.  
22  You know, through the Métis Nation Accord we would give,  
23  for example, more context to those tripartite discussions

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1 that are currently taking place in the Prairie provinces  
2 and we would implement the substantive provisions of the  
3 Accord through those tripartite forums and processes.  
4 So a lot of the groundwork has already been put in place.

5

6 The Métis Nation Accord was agreed to.  
7 We still support it. Tripartite talks are in place in  
8 some provinces and we want to move in that direction in  
9 other provinces. It is just a matter of moving in that  
10 direction through political will on the part of the federal  
11 and provincial governments.

12 I will wrap up my discussion here in  
13 about five minutes. Just in closing I guess, one of the  
14 things to bear in mind, the way we see it in the Métis  
15 Nation is that Louis Riel and our people in the 19th  
16 century, particularly in Red River which is now Winnipeg  
17 of course, we had Louis Riel and our people declare their  
18 provisional governments in the 19th century and they flew  
19 the Métis flag with the infinity symbol on it. They  
20 declared their governments. Louis Riel was acting on the  
21 inherent rights of the Métis Nation by declaring their  
22 governments and moving ahead to govern their territory.

23 Once they had declared their government



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1 and flew their flag, of course, Louis Riel and our people  
2 had put in place the Bill of Rights; a Bill of Rights which  
3 subsequently became part of the Manitoba Act, which is  
4 part and parcel of Canada's Constitution.

5                   So, in fact, what Louis Riel and our  
6 people did back in 1869 and 1870 was they began the  
7 negotiations on the terms and conditions by which we as  
8 a Métis Nation would enter Canadian Confederation, that's  
9 what they did. What we are attempting to do today as a  
10 Métis people and nation, expressing ourselves through the  
11 Métis National Council is, for example, during the  
12 Charlottetown process and what we are trying to do today  
13 by moving ahead in the future is to finalize the terms  
14 and conditions by which we as a Métis Nation can enter  
15 Canadian Confederation. So, as the Indian people have  
16 said from time-to-time that circle of Confederation is  
17 not complete and we couldn't agree more because there are  
18 certain terms and conditions by which we relate to Canadian  
19 Confederation, by which we have a partnership with  
20 Confederation, but those terms and conditions are not  
21 complete. Negotiations must still take place in the  
22 future.

23                   We are acting on the legacy of Louis Riel

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1 by declaring our own governments, putting in place our  
2 own governing structures, flying our flag and putting  
3 together the principles by which we see ourselves  
4 finalizing those terms and conditions by which we can enter  
5 Canadian Confederation.

6                   There is a lot of other things that I  
7 could talk about, but we have a fairly large Métis Nation  
8 Cabinet here and they tend to get long-winded from  
9 time-to-time, so I want to make sure that we have ample  
10 opportunity for them to say their piece as well.

11                   One of the things I would like you to  
12 note before I pass it on to somebody else is that the report  
13 which we have submitted to you we consider to be a final  
14 draft report. We don't consider it to be a final report.

15       There are still some revisions, some additions, deletions  
16 we would like to do and still some discussion and dialogue  
17 that we would like to have before we move from that stage,  
18 from the final draft report to the final report.

19                   I think that this exercise today is very  
20 useful in assisting us perhaps in giving us a clearer idea  
21 of what maybe some of those revisions could be. I wanted  
22 to make note of that.

23                   As well, I forgot to mention that Gerald

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1 Thom, when I was talking about the Métis Nation Cabinet,  
2 Gerald Thom is also the Minister Responsible for  
3 Enumeration within the Métis Nation Cabinet.

4 That's it in terms of some introductory  
5 opening remarks. I will now pass it on to the other Métis  
6 leaders and Minister of the Métis Nation Cabinet. Maybe  
7 what we will do is we will start with Gerald Thom and he  
8 can talk about enumeration and other issues, then we can  
9 move on to other Cabinet Ministers. Thank you very much  
10 for listening.

11 **CO-CHAIR GEORGES ERASMUS:** Excuse me,  
12 could we caution that you don't take too long in making  
13 presentations. We were hoping that we would some time  
14 for questions.

15 **GERALD MORIN:** Thank you.

16 **GERALD THOM (President Métis Nation of  
17 Alberta Association):** Thank you very much, Mr. President.  
18 Commissioners, ladies and gentlemen of the Royal  
19 Commission, it gives me a great pleasure to be here again  
20 today and be giving a presentation.

21 We have large responsibilities, not only  
22 as federal Cabinet Ministers holding different portfolios  
23 and wearing many different hats and as I talk to you today

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1 I want to talk about not only enumeration and youth and  
2 recreation, but I think what is most important is a process  
3 of enumeration.

4 I guess the other most important thing  
5 and I left on the table from the Métis Nation Council's  
6 perspective some background of communication. I think  
7 before we start -- before I start and I must say that our  
8 President certainly touched on just about all aspects of  
9 what our needs and aspirations are, but without  
10 communication, ladies and gentlemen, we would not be here  
11 today. Communication is a major tool. As you well know  
12 as Canadians, without communication we don't have that  
13 inter-exchange of information. We lack then the  
14 opportunity of educating not only our own people, but  
15 educating other Canadians and other people throughout the  
16 world.

17 I want to read just briefly my feelings  
18 towards communication because I am also responsible for  
19 communication within the Métis Nation Cabinet.

20 Exploring the condition of Canada's  
21 Métis is a journey that only has just begun. It falls  
22 upon us to meet the challenge. Communications through  
23 film and other mass media offers itself as a catalyst for

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1 social change and political empowerment.

2                   The need for meaningful cultural  
3 education cannot be overstated. It bears repeating that  
4 we have a right to communicate our stories, not only amongst  
5 ourselves, but to all Canadians.

6                   It has been said that Aboriginal culture  
7 has been invaded by non-Aboriginal media. The historical  
8 record until now has not reflected the realities of those  
9 who experienced the victimization of colonialization  
10 firsthand.

11                  We have an obligation to set the record  
12 straight. The Métis voice has been silent for far too  
13 long. Our non-representation or mis-representations in  
14 mainstream media must be countered by effective an ongoing  
15 communications of our realities, both to our own people  
16 and to non-Aboriginal people of this country. Métis  
17 leaders know of the need to educate and inform  
18 non-Aboriginals and the Aboriginals alike in cultural  
19 richness and history of our people, as well as the issues  
20 that so challenge our people today.

21                  At the same time, leaders recognize  
22 their people and its needs of uplifting energies that flow  
23 from public portrayal of the history and heroes of the

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1 Métis people with honesty, dignity and respect. A large  
2 contingent of talented Aboriginal people, writers,  
3 broadcasters, actors, directors and producers have led  
4 the way in this regard. Often with minimal support, these  
5 people have spawned critically and acclaimed radio and  
6 television shows, movies, first-rated provincial  
7 newspapers and theatre. We all fall victim to that.

8                   Each of these contributions has in its  
9 own way illustrated the Métis people's self-image, has  
10 restored some of the face that the dominant society took  
11 away. But this process has to be speeded up.

12                   While much has been achieved, much  
13 remains. Métis leaders across Canada know that if the  
14 rate growth of native development and awareness is not  
15 increased dramatically, then the probability of their  
16 people assuming their rightful place in society in the  
17 future is very low.

18                   The members of the Métis National  
19 Council agreed that Métis communications must be taken  
20 from a local and provincial to a national level and in  
21 a concerted effort controlled and co-ordinated by Métis  
22 people. To do otherwise is to contribute to the negative  
23 stereotype image that has far too long been persuasive

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1 in mainstream society, an image that diminishes the view  
2 the non-Métis has of Métis and which further raises  
3 barriers that impede our people.

4                   Arguably, one of the most formidable  
5 challenges is the changing of attitudes. Métis and  
6 non-Métis alike must unite in this regard. Information  
7 and education of both groups is in itself a keystone.  
8 Most right-thinking non-Métis people, when informed of  
9 the facts, are prepared to assist. Often it has been found  
10 that by elevating the self-image of the Métis people we  
11 are more able to take a meaningful role in society.

12                   It is imperative that we get on with the  
13 task of informing the general public about the many  
14 positive aspects of Canada's Métis people. We must be  
15 instrumental in the distribution of factual and positive  
16 information to the mainstream media.

17                   There is more accurate portrayal, not  
18 only of the history, but of the current strides that have  
19 been taken by the Métis people, but few will know if we  
20 remain silent. I say that from here. I am not an  
21 historian, although we have rich cultural values. I am  
22 not an educator. I have been brought up through the  
23 education system, but it hurts here when you are brought

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1 up in an education system -- when I was growing up as a  
2 young individual and having our history books printed in  
3 the United States of America and being taught that Social  
4 Services were our leaders, that in the past we were  
5 heathens, savages, road allowance Indians and such. Only  
6 up to last year was Riel recognized and given his rightful  
7 role in this country.

8                   What we have, ladies and gentlemen, is  
9 the richness of campfire talk which exists today and we  
10 are losing very rapidly in our communities through our  
11 elders. Traditionally, and even today, our stories, our  
12 beliefs are written by others rather than ourselves. In  
13 the past it was the Oblate Fathers, it was the explorers,  
14 the fur-traders of what they seen of an event of Métis  
15 people of that day and they wrote it in their own way.

16                   Our forefathers have never written  
17 anything in their own language of the history of this  
18 country, although we were the nationbuilders of this  
19 country. How could a gravestone from the City of Montreal  
20 that weighs almost 1,000 pounds reach the Lac la Biche  
21 Mission to cover the grave of a Hudson Bay traders that  
22 was at the trading post at the Lac la Biche Mission? How  
23 did it get there? Through Métis and through



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1    communications that we had set up ourselves. That is most  
2    important and that is what is the missing link today I  
3    feel of not getting the average Canadian to understand  
4    our views as well.

5                    Every time we raise issues, then it  
6    raises all the hairs of all Canadians. Like ourselves  
7    as Canadians and myself as an Albertan and as a Métis,  
8    I am part of that society. I am proud to be a Canadian,  
9    but if we don't set the record straight today about  
10   communicating what our peoples' needs and wants are, then  
11   if we don't share that information and take a rightful  
12   place in this country and be shared the equal values and  
13   the equal opportunities of our people, then what are we  
14   here for?

15                   I think communication is the most and  
16   foremost important issue of all Canadians today. I am  
17   through an election two months ago where I made headlines  
18   across Canada from Alberta. I didn't feel right because  
19   it affected my colleagues sitting around this table, but  
20   shortly after that, and Peter will probably attest to what  
21   I am saying, the ATA and the students took a position  
22   against government and made headlines again, but no clarity  
23   about communication. Communication can do certain things

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1 to oppose the other side, but I think what I am talking  
2 about and what I talked to my colleagues about is setting  
3 the record straight once and for all and communicating  
4 with all Canadians.

5 I will stop there for now,  
6 Commissioners. I do have other issues that I will bring  
7 up later on.

8 Thank you, Mr. President.

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

10 **SHEILA GENAILLE:** Next on the list is  
11 we have the Manitoba Act claim with Ernie Blais from  
12 Manitoba.

13 **ERNEST BLAIS (President, Manitoba Métis**  
14 **Federation):** Thank you, Co-Chairs, Commissioners.

15 What I would like to deal with is in  
16 relation to the land claims and also on education and  
17 training, if I may. I will be speaking from notes and  
18 also I will be speaking from the heart on some of these  
19 issues.

20 As you know, today is a very important  
21 day in the history of Canada because we are going to be  
22 seeing a new government being installed today. I hope  
23 I am not pre-empted by the announcements that they make

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1 today. I hope I can get my comments in before they do.

2 We will be seeing a new government and  
3 also doubly important is that this Commission is seeing  
4 before them a new government within the Métis Nation.

5 With that, I just want to go briefly  
6 through the land claims presentation. I realize that  
7 Co-Chair Mr. Erasmus indicated that you would like to have  
8 it brief so that he can ask questions, but I also ask of  
9 the Commissioners to keep in mind that as the new President  
10 of Manitoba and also the new President for the land claims,  
11 that there are going to be issues that are going to be  
12 raised in relation to land claims that I feel only legal  
13 scholars will be able to answer and that I will not be  
14 able to answer myself. So, I just ask that you keep that  
15 in mind when the question period comes.

16 The Manitoba Act which was negotiated  
17 by Riel secured the existing land titles of the Métis in  
18 the original postage stamp of Manitoba and a 1.4 million  
19 acre Métis land grant was given to the children.

20 Unlike other confederating provinces,  
21 the federal government maintained control of those public  
22 lands and implemented the land settlement scheme, which  
23 was designed to dispossess the Métis of their land rights.

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1 As one of our researchers in the 1970s Doug Sanders put  
2 it, the federal government, whose indifference had been  
3 the basic cause of the Red River resistance, was in charge  
4 of the land grants which the Métis had won by their  
5 political actions.

6 Our brief builds up the land claims  
7 research undertaken in the 1970s to underline the feelings  
8 of the implementation schemes and the negative effect this  
9 has had on our people.

10 Our briefly also highlights the  
11 evolutionary changes in the development of Aboriginal law  
12 in Canadian jurisprudence and applies these new legal  
13 principles to the land settlement schemes that our people  
14 were subjected to. In our brief we point out that the  
15 Métis Aboriginal title has not been extinguished and urges  
16 the Commission to recognize this in their final report.

17 In the case of Manitoba, while section  
18 31 of the Manitoba Act suggests that the Métis land grant  
19 was towards the extinguishment of our Indian title, the  
20 promised quid pro quo, the 1.4 million acres, was not  
21 delivered due to a breach of the federal government's  
22 fiduciary duties.

23 As a consequence, it is our view that

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1 this breach rendered the surrendering of our title a  
2 nullity and as such remains intact.

3                   As you may know, in 1980s the Manitoba  
4 Métis Federation initiated a court case involving the land  
5 claims in the postage stamp province of Manitoba. It  
6 wasn't until 1990 that the Supreme Court said that we indeed  
7 do have a case and sent it back to the courts. We hope  
8 that sometime later towards part of this year or the early  
9 part of next year we will be going back to the courts,  
10 but prior to that we will be going to an examination for  
11 discovery to start the whole process.

12                   We sometimes wonder why the government  
13 has taken these tactics. We wonder if it is the hope that  
14 we will eventually run out of money and that they will  
15 be able to vindicate their claim. But thanks to people  
16 such as the Hon. Thomas Berger we are able to keep the  
17 court case alive, and also other people that were involved  
18 in the court case and we will continue with the court case  
19 in Manitoba because that court case is a tool which we  
20 hope will be involved in negotiations for the land claims.

21                   The only way that we will have a  
22 negotiation process is the political process I feel. We  
23 have to start working towards those negotiations. It

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1 won't be legal scholars that will be doing the  
2 negotiations; it will be politicians, just the ones that  
3 we see at this table, the members of the Métis Nation.

4                   We will be negotiating an agreement,  
5 hopefully, with the new government, whichever government  
6 that may be. It is going to be a long process and we realize  
7 that. It is not going to be a short process. We have  
8 to negotiate framework agreements and perhaps through the  
9 help of this Commission, that this Commission could  
10 encourage the present government to enter into a framework  
11 agreement. All that means is that they will agree to  
12 negotiate with us. From there perhaps we can go to an  
13 agreement in principle, where we talk about parts of the  
14 settlement and eventually I hope that leads to a final  
15 settlement.

16                   The Commission always asks us what is  
17 the problem and what can you do, "I'm giving you an option".  
18 Help us in getting the framework agreement in place as  
19 soon as possible, so that the negotiation process can take  
20 place.

21                   We will not, as I stated before, stop  
22 the court case. It had been stopped in the past for a  
23 short period of time. I didn't believe that it was right

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1 and I will not as President encourage any termination of  
2 the court case.

3                   From the court case, I'd like to talk  
4 about another part of my portfolio and that's in the area  
5 of education and training. I want to talk about the Métis  
6 participation in the economy.

7                   Data which is available for the Métis  
8 indicates that the Métis people share more poor  
9 socio-economic conditions than any other Aboriginal  
10 people, but suffer additional dis-advantages due to the  
11 denial of federal services and benefits available to other  
12 Aboriginal people.

13                  Preliminary analysis of the limited data  
14 on Métis available from Statistics Canada reveals that  
15 the Métis suffer lower education and employment levels  
16 than the Canadian population as a whole and even in a number  
17 of key indicator areas than other Aboriginal people.

18                  Given the large percentage of the Métis  
19 population under the age of 15 and the increasing minimum  
20 education and training requirements for participation in  
21 the economy, it is imperative to address these disparities.

22

23                  The findings of the 1991 Aboriginal

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1 peoples survey demonstrate that about 17 per cent of the  
2 Métis population of Canada of the age of 15 and over had  
3 less than a Grade 9 education, in comparison with 13.9  
4 per cent of the total population of the country.

5                   In addition, about 64 per cent of the  
6 Métis population had not received any post-secondary  
7 education and training. Comparatively, substantially  
8 smaller portions, 52.9 per cent of the total population,  
9 were in the same category.

10                   Moreover, fewer Métis people, 3.7 per  
11 cent in 1991, had received a university education. That  
12 is less than one-third of the national average proportion  
13 of the people, which is 11.4 per cent to receive a  
14 university education.

15                   The data demonstrates that Métis  
16 peoples' education attainments were worse than those of  
17 Indian people in 1991 in the area of post-secondary  
18 education.

19                   A total of 39.7 per cent of the Indian  
20 population had received either some post-secondary  
21 education or a university education and comparatively a  
22 total of 36 per cent of Métis did so.

23                   In relation to employment income, among



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1 the five provinces and one territory, the Métis population  
2 of the Northwest Territories and Ontario had the best  
3 record of employment income in 1990 in comparison with  
4 the Métis people of other provinces. According to the  
5 1991 APS survey, 47.8 per cent of Métis people in the  
6 Northwest Territories and 51 per cent of the Métis people  
7 in Ontario earned less than \$10,000. That was  
8 substantially lower than the national average for Métis  
9 people which is 60.2 per cent.

10 In addition, 17.7 per cent of Métis  
11 people in the Northwest Territories and 10 per cent of  
12 the Métis people in Ontario had an income of \$40,000 and  
13 over. That's much higher than the national average for  
14 Métis people which is 6.2 per cent.

15 The Métis people in the provinces of  
16 Manitoba and Saskatchewan still had the worst record of  
17 employment income. First, the Métis people of Manitoba  
18 and Saskatchewan had the largest proportion of population  
19 who were in the category of lowest employment income, which  
20 was 62.4 per cent for Manitoba and 67.8 for Saskatchewan.

21 Second, a small fraction of them, 4.1  
22 per cent in Manitoba and 3.6 per cent in Saskatchewan earned  
23 \$40,000 and over in the year 1990.

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1                   If I may, I will speak about the labour  
2   force activities. Among the five provinces and one  
3   territory investigated, the Métis population of Ontario  
4   had the best labour force activity performance in  
5   comparison with Métis people in other provinces. The  
6   Métis people in Ontario had an unemployment rate of 13.6  
7   per cent in 1991, that was 5.4 per cent lower than the  
8   national average of Métis people which is 19 per cent.  
9   However, it was still substantially higher than the  
10   provincial rate of the Ontario total population, 8.5 per  
11   cent.

12                   In terms of the participation rate, more  
13   Métis people in Ontario, 73.4 per cent went in the labour  
14   force, than the Métis people over the whole nation which  
15   is 68 per cent.

16                   The Métis people in the provinces of  
17   Saskatchewan and Manitoba had the highest unemployment  
18   rate in comparison with the Métis people in other provinces  
19   in 1991. According to the APS survey, 10.9 per cent of  
20   Métis people in Saskatchewan and 20.1 per cent of Métis  
21   people in Manitoba were unemployment. That was almost  
22   three times the provincial rate of Saskatchewan and 2.5  
23   times the provincial rate of Manitoba.

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1                   Now I'd like to speak about something  
2   that I know quite a bit about which is Pathways. I would  
3   just like to finish off on that subject. I've been  
4   involved in Pathways for the last two years and I've been  
5   dissatisfied with the system that is currently in place.

6                   As I said before, I believe that the  
7   Commission wanted to hear about what they can do that is  
8   current and I believe that Pathways is an area in which  
9   they can do something about and something quickly.  
10   Sometimes we talk about issues that are long-term in our  
11   goals. We talk about long-term goals. Perhaps land  
12   claims could be one, but when we look at something that  
13   is immediate and is already being implemented, Pathways  
14   I think is the other and that's the short term.

15                  I just want to give you a brief on  
16   Pathways and I personally would like to make some  
17   suggestions to this Commission.

18                  Pathways. The Métis Nation  
19   representative bodies agree on five partnership principles  
20   governing the Pathways process. One is based on  
21   co-management of the federal government's employment and  
22   training programs as they impact on Aboriginal people by  
23   the federal human resource department on Aboriginal

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1   people.

2                               However, the Métis Nation has always  
3   interpreted these principles in terms of a partnership  
4   between the Métis Nation and the Government of Canada.  
5   The pan-Aboriginal status being approach being adopted  
6   by the federal government in structuring Aboriginal  
7   representation on the Pathways management board undermines  
8   the partnership of the Métis Nation and the Government  
9   of Canada. For this reason, Pathways is not working for  
10  the Métis across the Métis homeland.

11                           Métis people have consistently called  
12  for more community-based training programs. They have  
13  looked to Pathways as a means of building community  
14  infrastructures necessary for program delivery. Unlike  
15  Indian and Inuit communities, the Métis do not have access  
16  to community development funding from CEDS to build this  
17  capacity.

18                           Métis people have seen the  
19  pan-Aboriginal management of the Pathways process taken  
20  over by Indian groups that already have community  
21  infrastructures in place.

22                           The inequity of the present system leave  
23  the Métis in double jeopardy. Lacking the infrastructure

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1 for program delivery and not being able to access the  
2 funding to develop the infrastructure through Pathways  
3 because the organization with the established  
4 infrastructures have taken control of the provinces.

5                   If I may just in closing stating that  
6 in my view and through the negotiations that have occurred  
7 in Manitoba, we have just gone through a process of signing  
8 an agreement in Manitoba. We signed, even though I was  
9 not in total agreement, for one reason because I believe  
10 there are Pathways dollars that are still outstanding for  
11 one year and out of a five-year agreement we are going  
12 into the fifth year and we still hadn't accessed any monies.

13                   We signed, unfortunately, with a gun to  
14 our head. Why do I say that? Because they insisted that  
15 a status-line approach be delivered in Winnipeg. Yet,  
16 they have not insisted upon that approach to be implemented  
17 in other provinces, in other urban centres, but they did  
18 request that in Winnipeg. I asked why. To this day I  
19 haven't received any answers.

20                   They talked about a partnership. I  
21 don't believe it's a partnership when someone holds a gun  
22 to your head and asks you to go along with them.

23                   I think something has to be done. I have

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1 indicated, as our President said earlier, last week I  
2 indicated that in provinces and I put them on notice that  
3 provinces such as Saskatchewan, or British Columbia I  
4 should say and Ontario, where they have no Métis  
5 representation on the board, I've put them on notice that  
6 the Métis Nation will be going into those provinces and  
7 we will be assuring that the Métis have a separate board  
8 process, so that the Métis could look after their own  
9 resources and their own training.

10 I think it is incumbent upon this  
11 Commission to listen to the recommendation that we make.  
12 That recommendation is that Pathways sets up a separate  
13 board process so that Métis people could look after their  
14 own resources themselves and make their own decisions over  
15 the training that they acquire within their own provinces.  
16 That's important.

17 Otherwise, we will be put into a  
18 status-blind process which I feel is cultural genocide.  
19 We talk about cultural genocide in the general population  
20 of Canada, but it happens within the Aboriginal groups  
21 themselves. We will be overcome by other groups. I think  
22 it is important that this Commission strongly supports  
23 the idea of the separate Métis boards that are being

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1 presented both in Manitoba and Saskatchewan.

2 With that, I would like to conclude and  
3 I am hoping that the recommendations that I just made,  
4 the two recommendations I just made today don't fall on  
5 deaf ears. I certainly hope that those recommendations  
6 will be part of the recommendations that are going to be  
7 put forward in the final report that this Commission puts  
8 forward.

9 With that, I would like to end it there  
10 and I believe my other colleagues have their presentations  
11 ready. Thank you.

12 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

13 **GERALD MORIN:** Maybe Gary Bohnet can  
14 make his presentation. As I said, he's the Minister  
15 responsible for Health and Social Services, Environment  
16 and Northern Development. I think I mentioned Health.

17 So, maybe he will give his presentation  
18 now and we will consider whether you want to take a coffee  
19 break after that.

20 **GARY BOHNET (President, Métis Nation,  
21 Northwest Territories):** Thank you very much, Gerald.

22 It is good to be here before the Commission.

23 Before I start my presentation, you will

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1 notice I'm wearing a sash and it's red, the same colours  
2 as the party that is getting into power today. Some of  
3 my colleagues up here are not wearing their sashes today.  
4 The reason is because they were blue and they are kind  
5 of embarrassed today to wear their sashes.

6 With that I will start my presentation.

7 I realize of course that we are very limited in time,  
8 so I've basically changed the format of my presentation.

9 I am going to start with the whole area of health and  
10 social.

11 In the areas of health and social you  
12 have heard -- over the last number of days you've heard  
13 from the other Aboriginal organizations on the plight of  
14 their peoples. As you have travelled across this country  
15 you have continued to hear from the communities, from the  
16 different Aboriginal peoples of how desperate the  
17 situation is at the community level.

18 To put our position very, very simply,  
19 our people are in a worse situation than any other  
20 Aboriginal people in this country. There are a number  
21 of recommendations that are in our report. The problem  
22 that I have and I think the problem the Métis National  
23 Council has is where do our recommendations go?



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1                   The way that are recommendations are  
2   phrased, it says "The Royal Commission should recommend".

3    I say it a little different. I say that "The Royal  
4   Commission must in their final report make these  
5   recommendations", not "should".

6                   In the areas of health, there has never  
7   been a comprehensive study on the health of Métis people.

8    There have been, and there always will be, studies on  
9   the health and social problems of Aboriginal people. You  
10   must recommend that there be a comprehensive needs analysis  
11   of the problems of the Métis. There has to be resources  
12   made available to the Métis organizations and the Métis  
13   communities so that they could start taking control of  
14   the systems and institutions that will better them in the  
15   areas of health and social.

16                   There has to be an extension of the  
17   benefits that are available to the Indian people in this  
18   country and the Inuit people in this county to the Métis.

19   Simply put, glasses, teeth, prescriptions, travel, those  
20   programs and benefits that are available to other  
21   Aboriginal people must be made available to the Métis.

22                   There has to be processes established  
23   so that Métis can take control of their own lives and start

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1 delivering those programs to their own peoples. This must  
2 be another recommendation.

3                   When I looked at the report and as we  
4 developed this report in consultation with people at the  
5 community level, I was wondering how can we actually make  
6 the Commission aware of the problems. I am hoping that  
7 through your travels that you've done in the last while  
8 you've heard them. Many of you I've talked to. I've  
9 talked to you in Hay River. I've talked to you in the  
10 Northwest Territories when you travelled there. Our other  
11 leaders have talked to you.

12                   What I am afraid of is that the  
13 recommendations that have been made by the Métis people  
14 will not be there in your final report. If they are not,  
15 then this whole idea of the Royal Commission is just an  
16 exercise in futility.

17                   One of the other areas I am responsible  
18 for is the environment. In the area of the environmental  
19 issues that I am responsible for, the fundamental basic  
20 things, there has to be a land and resource base for Métis.

21 It's fundamental. We have to be able to have control.

22 We have to be able to work in partnership with  
23 co-management agreements with different jurisdictions.

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1                   There is this myth out there that when  
2   you talk land and resources that the Métis may have less  
3   rights than some other Aboriginal people in this country.

4   Well, that is total B.S. Our rights co-exist along with  
5   the other Aboriginal peoples in this country. We need  
6   strong recommendations from you, from this Commission in  
7   your final report.

8                   You will notice in our report there are  
9   three written recommendations. There is lots of stuff  
10  written there on paper. I want to go through these three  
11  recommendations. I want them in there for the record.

12                  The Royal Commission must recommend that  
13  land and regulations over hunting, trapping, fishing,  
14  gathering be amended to recognize that Métis Aboriginal  
15  rights to harvest and utilize these resources are  
16  entrenched. Far too many governments, provincial  
17  jurisdictions and the federal jurisdictions put forth the  
18  idea that hunting, gathering, fishing, these are  
19  privileges to Métis. They are not privileges. These are  
20  fundamental basic rights that Métis have practised since  
21  their existence and will continue to practise and we need  
22  your recommendation in your final report to the government.

23

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1                   There has to be the opportunity for  
2 co-management regimes to be established in parts of Canada  
3 with the Métis people who are willing and ready to  
4 participate in co-management regimes. They work.

5                   With that there has to be the allocation  
6 of funding. The resources, those financial resources have  
7 to be available to the Métis so they can implement these  
8 co-management agreements.

9                   I have two other issues that are not in  
10 here and there are many more written throughout the report,  
11 but I mean there are two issues I want to raise. The  
12 Commission must recommend that there is a comprehensive  
13 review of the present system of the management of  
14 commercial fisheries. In fact, the Freshwater Fish  
15 Marketing Corporation, there has to be a comprehensive  
16 review of how it operates. There has to be some work done  
17 to allow fishermen the right to benefit more from that  
18 resource.

19                  The other thing this Commission could  
20 do, must do, there was a report with 24 recommendations  
21 done by the Standing Committee on Aboriginal Affairs.  
22 It was to do with trapping issues. All parties agreed  
23 to the 24 recommendations. Because of the election being

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1 called, that report fell off the Orders table, but it had  
2 all party support.

3                   The trapping industry in this country  
4 is in serious, serious trouble. Those 24 recommendations  
5 will help Aboriginal people, Aboriginal harvesters to  
6 improve their way of life, to continue to practise their  
7 way of life. We would like, the Métis National Council  
8 would like for you to recommend that that document, the  
9 24 recommendations, be brought back on the Orders table  
10 as soon as possible.

11                   In closing my remarks, I think when I  
12 opened my comments I said you've heard from the other  
13 Aboriginal organizations. We respect their positions.  
14 We respect their rights. We want you to make  
15 recommendations that will recognize our rights. Thank  
16 you.

17                   **CO-CHAIR RENÉ DUSSAULT:** Thank you.  
18 You still have two presentations. If we could have them  
19 before breaking for coffee.

20                   **GERALD MORIN:** At this time we will have  
21 Ron Swain who is responsible for Housing and Economic  
22 Development and then we will have Sheila. That will  
23 complete our presentations.

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1                   **CO-CHAIR RENÉ DUSSAULT:** Thank you.

2                   **RON SWAIN (President, Ontario Métis and**  
3 **Aboriginal Association):** Commissioners, guests, elders,  
4 I am very honoured and privileged to be here today to make  
5 our presentation and speak to you. In fact, I really  
6 welcome this opportunity to be able to speak on Métis  
7 issues.

8                   I am very, very comfortable with the  
9 portfolios I have been assigned in the Métis National  
10 Council, Economic Development and Housing. The reason  
11 I am so comfortable with these two areas of jurisdiction  
12 is because they are natural for Métis people. I would  
13 just like to go back and make a few comments about our  
14 history in the past to better emphasize our conditions  
15 now.

16                   We look at economic development. This  
17 is nothing new to the Métis. In the past and I bring it  
18 back to the Red River area, the Métis and the Métis Nation  
19 were in fact the greatest entrepreneurs in that whole area  
20 and we supplied food to the entire northwest and without  
21 the Métis Nation all of western Canada would not be part  
22 of western Canada.

23                   This is a fact that has been lost in

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1 history and it has to be re-emphasized now, that the Métis  
2 were natural entrepreneurs. We organized the greatest  
3 hunts that ever took place in history, for the sole purpose  
4 of producing a commodity we could sell and trade and that  
5 was pemmican.

6 We developed the Red River cart and  
7 established a trade system that has been greatly lost in  
8 Canadian history. Our people went out in massive hunts,  
9 hunted buffalo, then produced right on site the commodity  
10 called pemmican, which was then sold to all the trading  
11 companies, the Hudson's Bay, and actually supplied the  
12 food lifeline for the entire trading industry. Without  
13 the Métis that would not have been possible, the basic  
14 commodity of food could not have been possible.

15 So entrepreneurial skills are inbred in  
16 us as a people. No other nation, including the North West  
17 Company, was able to recreate that. In fact, they had  
18 to enter into partnerships with us because of that very  
19 fact.

20 So, we went from this point in our  
21 history where we were very well recognized and successful  
22 entrepreneurs, to a point where our people do not have  
23 that entrepreneurial ability because it has been

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1   suppressed.

2                   In order to improve the position of the  
3   Métis and the economy, Métis associations have  
4   concentrated on the acquisition of a land and resource  
5   base, development of Métis management and education and  
6   a trained labour force and the improvement of access to  
7   capital for Métis businesses. That's what we need to  
8   improve our situation.

9                   With limited resources, Métis  
10   associations have worked hard to develop an economic  
11   infrastructure for Métis communities, by way of education  
12   and training institutions and economic development and  
13   financial corporations.

14                  During the past decade, Métis  
15   associations have established economic development and  
16   financial institutions to foster the suppressed  
17   entrepreneurial drive of the Métis people and provide Métis  
18   with access to capital. These institutions provide  
19   commercial loans to Métis business people and business  
20   advisor]y services to assist in the preparation of business  
21   plans and management strategies.

22                  The governing principle underlying  
23   these institutions is sound and should be reinforced in



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1 their ongoing development. There must be control by Métis  
2 self-government organizations which set their priorities  
3 of the economic development institutions and are  
4 accountable for their performance to the Métis electorate,  
5 but otherwise permit them to freely carry out their mandate  
6 according to sound business principles and practices.

7                   Despite the impressive number of Métis  
8 business start-ups and turnaround situations and related  
9 job creation, Métis economic development and financial  
10 corporations face a number of serious obstacles to  
11 achieving their broad objectives. These obstacles emerge  
12 out of shortfalls of funding to the Métis corporations  
13 relative to other Aboriginal people and related  
14 limitations on the scope of the corporations, both in terms  
15 of their broad function as well as specific services.

16                   The denial of community economic  
17 development funding to Métis corporations is particularly  
18 discriminatory in view of the fact that the Métis already  
19 face serious disadvantages related to other Aboriginal  
20 people due to their lack of land and a resource base and  
21 the application to them of federation and provincial  
22 personal income and corporate tax laws, community economic  
23 development facilities, a more balanced development than

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1 the failed selective economic program interventions of  
2 the past.

3                   The description of an acute disparity  
4 in the funding of Indian and Métis economic development  
5 institutions is not meant to distract from the hard earned  
6 gains of Indian people, but rather to focus upon the extreme  
7 difficulties imposed on the Aboriginal capital  
8 corporations, ACCs, by the exclusionary policies of the  
9 federal government.

10                   Métis ACCs have proven their ability to  
11 assist individual Métis entrepreneurs in developing their  
12 business plans, accessing equity capital assistance and  
13 providing them with commercial loans for the operation  
14 of their businesses. However, it is impossible for them  
15 to tackle the impediments to entrepreneurial development  
16 rooted in the depressed social and economic conditions  
17 of Métis communities.

18                   In addition to providing commercial  
19 loans and business advisory services, Métis ACCs or related  
20 economic development corporations require additional  
21 capital to promote community economic development and  
22 resource development initiatives. Métis community  
23 economic development authorities will be used by Métis

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1 communities to identify and prioritize opportunities to  
2 develop their social and physical infrastructures to  
3 support economic development, raise investment capital,  
4 promote existing opportunities to provincial investors  
5 and plan projects and joint ventures.

6                   Métis ACCs or related institutions  
7 require new funding to establish these Métis community  
8 economic development authorities which will assume  
9 responsibility for planning and infrastructure  
10 development.

11                   Métis ACCs or related institutions also  
12 require the capacity and funding to establish regional  
13 Métis sectoral development institutions which will conduct  
14 resource inventories on behalf of Métis communities,  
15 identify specific employment and business opportunities  
16 for the Métis and resource management and develop related  
17 projects; participation in the negotiation of resource  
18 use agreements with government and private corporations  
19 and serve as a vehicle for Métis participation in these  
20 projects.

21                   Through Métis sectoral development  
22 institutions, Métis communities within specific regions  
23 can also pursue the numerous employment and business

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1 opportunities related to resource development projects.  
2 Métis associations see the need for greater Métis control  
3 over the design and implementation of CEDS initiatives  
4 as they relate to the Métis. Specific problems  
5 encountered by Métis ACCs with program content,  
6 eligibility criteria, points to the need for greater Métis  
7 involvement in the larger decision-making process.

8                   Their move towards becoming external  
9 delivery organizations for the Aboriginal business  
10 development program is a step in this direction and it  
11 is in keeping with the single window approach to financial  
12 services.

13                   Two financial services which have not  
14 been actively promoted by CEDS but offer considerable  
15 potential for Métis are mini-loans and venture capital.

16 The two services address situations at the opposite end  
17 of the business spectrum which have not been met adequately  
18 by existing financial programs. Micro-lending is an  
19 appropriate response to the financial needs of small  
20 entrepreneurs whose loan requests are too small for  
21 conventional lenders and the CEDS program to consider.

22                   Venture capital is an appropriate  
23 response to companies with potential for significant

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1 growth that is slowed by the debt-servicing requirements  
2 of conventional loan programs.

3                   We have basically three recommendations  
4 that I would like to read right now that sort of summarize  
5 our position as far as economic development.

6                   The Royal Commission should recommend  
7 that the federal government eliminate the shortfalls in  
8 capitalization of Métis ACCs relative to that of other  
9 ACCs. It should recommend that Métis be given access to  
10 resources to establish Métis community economic  
11 development authorities and Métis sectoral development  
12 institutions to place Métis on the same playing field as  
13 other Aboriginal people in the important areas of community  
14 and resource development.

15                   It should also recommend that the scope  
16 of the ACC program should be expanded to permit more  
17 innovative forms of financing, such as micro-lending and  
18 venture capital by Métis ACCS. Those are but a few of  
19 the many recommendations.

20                   I would like to also concentrate on the  
21 other area of my portfolio which is Housing. I will keep  
22 it short because I can see that the co-Chair is busy  
23 awaiting coffee.

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1                   It is very important that I spend a  
2   little bit of time explaining the Métis housing area  
3   because it best is a living example of the Métis' natural  
4   entrepreneurial skills and our natural drive to be a  
5   self-sufficient people.

6                   We took over a program and actually were  
7   the founders of the Rural and Native Housing Program in  
8   1974 and over that time we have proven to the federal  
9   government that we can deliver that program cheaper than  
10   the federal government could do it. In fact, we do it  
11   at 50 per cent of the cost and now deliver that program  
12   throughout Canada.

13                  The Métis Nation were the founders of  
14   the Rural and Native Housing Program. This was a program  
15   put in place by Canada Mortgage and Housing in 1974 to  
16   respond to the extreme housing needs in rural areas where  
17   were defined by the Métis Nation. An urban native  
18   housing policy, also defined by the Métis, soon followed.

19   The program was expanded to address the housing needs  
20   of both native and non-native people in rural areas  
21   throughout Canada, except on Indian Reserves, since they  
22   were being served through a program by the Department of  
23   Indian and Northern Affairs.

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1                   The programs at CMHC were based on our  
2 attitudes towards self-sufficiency. While we wanted to  
3 address the housing requirements of those most in need,  
4 housing budgets are provided on the basis of a combination  
5 of subsidy and repayable loan-term loans, not outright  
6 grants. While some subsidies exist for the short-term  
7 financing of the repair program known as RRAP, Residential  
8 Rehabilitation Assistance Program, the portion that is  
9 forgivable is capped and the balance is repaid with  
10 interest.

11                   In real dollar terms, for the year 1992,  
12 the native component of the CMHC's social programs was  
13 about \$123.5 million. The federal government's budget in  
14 1993 effectively wipes these funds out at the end of this  
15 year. What remains are those funds identified for status  
16 Indians on reserves who are also served through the  
17 Department of Indian and Northern Affairs.

18                   Needless to say, this is devastating to  
19 us and completely unacceptable. We seek your support to  
20 change this circumstance.

21                   We believe the outright termination of  
22 these programs, without any kind of replacement, will not  
23 be beneficial to us or to the economy. The measures are

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1   regressive.

2                   Without a program to continue meeting  
3   the needs of our people, and so many others who are in  
4   similar circumstances, there will be very real negative  
5   social impacts. We predict that before long there will  
6   be many new families ending up in the severe conditions  
7   that brought this program about in the first place.

8                   People will again be living in shacks  
9   and on road allowances. There will be no way to address  
10   emergency crisis situations such as the loss of a heat  
11   source or other condition which threatens people's health  
12   and safety and can possibly lead to the loss of life.

13                  People will lack basic facilities such  
14   as sewer and water and will face electrical and structural  
15   inadequacies.

16                  There will be overcrowding. CMHC's  
17   national occupancy standards will become meaningless.

18                  The vicious cycle of deteriorated stock  
19   degenerating even more rapidly will surely take place due  
20   to the overcrowded conditions that will prevail.

21                  My fellow colleague made mention of the  
22   Standing Committee on Aboriginal Affairs. They made a  
23   recommendation in December of 1992 which states, the Fourth



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1 Report of the Standing Committee on Aboriginal Affairs:  
2 "The Committee recommends that the Government of Canada  
3 transfer, in consultation with  
4 Aboriginal people, control of  
5 housing along with sufficient  
6 resources to Aboriginal people in  
7 order to ensure that there is  
8 greater community control over the  
9 development and delivery of  
10 housing programs. Aboriginal  
11 people themselves should determine  
12 whether the appropriate delivery  
13 structures should be developed at  
14 the local, tribal, council,  
15 regional, territorial, or national  
16 levels."

17 The responsibilities of delivery  
18 organizations could include the development of Aboriginal  
19 lending institutions, the development of Aboriginal  
20 insurance companies, the development of Aboriginal  
21 controlled housing corporations, the development of  
22 Aboriginal controlled housing construction corporations,  
23 addressing in a comprehensive manner problems such as the

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1 lack of bonding for Aboriginal controlled corporations,  
2 the collection of data on housing conditions, the  
3 allocation of federal funding, economic development,  
4 program delivery, and liaison with other departments  
5 regarding input into policy and program decisions.

6                   In preparing for the future and  
7 consistent with the findings and recommendations of the  
8 report of the Fourth Report of the Standing Committee on  
9 Aboriginal Affairs, we have established eight principles  
10 to guide new Métis housing initiatives.

11                   Housing programs should form part of the  
12 responsibility of the Métis self-governing institutions.

13   Only through self-government will there be necessary  
14 flexibility to ensure that the housing needs of Métis  
15 people are adequately addressed.

16                   Principle 2. Consistent with the  
17 provisions of the Métis Nation Accord which call upon the  
18 federal and provincial governments to devolve programming  
19 to Métis self-governing institutions, the Métis National  
20 Council calls upon the Government of Canada to transfer  
21 control over housing, together with sufficient resources,  
22 to ensure that Métis delivery institutions can fully  
23 undertake their responsibilities.

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1                    Principle 3. The Métis National  
2 Council calls upon the Government of Canada to provide  
3 sufficient resources for new housing and to ensure that  
4 existing housing stock is maintained and to ensure that  
5 Métis housing units meet national standards. The Métis  
6 National Council also calls upon the Government of Canada  
7 to provide resources to ensure that the specific housing  
8 needs of Métis who are victims of abuse, Métis seniors  
9 and the disabled are fully addressed.

10                   In consultation with the Métis Nation,  
11 the Métis National Council calls upon the Government of  
12 Canada to establish and expand home ownership incentives  
13 to increase the number of Métis homeowners.

14                   No. 6. The Métis National Council  
15 recommends that the best way to avoid duplication of  
16 federal and provincial housing initiatives is for both  
17 levels of government to transfer authority for Métis  
18 housing to Métis self-governing institutions.

19                   Principle 7. The Métis National  
20 Council recommends that the Métis Nation, in consultation  
21 with Métis housing authorities, should determine the  
22 appropriate delivery mechanisms for new and expanded Métis  
23 housing programs.

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1                    Principle 8. The Métis National  
2     Council recommends the restoration of funding to the  
3     Northwest Territories at 1991 levels to meet the needs  
4     of Métis in the Northwest Territories.

5                    All steps to implement these principles  
6     we seek the support of the Commission for the following  
7     goals: Property and portfolio management of the  
8     appropriate RNH stock by Métis housing groups with ultimate  
9     ownership being vested in Métis housing authorities.

10                   To restore the RRAP and ERP programs  
11     which are not long-term financing and which do not affect  
12     the deficit in the way suggested by the previous Minister  
13     of Finance.

14                   To shorten the mortgage amortization  
15     period to achieve savings sought by the Department of  
16     Finance.

17                   To initiate a "self-built" housing  
18     program.

19                   And to develop a program of self-repair  
20     of existing vacant units for application as home ownership.

21

22                   It is very important that the Commission  
23     understand that this is an area in housing that we have

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1 proven our abilities to be sound managers. In Ontario  
2 we have a housing program that not only delivers to Métis,  
3 but it delivers to all of the poor of Ontario the social  
4 housing needs, that's Indian people, Métis and  
5 non-Aboriginal people in Ontario. We have a system right  
6 across Ontario that delivers this effectively, more  
7 effective than the federal government has. As of December  
8 31st that program is no longer in existence.

9                   So, there are some real areas that we  
10 have proven that we can govern ourselves. We are looking  
11 to the Commission for strong recommendations to establish  
12 institutions of self-government so that we can govern  
13 ourselves and implement these programs that have been a  
14 success in the past.

15                   **CO-CHAIR RENÉ DUSSAULT:** Thank you.

16                   **GERALD MORIN:** Thank you, Ron.

17                   We will now go to our final presentation,  
18 Sheila Genaille, who is responsible for History, Culture  
19 and the Status of Women.

20                   **SHEILA GENAILLE (President, Métis  
21 National Council of Women):** Thank you.

22                   Good morning Co-Chairs, Commissioners.  
23 It is a pleasure to be here.

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1 I am going to touch briefly on the  
2 women's portfolio that I handle as well. Presently, as  
3 you know, the Métis National Council of Women is working  
4 with the Royal Commission on a study on Métis women. The  
5 women's portfolio touches on every other portfolio of the  
6 Métis National Council.

7 You heard from my colleague to the right  
8 on Housing and Economic Development. Well, you can bet  
9 that the majority of those people in those houses are single  
10 women with families. You can bet your bottom dollar across  
11 the nation that there are waiting lists for these women  
12 to have proper housing, not only in the urban areas, but  
13 rural as well.

14 Métis statistics in general are very  
15 hard to come by, as some of your researchers have probably  
16 told you. It is even more so with Métis women.

17 With the undertaking of the study that  
18 we are doing, we are hoping to bring some hard facts, not  
19 only for you Commissioners to look at, but for the Canadian  
20 public. The lumping together of Aboriginal people hurts  
21 us the most. In anything we do as Métis women we get lumped  
22 in with native women and I hate the term "native" because  
23 we are all natives, everyone in this room. We are natives

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1 of Canada. I am a Métis woman, not a native woman.

2 When I go out of the country I say, yes,  
3 I'm native to Canada, as being born Canadians.

4 The lumping together, as I said, as  
5 Aboriginal women hurts us financially across this country.

6 Whenever we try to do projects or programs out across  
7 the country, we are told that it is being done by Aboriginal  
8 women's groups. Well, it is sad to say that the Métis  
9 women in this country don't benefit by those programs.  
10 We are not represented by Aboriginal groups. Métis women  
11 want to represent themselves.

12 I am sure the Commissioners on your  
13 Hearings across the country have heard from various Métis  
14 women's groups, individuals and I am sure you found that  
15 the majority of Métis are not feminists. They don't  
16 subscribe to the hard core feminist views of this country.

17 We are part of the Métis community and I'm sure you've  
18 heard that.

19 As I said, with this study we hope to  
20 bring some facts together that will not only help you,  
21 but will also help us.

22 So, I haven't much to say because the  
23 study has not been completed. It is in the final stages,

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1 but it will be included with the final report from the  
2 Métis National Council, along with recommendations from  
3 the Métis National Council of Women.

4 I will briefly touch again also on the  
5 Culture portfolio that I also carry. I like the term that  
6 Guy used this morning, "cultural violence". I hadn't  
7 heard that one before, but it is a good one when it reflects  
8 the Métis.

9 I will read briefly a few remarks on the  
10 cultural aspects of the Métis Nation and what hasn't  
11 happened.

12 Nowhere is the federal government's  
13 exclusionary policy towards Métis more evident than in  
14 the cultural field and in Canada's national cultural  
15 institutions. These institutions have practised a form  
16 of exclusion which keeps Métis culture and artists on the  
17 fringe of the multicultural and Aboriginal expositions,  
18 in effect denying them entry to either.

19 Like the worn out history books,  
20 Canada's national cultural institutions view the Métis  
21 as an historic footnote in the conflict between the English  
22 and French who died with Riel. At least some of the early  
23 historians with their biases and their racism at least



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1 we got note, people took note of who are these halfbreeds  
2 or these halfwits and these savages that they wrote about  
3 us. At least we got notice. Here we are getting  
4 exclusion.

5                   The national cultural institutions in  
6 Ottawa, despite repeated protests from Métis  
7 organizations, perpetuate an exclusion of Métis history,  
8 culture and art to this day and pretend that the recognition  
9 of Métis as an Aboriginal people in a Constitution never  
10 happened.

11                   While considerable focus has been placed  
12 on First Nations in national museums, the pivotal role  
13 of Métis and the history of western Canada has been ignored.  
14 The federal government and cultural establishment in  
15 Ottawa have utterly failed in allowing the public access  
16 to a rich history, culture and art forms of the Métis.

17                   In contrast, the Glenbow Museum in  
18 Calgary, with the assistance of the oil and gas companies,  
19 has done much to capture the richness of the Métis heritage  
20 and history.

21                   Even in its present efforts to sensitize  
22 national cultural institutions to Aboriginal peoples, the  
23 Ottawa cultural establishment continues to blatantly

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1 discriminate against Métis. A good case in point is the  
2 establishment of the First Peoples Advisory Committee by  
3 the Canada Council in 1990, an important event through  
4 which Aboriginal people are able to determine the future  
5 of their own artistic practices.

6                   The mandate of this Committee in the  
7 letter of invitation from the Canada Council makes it clear  
8 it seeks to dialogue with Indian and Inuit artists only.

9 I had a couple of their -- you will see it in the report  
10 -- of the three items that they had mentioned listing only  
11 Indian and Inuit. As you've heard me say over and over  
12 and over, many times, there are three Aboriginal groups  
13 in this country. I think that's one of the strong  
14 recommendations that must come from this Royal Commission,  
15 that there are three Aboriginal people in this country,  
16 recognized by the Constitution, the Indians, the Inuit  
17 and the Métis and that must be strongly reflected in all  
18 of your final report.

19                   The Métis people and cultural community  
20 can hardly be expected to embrace the Council's initiatives  
21 when they are so obviously ignored. This is particularly  
22 distressing in view of otherwise positive initiatives of  
23 the Council to increase Aboriginal involvement in jury

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1 selection, to train Aboriginal arts administration interns  
2 and to increase support and professional development  
3 opportunities for Aboriginal artists throughout the  
4 different sections and programs of the Council.

5                   Despite all odds, the Métis people have  
6 survived, particularly due to their own initiatives. For  
7 example, in Alberta for the last year and a half the Métis  
8 Nation of Alberta has started a small exhibit room  
9 dedicated to the Métis people. They looked around to find  
10 some of our own people in the archive field, in the museum  
11 field, to do some of the archival work and some of the  
12 curatorial work required in a small museum. We didn't  
13 find any. There are very few Métis people in these fields.  
14

15                   So what the Métis Nation did was they  
16 decided that they would take the initiative and start to  
17 rectify this problem and with the dialogue between the  
18 University of Alberta and through the Pathways Program  
19 they have started. They developed a training program for  
20 technicians for Aboriginal people, not only Métis people,  
21 but Indian people and Inuit as well in the Edmonton region.

22                   The program, I am happy to say, started  
23 in September of 1993, where the students are taking their

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1 theory at the University of Alberta and doing their  
2 practicums in host institutions in Edmonton and Calgary.

3 So despite the drawbacks we have faced, despite the fences  
4 and the doors slammed in our faces, the Métis people still  
5 continue and they will continue to fight for recognition  
6 in the history books, recognition in the cultural  
7 institutions across the country.

8 I want to touch briefly on language.  
9 In the report there is mention of our language known as  
10 the Michif language. If you read the history books and  
11 did a comprehensive research on various Métis from the  
12 beginning of the Nation until today, you will find that  
13 many of them were linguists. They didn't speak one  
14 language, but several.

15 They spoke their Indian languages, their  
16 Indian ancestry languages. They spoke their European  
17 ancestor languages and out of those languages they melded  
18 their own language called the Michif. Michif has been  
19 characterized as a Creole language, a dialect of French,  
20 a dialect of Cree or a mixture of languages, but the  
21 language survives today as the language of the Métis  
22 people.

23 But just like other Aboriginal languages

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1 in this country, the Michif language will die unless funds,  
2 unless governments, unless the people themselves all work  
3 together to retain this language.

4                   Presently, it is being taught not in  
5 Canada, but in North Dakota in the Turtle Mountains. The  
6 Turtle Mountain people are recognized by the U.S.  
7 government as Chippewa Indians, but the majority of them  
8 are Michif from Manitoba. Their ancestors can be found  
9 in St. Francois Xavier in Manitoba, St. Eustache, St.  
10 Albert, all parts of the Red River Settlement, so the Michif  
11 language is being taught. However, it must be taught in  
12 Canada as well.

13                   In 1984 the Manitoba Métis Federation  
14 had a Michif language conference. Out of that came a  
15 wealth of information and even one of our Commissioners,  
16 Mr. Chartrand, was part of that Michif Conference and  
17 Father Guy who gave our presentation this morning, a lot  
18 of material came out of that conference, a lot of  
19 recommendations.

20                   So, I will close with the  
21 recommendations that we have on the cultural portion.  
22 I must emphasize, as my colleague did from the Northwest  
23 Territories, that the Royal Commission must recommend that

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1 the federal government and the governing bodies of the  
2 Métis Nation take special steps to preserve and promote  
3 the Michif language.

4 Federal funding should be made available  
5 to Métis cultural institutions and societies active in  
6 the use of the retention of the Michif language.

7 National broadcasting and film  
8 services, such as the CBC and the National Film Board should  
9 work with Métis communications societies and filmmakers  
10 to promote Michif language programs and films for the Métis  
11 people. You can go to any part of the Métis homeland and  
12 you will find Michif speakers. They will understand what  
13 is being said. The pronunciations may be diverse or may  
14 be different in various areas, but any part they will all  
15 understand.

16 The Royal Commission must call on the  
17 federal government to end its discrimination against the  
18 Métis people in national cultural institutions and to  
19 remove barriers that have denied Métis artists access to  
20 support of federally funded councils.

21 The Royal Commission must recommend that  
22 the federal government enter into discussions with the  
23 Minister of Culture and Communications of the Métis Nation

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1 towards ensuring that the history and culture of the Métis  
2 Nation are adequately and accurately portrayed in  
3 exhibitions and study areas of national cultural  
4 institutions by way of co-management of projects with full  
5 Métis Nation participation.

6                   The Royal Commission must recommend that  
7 the Métis as a distinct people should participate in the  
8 development and evaluation of the policies and programs  
9 of the Canada Council that impact on the promotion of  
10 Aboriginal arts and that Métis are guaranteed a role in  
11 the building of any Aboriginal specific unit within the  
12 Canada Council with designated resources.

13                   The Royal Commission must recommend that  
14 the federal, provincial and territorial governments  
15 provide financial assistance to the representative bodies  
16 of the Métis Nation to strengthen existing Métis cultural  
17 institutes and to establish new institutes which will serve  
18 to preserve and promote the history, traditions, language  
19 and culture of the Métis Nation.

20                   In closing, I know the Commissioners are  
21 going to have questions for the presenters. I would like  
22 one question answered either by one or by all  
23 Commissioners: It is, are the recommendations given in

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1 our report by the Métis Nation, will the Royal Commission  
2 implement them all and, if not all, why not all? Thank  
3 you.

4 **CO-CHAIR RENÉ DUSSAULT:** Yes?

5 **ERNEST BLAIS:** Commissioners, with that  
6 we'd like to conclude this part of our presentations and  
7 just prior to breaking for coffee and going to the question  
8 period, I just want to make one comment.

9 There was a comment made earlier about  
10 cutting our presentation short. I strongly object to that  
11 because I firmly believe that we should be given the  
12 opportunity to present our case. Also, I wonder out loud  
13 whether those same comments will be made to Chief Ovide  
14 Mercredi when he makes his comments tomorrow.

15 With that I would like to conclude this  
16 portion of our presentation.

17 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

18 We've made those comments to all  
19 intervenors throughout the week, just for the sheer sake  
20 of trying to get the most out of the meeting. That being  
21 said, if you feel that you've been rushed, there will be  
22 ample opportunity during the question period to give us  
23 your best effort. Thank you.



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1                   We will break for 15 minutes.

2     **--- Short Recess at 11:05 a.m.**

3     **--- Upon Resuming at 11:25 a.m.**

4                   **CO-CHAIR RENÉ DUSSAULT:** At this point  
5 I'd like to ask Commissioners to ask questions. I would  
6 like to remind everybody that questions should be asked  
7 sharp and as to the point as possible and also the answers,  
8 in order that we allow as many questions to be asked and  
9 answered during the time available to us.

10                  We know that we have a lunch together  
11 on various issues later on. There might be some  
12 flexibility there, but if we could keep on the schedule  
13 as close as possible I think it would be the best for  
14 everybody.

15                  Who would like to start with the  
16 questions? Peter.

17                  **COMMISSIONER PETER MEEKISON:** I think  
18 your brief does mention as Recommendation No. 5 the Alberta  
19 agreement. There was some discussion as to whether or  
20 not it should be entrenched in the Constitution using the  
21 provisions of section 43 of the amending formula. I  
22 believe the brief goes on to say that efforts to date have  
23 been unsuccessful. It was included in the Charlottetown

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1 Accord, being protected that way.

2                               Could you please elaborate as to why we  
3 have been unsuccessful to date to get that entrenched under  
4 section 43?

5                               **GERALD MORIN:** How we will deal with the  
6 questions is I will respond to some and some of the other  
7 Métis leaders can respond as well, Mark Leclair, Clem  
8 Chartier and Father Guy Lavallee. Maybe I will respond  
9 and somebody else can maybe pick it up. We also have Gerald  
10 Thom here who is the President of the Métis Nation of  
11 Alberta.

12                              I guess just in terms of some background,  
13 our understanding of that is our people in Alberta had  
14 launched a lawsuit several years ago and because of that  
15 lawsuit there was I guess an out-of-court settlement of  
16 some sort, some kind of a settlement.

17                              After 21 years after they had launched  
18 a lawsuit there was an agreement in place between  
19 themselves, the Métis settlements and the Government of  
20 Alberta and out of that came, of course, that new Métis  
21 legislation setting aside so much land and so much money  
22 for economic development and so on. That lawsuit hasn't  
23 been withdrawn from the courts according to my

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1 under-standing. It is being held in abeyance. It will  
2 be held in abeyance until such time as the Alberta  
3 government and the Government of Canada amend the  
4 Constitution through section 43 to provide that added  
5 protection for those lands and the self-government  
6 arrangements that are put in place.

7                   So when that happens at some point in  
8 the future, then the lawsuit will be totally withdrawn  
9 is my understanding based on some discussions that we've  
10 had.

11                   As to why they have been unsuccessful  
12 to date in having it amended in section 43, I will let  
13 some of my other colleagues deal with that, but I also  
14 want to point out that since the defeat of the Charlottetown  
15 Accord there has been an amendment to the Constitution  
16 through section 43. I'm not sure, but the language rights  
17 situation in New Brunswick where the New Brunswick  
18 government and the Government of Canada have amended the  
19 Constitution through section 43 to provide for language  
20 rights.

21                   So, given that background, I am not sure  
22 who wants to answer the question directly. Clem.

23                   **CLEM CHARTIER (Métis Society of**

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1 **Saskatchewan):** Basically, the federal Justice Department  
2 has given an opinion or it is their legal opinion that  
3 section 43 only covers some matters and does not cover  
4 the situation in Alberta.

5 So, although the Alberta government has  
6 and wants to -- I think it already has, has passed  
7 legislation to effect such a change, the federal  
8 government, according to Justice officials say it is not  
9 covered under the purview of section 90 or section 43.

10 **COMMISSIONER PETER MEEKISON:** Would it  
11 be your intention to pursue this further, now that the  
12 section has been used, to entrench a language provision  
13 which I believe was challenged and the challenge was later  
14 withdrawn, I think more for technical reasons, but there  
15 was also a similar argument there?

16 **GERALD THOM:** Thank you for the  
17 question, Peter. I believe the Métis Nation of Alberta  
18 and the Métis General Council is coming together on a lot  
19 of common grounds in the last year. But I guess one of  
20 the things that we find and part of the reasons why we  
21 weren't co-signatories to this agreement was the fact that  
22 there was not enough powers given to the General Council.

23 We had another Commission attached to

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1 it and the Commission is responsible for laying out the  
2 infrastructure. They get "x" amount of years to lay out  
3 the infrastructure and the dollars attached to it to have  
4 that possible.

5                   However, I think it needs further  
6 clarification. It's upon review, I believe sometime this  
7 winter and in the second year of its process under the  
8 legislation of the Alberta government. We will probably  
9 be asked and I am certain that we will be asked as a third  
10 party from the Métis Nation to review those pieces of  
11 legislation.

12                   I feel as a Métis individual and a leader  
13 from the Province of Alberta that the land settlement that  
14 was made in the Province of Alberta was long overdue but,  
15 on the other hand, it gave and took from the other hand  
16 as well. So, there was some unfair bargaining mechanisms  
17 used in those negotiations.

18                   I firmly feel the way it is established  
19 now it's on a road of failure. We have to get that back  
20 on the table and start renegotiating.

21                   **MARK LECLAIR (Chief Administrative**  
22 **Officer, Métis National Council):** Peter, as you know,  
23 when we were faced with that Department of Justice opinion

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1 in the Charlottetown process and rather than try and get  
2 the Justice Department to change it, we took the  
3 opportunity of using the general amending formula to  
4 entrench the lands.

5 I don't think we have ever indicated that  
6 we are going to give up on pursuing the section 43 approach,  
7 if necessary, but that is a larger political question which  
8 is yet to be resolved.

9 **COMMISSIONER PETER MEEKISON:** No. I  
10 understand that, but I am looking at the recommendation  
11 and I also think that since it has been used that this  
12 is perhaps a fruitful avenue to consider.

13 Elsewhere in your brief, going back to  
14 the courts, it's at page 113 and, Ernie, you've raised  
15 this. It's the Manitoba case at the end of page 113:

16 "Since that time, further procedural motions of the  
17 Department of Justice have delayed  
18 the case going to trial."

19 This is after the Supreme Court had ruled  
20 in March 1990. I am focusing on the word "delay", these  
21 being strategic delays or what? I think a little  
22 amplification would be helpful.

23 **ERNEST BLAIS:** I believe, Peter, in my

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1 opening statement I stated that there were some tactics  
2 being used. I personally believe that the tactics being  
3 experienced in the court system where there was a constant  
4 delay, believing that if they delayed it long enough that  
5 we would run out of money and not continue the court case.

6 I believe that they thought that over a long period of  
7 time that we would completely forget about it. That hasn't  
8 happened. Instead, we have continued with it and I said  
9 before of people like Thomas Berger and others that have  
10 taken on the court case at the present time at no cost,  
11 on a contingency basis.

12 I firmly believe there was a tactic to  
13 delay, so that we would just discontinue with the court  
14 case.

15 **MARK LECLAIR:** Peter, Madam Wilson  
16 knows because she sat on the appeal where when we launched  
17 the court case the Crown said that we didn't have a right  
18 to be in court. It went all the way up to the Supreme  
19 Court in the three or four years, five years. I think  
20 it took the Supreme Court about five minutes just in the  
21 ante-room to say that we had a case.

22 Then we went back to the Court of Queen's  
23 Bench and faced motions for particulars and there was a

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1 disagreement as to what was to be provided. We had to  
2 go to the Court of Appeal and now we are back again in  
3 discovery. So it has been a pretty long, drawn-out  
4 process.

5 **COMMISSIONER PETER MEEKISON:** I see  
6 that just looking at the chronology.

7 If I can change topics. Must of your  
8 brief and presentation stresses the importance of the Métis  
9 Nation Accord which was negotiated during the  
10 Charlottetown process. In your view what is the status  
11 of that Accord with the defeat of the Referendum? I know  
12 it was signed, but what is the status, legally and  
13 politically, in your opinion?

14 **GERALD MORIN:** Our position on the Métis  
15 Nation Accord is immediately after the defeat of the  
16 Charlottetown Accord and even during the Charlottetown  
17 discussions, as I said, it was a parallel  
18 non-constitutional accord between the Métis Nation and  
19 the federal government and the Métis Nation premiers.

20 It can proceed without constitutional  
21 amendment. Since the defeat of the Charlottetown Accord,  
22 we have been attempting to revive and resurrect the Métis  
23 Nation Accord with the parties affected, the Métis Nation



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1    premiers and the federal government, the Métis and so on.

2

3                    As for the status of it, when we met with  
4    the Premiers in Nova Scotia, on a preliminary basis and  
5    just on a verbal basis in terms of what they had made known  
6    to the Chair, John Savage, of the Premier's Conference,  
7    four of the five provinces were prepared to explore some  
8    kind of a Métis Nation process to negotiate a Métis Nation  
9    Accord or a similar instrument.

10                  I believe the fifth province -- the one  
11    province that was unwilling to explore this Métis Nation  
12    process -- was the Province of Ontario. What I was told  
13    was that they were unprepared to explore this Métis Nation  
14    process because there was no enumeration process in place  
15    for the Métis and there was no enumeration of the Métis,  
16    which we thought was a ridiculous excuse not to proceed  
17    with the Métis Nation process because that's one of the  
18    fundamental components of the Métis Nation Accord is to  
19    proceed with an enumeration and the establishment of a  
20    Métis Nation registry.

21                  So, at this meeting in Nova Scotia we  
22    were given an undertaking by the Chairperson, John Savage,  
23    to write a letter to the five provinces, the territorial

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1 government, to see if they are prepared to explore this  
2 Métis Nation process. The territorial government has  
3 responded in writing and said they are prepared to proceed.

4 We haven't heard from the other provinces in writing yet.

5 However, four of the five have indicated positively that  
6 they were prepared to explore this process. Premier  
7 Romanow is prepared to host a meeting initially in  
8 Saskatchewan of Aboriginal affairs ministries. That's  
9 the status of the Métis Nation Accord at this point.

10 **COMMISSIONER PETER MEEKISON:** What  
11 about the Government of Canada's position on it?

12 **ERNEST BLAIS:** Personally, that  
13 question should be asked of the Government of Canada.

14 **COMMISSIONER PETER MEEKISON:** They are  
15 being sworn in as we speak.

16 **GERALD MORIN:** That is why I hesitated  
17 in answering. I haven't had time to ask them yet.

18 **COMMISSIONER PETER MEEKISON:** It seems  
19 to me that their position on this is critical to the  
20 success. We can look at this, but what do you intend to  
21 do with respect to the Government of Canada?

22 **GERALD MORIN:** A couple of things.  
23 First of all, when you look at the policy platform of the

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1 Liberal Party and I know people can say, "Well, there have  
2 been policy platforms in the past and there is a trail  
3 of broken promises," but there is a policy platform there  
4 that was unveiled by the Liberal Party. I was there in  
5 Saskatoon and Jean Chrétien was there when that policy  
6 was unveiled.

7                   According to that policy framework, they  
8 commit themselves to working with the Métis to resolve  
9 the jurisdictional limbo that we find ourselves in. They  
10 are prepared to work with the Métis in putting in place  
11 an enumeration system and although the policy platform  
12 doesn't talk specifically of the Métis Nation Accord, it  
13 talks about in the context of the jurisdictional issue  
14 that federal and provincial governments, being the Métis  
15 Nation provinces, have to work together in sorting out  
16 their roles and responsibilities with regard to the Métis  
17 Nation.

18                   Of course, in the Charlottetown process  
19 that's precisely how the discussion was initiated is the  
20 roles and responsibilities of the five provinces and the  
21 federal government. So, through that whole discussion  
22 on roles and responsibilities I am sure we will get into  
23 this Métis Nation Accord, so in a roundabout way I guess

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1 they supported and sanctioned it. Also, I had a chance  
2 to meet for a half an hour with Chrétien at the time and  
3 he didn't say no to the whole idea of the Métis Nation  
4 Accord.

5 I suspect that they are prepared to move  
6 ahead. In some of our discussions with some of the Members  
7 of Parliament and so on, we've basically done our  
8 groundwork before the federal election. The indications  
9 seem to be positive.

10 We have those preliminary commitments  
11 from the provinces. There seems to be some preliminary  
12 commitment from the federal government as well. Just in  
13 terms of roles and responsibilities, if I can explain that  
14 a little more, the situation in the Charlottetown process  
15 was the Hon. Yvon Dumont in Edmonton pressed the federal  
16 government and Joe Clark was there and this was after a  
17 series of meetings where we brought up 91(24) regardless  
18 of what issue was being put on the table. Eventually I  
19 think they got so tired of hearing from us raising these  
20 objections on 91(24) that they agreed to deal with it.

21 Anyway, Clark's response at that time  
22 was, "Well, we may be prepared to go to the federal Cabinet  
23 to get a clarification of 91(24), but if we do that we're

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1   afraid that the provinces will off-load on the federal  
2   government when it comes to Métis issues and Métis peoples  
3   and we'll be picking up this whole tab." What he said  
4   was, "We need some kind of comfort to go to the federal  
5   Cabinet to convince them to agree to clarify 91(24)," so  
6   we got into the roles and responsibilities not only of  
7   the federal government, but of the five western provinces.

8   That eventually led to a discussion of the Métis Nation  
9   Accord. So the Métis Nation Accord was the comfort  
10   document that gave the federal Cabinet sufficient comfort  
11   to give their approval on a clarification of 91(24).

12                   So that's why I say by the Liberal policy  
13   platform talking about roles and responsibilities,  
14   inevitably that has to lead to a discussion on a Métis  
15   Nation Accord or a similar instrument.

16                   **COMMISSIONER PETER MEEKISON:** In the  
17   brief, in looking at some of the comments that you make  
18   and listening to you this morning, a principle that comes  
19   out was discussed yesterday when we had the presentation  
20   from the Native Council of Canada. They gave us some data  
21   showing population, the Aboriginal population in six urban  
22   centres and it was broken down by Métis and Indian. Is  
23   the whole question of status blind or non-status blind

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1 services?

2                   They gave us various models of urban  
3 self-government. One is a pan-Aboriginal model which  
4 would cover presumably a particular geographic area. Then  
5 there were other models which were more specific.

6                   Could you spell out for me or for my  
7 benefit, and I know the importance you attach to your  
8 cultural identity and that's clear in your literature and  
9 it's clear in the presentation, but in terms of organizing  
10 and providing services within cities, such as Winnipeg  
11 or Thunder Bay was another one and Saskatoon was another  
12 one, what would you recommend that we look at, in terms  
13 of status-blind versus non-status blind services is there  
14 some intermediate ground?

15                   How do we wrestle with this problem  
16 because, clearly, there are different perspectives on  
17 this?

18                   **GERALD MORIN:** I will respond and I will  
19 also let Ernie Blais respond as well.

20                   In the Métis Nation Accord one of the  
21 key principles as well that was agreed to by the provinces  
22 and the federal government was to devolve the Métis share  
23 of government programs and services to Métis

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1 self-governing authorities and institutions, so that was  
2 there.

3 I guess that's what I was trying to  
4 indicate this morning in my opening remarks, that if the  
5 federal and provincial governments are saying that they  
6 recognize the inherent right of self-government and that's  
7 how they are going to relate to Métis people; in other  
8 words, that we have a third order of government based on  
9 that inherent right principle and we have institutions  
10 in place, for example, the Gabriel Dumont Institute of  
11 Métis Studies and Applied Research in Saskatchewan, then  
12 those are the institutions that we should devolve  
13 educational and training programs when it comes to the  
14 Métis in Saskatchewan.

15 I think to me it would be just a blatant  
16 contradiction on the part of government after they publicly  
17 state that they support the inherent right of  
18 self-government to create new entities which promote this  
19 Aboriginal welfare melting pot concept and not dealing  
20 directly with Métis governments under the principle of  
21 inherent right and devolution of programs and services.

22 However, we recognize that there are existing  
23 infrastructures out there that promote that old colonial

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1 concept.

2 I think we are realistic enough to say  
3 the funding shouldn't be taken away from them immediately  
4 and turned over to us tomorrow, but that there has to be  
5 realistic and feasible transitional processes put in  
6 place, so that eventually we move away from those kinds  
7 of concepts to Métis concepts or First Nation concepts  
8 or Inuit concepts. I mean, I think that can be done.  
9 I think the Pathways to Success program did that to some  
10 extent, but not completely.

11 Canada Employment and Immigration put  
12 together the Pathways to Success programs and agreed, at  
13 least in the case of Saskatchewan and some other provinces  
14 that they would deal with the Métis Society of Saskatchewan  
15 and create a distinct Métis infrastructure, so we have  
16 Métis, local management boards, six of them in Saskatchewan  
17 and our locals and our regional councils in those six  
18 regions in Saskatchewan appoint to the LMBs, to the Local  
19 Management Boards. They utilize the Métis governing  
20 structure. It is a bottoms-up community driven process.  
21

22 From the six LMBs which are appointed  
23 by our locals and our community people, in turn those six



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1 LMBs appoint six people onto the regional Métis regional  
2 management boards. So, we like that process.

3 In doing that the federal government had  
4 to gradually, for example, dismantle the Native Outreach  
5 programs that didn't involve the Métis Society and our  
6 locals. That was a gradual process and there has been  
7 no real disruption of service. In fact, I think there  
8 is a better service there.

9 Where they stopped was at the national  
10 level and now we have a national Aboriginal Management  
11 Board where the Métis and a whole bunch of other Aboriginal  
12 people are sitting together at the same table and we are  
13 competing for the same dollars. That's a welfare melting  
14 pot concept which we don't favour. We made it very clear  
15 and Ernie made it very clear in Saskatoon a couple of weeks  
16 ago that we want the federal government to put in place  
17 a distinct Métis infrastructure when it comes to training  
18 and employment services at the federal level.

19 I think that might give you some guidance  
20 and direction in terms of how we can put these Métis  
21 institutions and authorities in place respecting the  
22 inherent right of self-government.

23 I will also let Ernie respond. I think

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1 he wants to say something about this.

2 **ERNEST BLAIS:** Yes, Peter. My response  
3 is by asking a question of yourself. It is answering with  
4 a question. How do you see the status-blind approach of  
5 government being utilized in the urban centres, when the  
6 Métis aren't on parity with the Indian people themselves?

7 When you see a government structure of  
8 people side by side that don't have equality amongst  
9 themselves, how do you see that working in some cases?  
10 Personally, I don't see it. When we take the Pathways  
11 to Success strategy and you have the status-blind concept  
12 there, then you have the groups that are together, let's  
13 say the service organization, who are they accountable  
14 to? I really don't know.

15 Take, for instance, in British Columbia  
16 where you have the status-blind process that has been there  
17 since 1982. The Métis have not been serviced and yet you  
18 have a conglomeration of both of them. What has happened  
19 is that the Indians have accessed most of the training  
20 dollars. The Métis have been left out of the process.  
21 That was evident by a letter to myself from Jack MacDonald  
22 of the Pacific Métis Association, saying that they haven't  
23 had an opportunity to access it.

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1                   Now, is there parity amongst the groups  
2   and will we get our fair share within the Aboriginal  
3   government process that you are talking about? I don't  
4   believe so. We have to have our separate -- the Métis  
5   Nation has to have its separate government process for  
6   it to work.

7                   **COMMISSIONER PETER MEEKISON:** As I say,  
8   these are issues that we have to wrestle with. You asked  
9   me the question. I can't answer it at this stage until  
10   we start to sift through all the material that we have.  
11   But we are talking about, or at least we were yesterday,  
12   governments being established, a taxing authority and  
13   presumably they are elected or selected by some group with  
14   the authority to pass laws and so on and so forth.

15                  So, it goes beyond a distributional  
16   thing. You get into economies of scale and how best to  
17   organize it. It may vary from community to community.

18                  **ERNEST BLAIS:** If I may ask a couple of  
19   questions. When we talked about the status-blind process  
20   before, I believe, taken for instance in Manitoba, you've  
21   got the Assembly of Manitoba Chiefs representing the First  
22   Nation people and the Manitoba Métis Federation  
23   representing the Métis. I believe that the interests of

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1 both groups are met within those two organizations. Why  
2 would you want a status-blind process being brought  
3 forward?

4 My question is: Who would they  
5 represent, the status-blind process? The Métis are  
6 represented on one side and the Indians on the other side.  
7 Who is left? I think everybody has already being  
8 represented, so why is there a need for a status-blind  
9 concept to begin with?

10 **COMMISSIONER PETER MEEKISON:** I was  
11 just asking the question because it may vary from community  
12 to community.

13 **ERNEST BLAIS:** I think those are the  
14 questions I'd like to ask of some of the other groups that  
15 make presentations.

16 **CO-CHAIR RENÉ DUSSAULT:** Maybe I could  
17 just step in and say that we heard a lot from front-line  
18 people involved in the service delivery about their desire  
19 to have a status-blind approach. Also, and it fits with  
20 the discussion, to have the management of it independent  
21 from political organizations, to keep the rational within  
22 the services. That's the debate we've had on the road  
23 in Hearings, for example, in Winnipeg with the

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1 organizations.

2 **GERALD MORIN:** I would really like to  
3 respond to that because that argument has been put to us  
4 numerous times, especially by government bureaucrats.  
5 They say, "Well, we are prepared to fund your ACCs through  
6 the federal government dollars, but there has to be an  
7 arm's length relationship between your political  
8 organization, your political government and the delivery  
9 of that service and program."

10 To me, with all due respect, I think that  
11 that point of view is a racist point of view because it's  
12 like saying let's kind of give it to the Métis, but on  
13 the other hand let's not give it to them because they can't  
14 handle their own affairs and they can't deliver their own  
15 services according to their own governmental structures.  
16 Therefore, on the one hand we have to be able to give  
17 it to them, but we have to make sure it's arm's length  
18 and that the federal bureaucracy in fact is controlling  
19 our ACC and not the Métis government.

20 It is a double standard on the part of  
21 governments to make those arguments because nobody expects  
22 Crown corporations and governmental departments, such as  
23 the Department of Justice, to be removed from the federal

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1 or provincial government context.

2                               When we are saying we have the inherent  
3 right of self-government and we want to further develop  
4 our third order of Métis government based on that  
5 principle, we are saying that programs and services,  
6 regardless of what they may be, would come under the  
7 jurisdiction of those Métis governments and under the  
8 control of our people, according to the democratic  
9 principles that we subscribe to.

10                           To me, governments have to get out of  
11 this attitude of, "Well, we have to have some control here,  
12 otherwise it might not work out." Maybe in some instances  
13 it won't work out and we will probably make some mistakes  
14 and there will probably be some things which will come  
15 out which we won't be too pleased about, but we have to  
16 be allowed to make our own mistakes. We have to be allowed  
17 to fall down from time to time and pick ourselves up.  
18 That's part of the process of being able to govern  
19 yourselves as a people and as a nation.

20                           To me, I think we have to move away from  
21 that. The Métis Nation Accord, we supported it because  
22 it said that governments will devolve the Métis share of  
23 government programs and services to Métis self-governing

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1 institutions and authorities. I think that's something  
2 that has to be supported. Governments have to get away  
3 from this idea of, "We have to have some control here  
4 because of this or that." Turn it over to the Métis  
5 governments and let them run those programs and services.

6 Another thing related to that is people  
7 always -- they bring up economies of scale. They talk  
8 about costs. For example, the Reform Party during the  
9 Charlottetown process kept on making this argument,  
10 "Goodness, gracious, how much is it going to cost the  
11 taxpayers to put in place these Aboriginal governments?"

12 Then people started reacting negatively and saying,  
13 "Well, it's going to cost too much and we already have  
14 high deficits," and so on and the taxpayers are already  
15 overburdened.

16 Well, maybe in the initial phases it  
17 might have to take some financial commitment on the part  
18 of governments, but on a long-term basis, when you look  
19 at -- let me give you an example of Saskatchewan when I  
20 say this. I am not criticizing the Saskatchewan  
21 government. I mean this is something that has developed  
22 over the years and a system which is really engrained.

23 One of the top expenditures in

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1 Saskatchewan, the number one annual expenditure is health  
2 at \$1.5 billion a year. The next ones are social services,  
3 justice and I think education in there and servicing the  
4 debt is the fifth one. When you look at all of those areas,  
5 in the northern Métis community of La Loche they did a  
6 survey in 1985-86 and they found that those four areas,  
7 excluding the servicing the debt, were the highest  
8 expenditures in La Loche and was the highest per capita  
9 expenditure on anybody in Saskatchewan.

10                   The misery that our people are in and  
11 the costs for social services, health and welfare and all  
12 those things is what is raiding the burden on the taxpayers  
13 and the rise of the deficit. In the long run, by our people  
14 handling our own services and programs, by us resolving  
15 our own problems in our own communities, which is what  
16 we have always done before government interfered, that's  
17 going to turn around and you are not going to have those  
18 high costs for social services. In fact, you are going  
19 to have revenues flowing into the government coffers and  
20 as taxpayers we are going to contribute to what governments  
21 are doing by creating jobs, economic self-sufficiency,  
22 stimulating the economy in our communities. That's the  
23 kind of long-term vision and that is what has to be



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1 supported by the Royal Commission.

2 We can't be afraid to break old patterns,  
3 to boldly reach out in the future and do new things  
4 according to the recognition of the inherent right of  
5 self-government, that we are in fact a self-determining  
6 nation.

7 The Royal Commission, I mean you don't  
8 have to get concerned in the future about being re-elected  
9 as Royal Commissioners or that you are going to be afraid  
10 to offend the federal government or offend Aboriginal  
11 peoples, or are you going to be accused of being a Métis  
12 lover or anything like that. You have to do what is right.  
13 You have to seek for the truth and you have to ensure  
14 that in the end this whole exercise which we have all been  
15 engaged in, you people and us, is going to ensure justice  
16 for our people.

17 **CO-CHAIR RENÉ DUSSAULT:** Are there  
18 other Commissioners who wish to ask questions? Georges  
19 Erasmus.

20 **CO-CHAIR GEORGES ERASMUS:** Under your  
21 approach to self-government I notice that you are looking  
22 at a transitional approach and you see the existing  
23 structures probably playing a role of self-government and

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1 maybe evolving, changing over time. Do you see that there  
2 should be some way in which the Métis public should agree  
3 or through a ratification of some kind that that's the  
4 institution they want to use to start off with and move  
5 on?

6 **GERALD MORIN:** Mr. Erasmus, if I  
7 understand your question, you are asking in what kind of  
8 ratification or consent element would come from the people  
9 in establishing our legislative body I think was your  
10 question?

11 **CO-CHAIR GEORGES ERASMUS:** Right.

12 **GERALD MORIN:** Let me -- because I come  
13 from Saskatchewan that's what I am most familiar with and  
14 that's what I will speak of because that's the experience  
15 that I've had. What we are proposing in Saskatchewan and  
16 it may be adopted at our annual Assembly this year or it  
17 may be adopted at some other point in the future, our people  
18 will decide the timing. But sooner or later we are going  
19 to move away from this non-profit corporation mentality,  
20 or bingo club, social club, rosary clubs and so on.

21 What we want to do and I'll tell you what  
22 we are doing in Saskatchewan to give you a real concrete  
23 example of this is the Métis Society of Saskatchewan Inc.,

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1 Incorporated, is registered at the Corporations Branch  
2 in Regina. That's not a third level of government in that  
3 sense because you are just opting into the provincial level  
4 of jurisdiction. That's where your authorities and powers  
5 are emanating from and the values underlying incorporating  
6 principles are Euro-Canadian values that were imported  
7 from Britain many years ago through corporate legislation.  
8 That's not our concept of self-government.

9                   What we are doing in Saskatchewan is we  
10 are separating the political from the administrative arms,  
11 so the administrative arm would still be incorporated with  
12 the Corporations Branch in Regina, so that our core funding  
13 and the contribution agreements that we currently have  
14 in place won't be jeopardized, so we can still be recognized  
15 I guess as a legal entity according to existing Canadian  
16 laws.

17                   But the political arm, which will be  
18 called the Métis Society of Saskatchewan period, we have  
19 a proposed constitution which has gone out to our locals  
20 and our communities. This proposed constitution doesn't  
21 relate to the administrative arm. It doesn't flow from  
22 there. It's on its own and it rests on that foundation  
23 that I spoke of earlier of the inherent right of

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1 self-government and its powers, its responsibilities, the  
2 roles set out in there emanate from the inherent right  
3 of self-government for Métis. So, what we are doing is  
4 asserting our third order of government through the Métis  
5 Society.

6                   What is contemplated there, currently  
7 we have three executives, myself and two others, who are  
8 elected province-wide every three years by the ballot box  
9 system, one person/one vote. We have 12 regions carved  
10 out on the Saskatchewan map and there are 12 area directors  
11 who are elected through the ballot box system in their  
12 respective regions. So, that makes up a total of 15 member  
13 provincial Métis Council. This is the governing structure  
14 and has been for some time in Saskatchewan, in between  
15 the three year ballot box elections.

16                   What we are saying is that is not our  
17 concept of self-government either. It takes us to some  
18 degree in that direction, but our concept of  
19 self-government is that the communities empower themselves  
20 and the communities directly participate in the political  
21 decision-making process of our Métis government in  
22 Saskatchewan, so we have to restructure in some way so  
23 that we can allow that to happen.

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1                   So, in this proposed constitution,  
2   resting on that foundation, we are proposing a Métis  
3   legislative assembly in which the 15-member provincial  
4   Métis Council and the 100 or so local Presidents who are  
5   elected at the community level by our people, would sit  
6   in this Métis legislative assembly, would meet two or three  
7   times a year, or four times a year. What we would do is  
8   those of us who are elected through the provincial Métis  
9   Council and the ballot box system would be the Cabinet  
10  of this legislative assembly.

11                  So, if I am fortunate enough to get  
12  re-elected under this system, then I would be in the Cabinet  
13  and I could be the Minister Responsible for Enumeration.  
14   It would be my job to go to that Métis legislative assembly  
15  in Saskatchewan and propose a draft Métis citizenship act.  
16   After our people, our leadership from the community level  
17  have debated it and adopt it, that's the Métis law in  
18  Saskatchewan on who can be a citizen of our Métis government  
19  in Saskatchewan and that's coming from our people.

20                  So, it's the local people, the community  
21  people, who will be directing the affairs of government  
22  and directly participating in decision-making. We have  
23  over \$25 million worth of programs and services that we

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1 deliver to our own people. The Gabriel Dumont Institute  
2 is probably the most famous.

3 Right now our community leadership don't  
4 have a say on directing the affairs of those affiliated  
5 programs and services. So, by passing separate pieces  
6 of legislation which would affect our affiliates in the  
7 Legislative Assembly, in fact it will be the community  
8 leadership who will be directing the affairs of those  
9 affiliates.

10 The kind of consent that we have in place  
11 to put this legislative body in place is right now we have  
12 general assemblies where we have delegates from each of  
13 our recognized locals in Saskatchewan who would send  
14 delegates to the General Assembly. The leadership has  
15 already adopted this legislative assembly and the Senators  
16 support it and I think the Métis Women are going to support  
17 it. We will find that out this weekend. But it's not  
18 in place yet. We are taking it to our General Assembly  
19 at some point in the future.

20 If it is adopted by them, then and only  
21 then will that be actually in place. But it will be adopted  
22 by our people. It's only a matter of time and they'll  
23 decide whether it is going to be this time around or next

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1 time around. So that's the consent element.

2 In terms of that Legislative Assembly  
3 and how we govern ourselves in the future, the direct  
4 consent element will be built right into our government,  
5 so that we will ensure that it's there.

6 **CO-CHAIR GEORGES ERASMUS:** Thank you  
7 for explaining what you are doing. It is obviously going  
8 to be extremely democratic and you are going to take the  
9 time to consult your people.

10 So that justice seems to be done, both  
11 by the Canadian public and by the Métis individuals at  
12 home that are not community leaders, do you believe that  
13 the Royal Commission should be considering that as  
14 Aboriginal people are moving from where they are now to  
15 the situation where they actually have governments, that  
16 the Canadian government will recognize, plus their own  
17 constituencies, that there should be some kind of public  
18 ratification as to the system?

19 We have heard perhaps not nearly as much  
20 from Métis women, but we have heard from others that they  
21 want to make sure that the institutions that are in place  
22 are the ones that they accept and, whether the criticism  
23 has come from the Métis or not, I am just wondering if

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1 it would not be better for everybody if in fact there was  
2 a public ratification of that institution?

3 Obviously the way you are doing it, you  
4 are building it from the ground up, so it's very likely  
5 that it is going to get massive support. But do you think  
6 that that would be a useful instrument to use, to ratify,  
7 where you would give everyone 18 years and older, or  
8 whatever, a chance to say, "Yes, this is the way the Métis  
9 are going to govern themselves."

10 **GERALD MORIN:** Do you mean the Métis  
11 public?

12 **CO-CHAIR GEORGES ERASMUS:** Yes.

13 **GERALD MORIN:** I really don't think it  
14 is necessary. We have the systems and the process in place  
15 now where all of our communities, say for example in  
16 Saskatchewan in all of our locals have representation,  
17 for example, at the General Assembly. It is recognized  
18 for the time being as the supreme rule-making body within  
19 the Métis Society of Saskatchewan.

20 I would think that through that sort of  
21 representative democracy where delegates come from each  
22 of the locals and say either yes or no to it, that that  
23 would be sufficient consent on the part of our people to



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1 say either we are going to move in this direction or we  
2 are not going to move in this direction.

3 I really don't see the need for a  
4 plebiscite or a referendum where everybody goes to -- in  
5 an indirect way I guess it's there because everybody goes  
6 to the polls every three years to elect their leadership  
7 and it's their leadership, combined with the delegates  
8 from the locals who are also elected at the local level  
9 by our people who are at that General Assembly making the  
10 ultimate decision. I would think that for the purposes  
11 of deciding whether we are going to move in that direction  
12 or not that would be sufficient consultation of our people.

13 I think you can accept that the consent  
14 of our people is achieved once that takes place.

15 **CO-CHAIR GEORGES ERASMUS:** Well, if we  
16 just use the Charlottetown Accord as an example of when  
17 elected leaders are in tune with their people, it's not  
18 necessarily the case. We had every political party in  
19 Canada, except the Reform Party, on board. We had every  
20 legislative assembly in the country on side.

21 So, anyway, you might just think about  
22 that. It's something we have to wrestle with. We haven't  
23 talked about it.

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1                   Another question I have is you explained  
2   your Legislative Assembly and the kinds of communities  
3   you now have, the locals and so forth. Could we go back  
4   to the urban model. Do you envisage at some point that  
5   you would actually have, say in Winnipeg or Saskatoon or  
6   wherever, that you would actually have a local urban Métis  
7   government?

8                   **GERALD MORIN:** I am glad you asked that  
9   question. Actually, there are two questions and I want  
10   to just briefly say something about the first one. I want  
11   to come back and answer your second one, but Gerald Thom  
12   is going to say something.

13                  I want to take this opportunity as well  
14   and I want to make it very clear with respect to the  
15   Charlottetown Accord and the Métis because in some  
16   instances it has been reported that the Métis in fact did  
17   not, at least by a majority vote, did not support the  
18   direction that their leaders were going and the vision  
19   that was expressed in the Charlottetown Accord. I want  
20   to state very clearly for the public record and I want  
21   everybody to know, and I say this with a great deal of  
22   comfort that I am right in saying it, that the Métis  
23   collectively, at least the vast majority of our people,

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1 supported and voted in favour of the Charlottetown Accord  
2 and supported their leadership. I want to make that very,  
3 very clear.

4 In Saskatchewan -- again, I keep going  
5 back to Saskatchewan, but that's the experiences that I  
6 have. After the Charlottetown Accord was put into place,  
7 we went back and we did our selling jobs at the community  
8 level to educate people. We got unanimous resolutions  
9 from the provincial Métis Council, the MSS Senate, the  
10 Métis Women of Saskatchewan and a unanimous resolution  
11 at the Annual Assembly in October of last year. From all  
12 indicators, when the polls came in and from what I've seen,  
13 the vast majority of our people at the community level  
14 during the Referendum process supported the Charlottetown  
15 Accord, not all, but most.

16 I think that's generally the case with  
17 our people throughout the Métis homeland in western Canada.

18 So, I want to make that very clear and I want to get that  
19 off my chest as well too because I am glad that you've  
20 given me that opportunity because it has been kind of  
21 bothering me.

22 I want to now turn it over to Gerald and  
23 I will come back and answer your other question.

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1                   **GARY BOHNET:** Just prior to Gerald's  
2 comments, I wanted to let people know that Ethel  
3 Blondin-Andrews is Minister of State for Youth and  
4 Training. She's from the Northwest Territories.

5                   **CO-CHAIR GEORGES ERASMUS:** That's very  
6 interesting.

7                   **GERALD THOM:** Thank you very much, Mr.  
8 President.

9                   Georges, in Alberta we are a little bit  
10 more fortunate. We have what is called the Alberta  
11 Framework Agreement. It's a form of self-government, if  
12 you want to call it that. We have been practising it for  
13 almost six years. I've just renegotiated and resigned  
14 it this last summer for an extended five years and it's  
15 open enough, whereas we can add on the different  
16 departments that we want to deal with. It has to be  
17 community driven. There is no other way that that process,  
18 the Alberta Framework Agreement, can be driven. It is  
19 designed that way.

20                   We agreed with the Alberta government  
21 and the Métis in our province. We went to each community.  
22 The late President then, Larry Desmeules, appointed  
23 commissioners from the different regions. There are six

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1 different regions in our province. He went to every  
2 community to ask the different priorities of each  
3 community. The priorities came in a fashion whereas we  
4 had education, advanced education, economic development  
5 and training, social services and so on.

6                   That Agreement allowed us, the Métis  
7 leaders from the different regions of the province, for  
8 the first two years to educate ourselves on how the  
9 government operated in the Province of Alberta. It also  
10 enabled us to educate the Ministers and the bureaucrats  
11 in the Government of Alberta of what the Métis were and  
12 who the Métis were.

13                   In the latter part of the three years  
14 of that five-year agreement we started practising and  
15 bringing up some community initiatives at what is called  
16 the subcommittee level, where a Vice-President out of six  
17 in the Province of Alberta is made a portfolio holder or  
18 Chairman of that particular subcommittee.

19                   At his or her subcommittee he has deputy  
20 ministers and no less at that subcommittee which he or  
21 she chairs. So, if a community initiative or a project  
22 with industry or somebody else or another agency, such  
23 as social services, say in the fashion of Métis Children

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1 Family Services as not only an Edmonton-based agency now,  
2 but a province-wide agency, can be brought up to this  
3 subcommittee level.

4 But not only that, the most important  
5 thing I guess is policy, where legislative is never written  
6 in stone and we know that as Canadians. But this Agreement  
7 is powerful enough for us to amend legislation.

8 So, if the subcommittee does not agree  
9 at that particular level, say for example in forestry,  
10 lands and wildlife, which is now Environmental Protection  
11 in Alberta, if it does not agree then it goes to the joint  
12 committee at a senior level, where the President then and  
13 the Deputy Minister of the Cabinet ministers of the  
14 Province of Alberta then review the stalemate of that  
15 particular subcommittee and it is driven back down through  
16 the process and it is made to work.

17 There are a lot of areas where we have  
18 exercised that. I guess just as a supplementary to what  
19 Peter was asking earlier of urban self-government, I think  
20 we have agencies already in place, like in Edmonton, Métis  
21 Children Family Services which is now province-wide, but  
22 further to that there are other regions in the Province  
23 of Alberta that are now saying we want legislation. We

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1 want to get away from the Societies Act. We are not cattle.  
2 We want legislation to ensure we have equal opportunity,  
3 equal access to programs.

4 So what have they done? The locals, say  
5 in southern Alberta, in the Zone 3 area, have formed what  
6 is called the Calgary Métis Development Corporation,  
7 which is arm's length from the locals. Edmonton is  
8 proceeding to go that way. So, hopefully that answers  
9 part of your question as well.

10 We just renegotiated our agreement in  
11 Alberta for another five years, but we also have the  
12 tripartite agreement and we are starting to exercise some  
13 areas of jurisdiction within the provincial and federal  
14 governments.

15 We are not sure yet if, say for example,  
16 Environmental Protection Services in Alberta will agree  
17 with the federal government on environmental policies and  
18 that's coming down the middle of having a trilateral  
19 situation, whereas we all agree. Even departments within  
20 provincial governments or federal government are very  
21 territorial and jurisdictional.

22 **CO-CHAIR GEORGES ERASMUS:** Thank you.

23 You have provided me with far more detail than I need.

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1

2 Can we just try and keep it short and  
3 within the --

4 **MARK LECLAIR:** Georges, can I just say  
5 -- sorry --

6 **CO-CHAIR RENÉ DUSSAULT:** On this same  
7 topic Peter will have to complete.

8 **COMMISSIONER PETER MEEKISON:** I guess,  
9 Gerald, in response to your comment and maybe I didn't  
10 ask it clearly enough, do you envisage -- and this goes  
11 back to Georges' question -- a Métis school board for  
12 Edmonton, a public government where the Métis within  
13 Edmonton will pay their taxes into that school board?  
14 There will be a separate structure, curriculum, et cetera?  
15 In other words, a publicly funded board of education  
16 exclusively for Métis, is that a long-term goal?

17 **GERALD THOM:** I think it's a very good  
18 question. I think we can work towards that, but I can't  
19 speak for my colleagues here for what kind of agreements  
20 are set up in different provinces.

21 I think we have every opportunity to get  
22 elected on school boards or local government boards or  
23 local authorities, but I guess the approach we are taking



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1 in Alberta is creating new partners. We went as far as  
2 we could with the Alberta legislators and now we are  
3 bringing it back down to the community with the local  
4 government and the school boards and the town councils  
5 and the education facilities to establish that  
6 partnership, so further on down the road that we understand  
7 that we will possibly be taking that direction.

8 **SHEILA GENAILLE:** I would just like to  
9 add a few comments and I will make them brief. I think  
10 what the Commissioners must remember is this is a  
11 transition for us. We are not going to say we have the  
12 answers to everything. It will be a transition period  
13 for us, just as our history has shown.

14 Whether it is urban governments, rural  
15 governments, provincial, nationally, that all has to be  
16 worked out, looked at and so it's best for all of us, not  
17 just the Métis, but all of Canada. So, some of the  
18 documentation that we are giving you has some of the ideas  
19 in it. However, ten years down the road that may change.

20 It's just like our constitution won't be written in stone.

21 Our people will have a chance to make constitutional  
22 changes when our government is formed.

23 How that government looks, I don't think

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1 anybody can honestly say how it is going to look, whether  
2 it's a national, provincial, municipal as what Canada sees  
3 now or if it is a melting pot of different situations.  
4 So, you have to realize that it is going to be a long  
5 transition period. It is not going to come overnight.  
6 We realize that. Not next year and perhaps not the next  
7 year, maybe even ten years down the road. The transition  
8 period because of the fact of the way this country thinks,  
9 the colonialism that is there, it is going to take a long  
10 time to change.

11 One of the things that I remember our  
12 late President in Alberta said to some bureaucrats across  
13 the country, this was prior to Charlottetown when we were  
14 speaking on it, and some of that might be in the thinking  
15 of Canadians. He said, "You people in this room are  
16 probably all against Charlottetown because one thing, if  
17 Charlottetown is passed, you will all be out of a job,  
18 because the jobs that you are doing our people will take  
19 over." So, it's going to be a long period of transition  
20 and it will always be changing. It will never be static.

21 **GERALD MORIN:** I just want to say a few  
22 words on that too. I think the Supreme Court of Canada  
23 or the courts of Canada have characterized Canada's

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1 Constitution as a sort of a growing dynamic living tree.  
2 It is a growing tree and it's flexible to change in  
3 changing circumstances, but at the same time it is well  
4 rooted.

5 I think that is the same thing with us  
6 as well too as Métis people, that we are 126 or 127 years  
7 into Canadian Confederation and we are still having major  
8 discussions on Meech Lake, on Charlottetown radically  
9 changing the Canadian Confederation and reforming the  
10 Upper House and addressing western alienation, the role  
11 of Quebec within Canada, Aboriginal peoples and division  
12 of powers between federal and provincial governments and  
13 so on.

14 It is certainly not a perfect state, but  
15 by far at the same time I have no hesitation in saying  
16 that Canada by far, as far as I am concerned, in spite  
17 of the injustices that have been committed against our  
18 people, is still one of the best nations in the world.

19 I think we should be given that same  
20 opportunity to allow us to develop our growing dynamic  
21 trees. Our peoples, our traditions, our cultures, our  
22 values, our sense of identity are well rooted and yet we  
23 are a people who are survivors. Our culture, our way of

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1 life has changed well over 200 years and we've put systems  
2 and processes in place. I talked about our locals and  
3 other things. We have the laws of St. Laurent. There  
4 are informal ways in our communities currently as we speak,  
5 in which to control social behaviour in our communities.

6 Those are in place. It's not like you  
7 are looking at an empty box and saying, "These people have  
8 nothing, they have nothing to rely on, they have nothing  
9 to guide them, we have to be careful how we do this and  
10 maintain some degree of control."

11 I think we have to be allowed to develop  
12 our tree as well too and, as I've said before, make our  
13 mistakes. We are capable of doing it. We have been around  
14 for a heck of a long time. Prior to the 1950s in  
15 Saskatchewan there was no government presence in northern  
16 Saskatchewan.

17 My final point, there was no government  
18 presence in northern Saskatchewan and just to illustrate  
19 my point, people talk about the destruction to the  
20 environment and protection of natural resources. Before  
21 the government started interfering in northern  
22 Saskatchewan we lived on the land. We lived with the land.  
23 We harvested the resources and environmentally we had

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1 the best track record of anybody else in the world.

2                   Then when the white government started  
3 coming over there and starting coming in there with their  
4 regulations and their laws, now all of a sudden there are  
5 environmental concerns again. We were able to look after  
6 our own resources and our own lands prior to the 1950s.

7 I am saying that is what has to be respected. I know  
8 it's somewhat long-winded, but the point is I don't think  
9 we can give a perfect answer all the time in terms of how  
10 this is going to be, how this is going to be. Give us  
11 the opportunity and give us the chance to grow and I think  
12 we will prove to our people and to the Canadian public  
13 that we can do it, that we can do it better and we can  
14 govern ourselves.

15                   **CO-CHAIR GEORGES ERASMUS:** It must be  
16 that the other part of your leadership follow their leader  
17 when they give the long-winded answers?

18                   There is an issue which we have to deal  
19 with on our side of the table when we are looking at  
20 recommendations in relation to the whole country. It has  
21 to do with who is included in the concept of Métis,  
22 particularly since the Constitution has this big title  
23 "Indian" and then it has a big title "Métis" and a lot

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1 of people fall underneath this umbrella of who the Indian  
2 are.

3                   What has happened is that in the west  
4 of course you have the Métis Nation, but there are other  
5 people in the country that regard themselves as Métis.  
6 So, we find ourselves in a situation where we are going  
7 to have to somehow deal with this reality. I am wondering  
8 when we recommend for government that they start dividing  
9 the pot, let's say for funds and that the Métis are going  
10 to get their pot and their part of the government programs  
11 and that they should administer it themselves, does this  
12 mean, for instance, that in the western part of Canada  
13 that anybody that regards themselves as a Métis will  
14 receive services from the Métis? Is that how it will play  
15 itself out in the reality in the end?

16                   **GERALD MORIN:** Yes. Maybe if I can --  
17 I mean that's how we see it. I mean those people who  
18 enumerate as Métis, who declare themselves to be Métis  
19 and to some extent I guess fall under the jurisdiction  
20 of Métis government, that they would be the citizens of  
21 our Métis governments and would be subject to the  
22 privileges and the rights that come from there.

23                   On the other issue in terms of whether

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1   there are Métis in other parts of Canada. First of all,  
2   starting from that base that we have the inherent right  
3   of self-government and part of that includes determining  
4   our own citizenship. That is in fact what we have been  
5   doing and will continue to do in the future.

6                   Just as those of us who are sitting here  
7   and those of us who sat around the table during the  
8   Charlottetown process, we were there representing the  
9   Métis Nation, based on the Métis homeland in western Canada  
10   and that's what we continue to do. We represent the  
11   interests of the Métis Nation.

12                   It doesn't really fall on our shoulders  
13   to go beyond the Métis homeland and say, "Well, are there  
14   Métis out there or people who are considered to be Métis?"  
15   It's not our job. It's not our role and if, in fact,  
16   there is a sufficient presence of a certain category of  
17   people somewhere else in Canada who consider themselves  
18   to be Métis, it falls on their shoulders to assert  
19   themselves, their identity and their sense of who they  
20   are and where they think they fit in in the Canadian  
21   federation.

22                   We are here representing the interests  
23   of the Métis Nation. We have determined our citizenship

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1 and will continue to do so, just as we did in the  
2 Charlottetown process. It is not really our role to find  
3 out whether in the Maritimes, for example, if in fact there  
4 are Métis. If that phenomena is indeed occurring, and  
5 we are not saying it is, then I think it has to take its  
6 own course and it falls on those individuals to come forward  
7 because we haven't asserted that. Others are asserting  
8 that and whoever is asserting it, the onus is on them to  
9 make their point.

10 **CO-CHAIR GEORGES ERASMUS:** Okay. I  
11 notice from your proposals that one of the suggestions  
12 is co-management between the Métis and respective  
13 governments in relation to land and resources. The whole  
14 concept of co-management is becoming fairly popular as  
15 a way to involve more than one party. I noticed that your  
16 proposal didn't deal with the possibility of some overlap  
17 interests. What would you suggest in a situation where  
18 the Métis interests in a particular area are obvious and  
19 clear and so they should be at the table and the Canadian  
20 government's, but let's say there is another Aboriginal  
21 interest in the area. Would you see them also being  
22 involved in the co-management process?

23 **GARY BOHNET:** Georges, yes, we both



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1 know, we both come from the territory and we both know  
2 the realities of what has happened up there. Yes, when  
3 we are talking co-management regimes we are talking a  
4 co-operative effort with all the stakeholders in a  
5 particular area. The reality of it is, as we both know,  
6 we have shared a lot of those land bases and the resources  
7 in there, so there has got to be a really good working  
8 relationship developed. We are prepared to do that.

9 **CO-CHAIR GEORGES ERASMUS:** Okay.

10 **GERALD THOM:** Just a supplementary to  
11 Gary's response. I think we as Métis people traditionally  
12 have been able to gather, hunt and do otherwise. I think  
13 far too often the government puts legislation on us as  
14 Métis people and they run, police conservation under the  
15 Fish and Wildlife Act. Even though that Act is there,  
16 we will break that Act. Our people end up in jail for  
17 hunting and gathering. That is not right.

18 Our position is that we want to  
19 co-manage. We want to co-exist. We have traditional  
20 users and we have urban users, so we have to define in  
21 ourselves, within our own people, how we are going to manage  
22 and how we are going to use that resource as well and  
23 replenish it.

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1                   **CO-CHAIR GEORGES ERASMUS:** You have  
2   made yourself very, very clear many times on how you want  
3   to run your own shop separate from others and how  
4   status-blind is not the way to go. It is very  
5   understandable, particularly where the Métis are very  
6   clearly a large part of the population and so forth.

7                   I am wondering if there are any instances  
8   when the Commission could consider that a structure that  
9   includes more than the Métis would be appropriate for any  
10  purpose whatsoever, anywhere in the country?

11                  **GERALD MORIN:** I guess it would depend  
12  on the nature of the service and the circumstances. It  
13  would vary. We are not opposed to that necessarily. I  
14  think what we are opposed to is the Government of Canada  
15  or the provinces saying, "Here's a program and all these  
16  Aboriginal people across Canada, there are 25 seats  
17  available and you all share in the program and deliver  
18  it on that basis." That framework is wrong because it  
19  doesn't recognize that inherent right principle.

20                  But that doesn't mean we were not (sic)  
21  opposed in some instances to working together. But what  
22  has to happen is respect for Métis governments, Indian  
23  government and Inuit governments. In appropriate

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1 circumstances, particularly at the community level, it  
2 may be wise and advisable for Indian and Métis governments  
3 to strike up protocols and strike up working arrangements,  
4 so that there is rationalization and economies of scale  
5 with respect to the delivery of a service and program in  
6 any given community.

7                   So, I think that can be done. We are  
8 not necessarily opposed to that. I am glad with Gary's  
9 response as well, that we believe in partnerships and  
10 working with other stakeholders and no one can deny that  
11 Indian people would be stakeholders and that we want to  
12 work in partnership with them as well.

13                   So, we are not necessarily opposed to  
14 that. It's the framework and the context in which we have  
15 to work together.

16                   I don't know if I am making myself clear,  
17 but that's what is really, really important. Also,  
18 remember too, Indian and Métis and Inuit people didn't  
19 have a problem with this in the Charlottetown Accord.  
20 There was a provision in there that said that we support  
21 non-ethnic governments where the circumstances warrant  
22 it. So, if you get a community where it's say 80 per cent  
23 Métis and 20 per cent Indian people, then maybe you have

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1 a Métis government authority functioning in that  
2 community, but all of the people in that given community  
3 would have the privileges and so on, the rights which flow  
4 from that Métis government, even though they may not be  
5 Métis. They may be Ukrainians, they may be Irish people  
6 as well, so all the Aboriginal peoples agreed to that  
7 provision in the Charlottetown Accord. I don't think we  
8 are opposed to working together where circumstances  
9 warrant it. It's just that fundamental respect for  
10 Indian, Métis and Inuit governments which has to come  
11 first, not the perpetuation of welfare models.

12 **CO-CHAIR GEORGES ERASMUS:** If I could  
13 have --

14 **GARY BOHNET:** Georges, if could just add  
15 to it again because we've some of these models work in  
16 the north. There are certain realities out there. It  
17 depends on the nature of the particular service, which  
18 we know that's a real issue.

19 The other thing, the cost analysis is  
20 a reality out there. In certain communities if the people  
21 see that a lot of the dollars are going to creating separate  
22 institutions and less to the actual program delivery, it  
23 may not be in the best interests to have separate

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1 institutions in certain areas, but basically it's going  
2 to be a community decision.

3                   **MARK LECLAIR:** Georges, just at the same  
4 time, the other major factor that I think we made clear  
5 was that it's not only the service delivery costs, but  
6 it's the cost benefit analysis. If a service, such as  
7 in the area of health, may be more expensive to deliver,  
8 but the long-term benefits are such that it makes sense  
9 to spend the short-term money now in order for long-term  
10 benefit, I think that's a very important principle in  
11 looking at the entire delivery structures in the urban  
12 areas.

13                   The third important component to  
14 consider related to the nature of the service is whether  
15 or not -- while numbers may not warrant in a particular  
16 community to deliver on the ground there, it may  
17 nonetheless be a service which can be delivered by a  
18 regional authority or a province-wide authority, for  
19 example the Gabriel Dumont Institute, which is centred  
20 in Regina, but nonetheless extends its services throughout  
21 the Province of Saskatchewan.

22                   It is those kinds of factors that have  
23 to be built in in looking into the actual delivery mechanism

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1 here. What I sense sometimes in the questions from Peter  
2 and yourself is that, and maybe because of the presentation  
3 yesterday, is that there is a heavy geographic focus in  
4 urban government models. I think it shouldn't be so  
5 tightly focused around the geographic component. We ought  
6 to look to other things like the minister have been saying,  
7 about the nature of the service and the cost-benefit  
8 analysis and those sorts of things.

9 **CO-CHAIR GEORGES ERASMUS:** I think I am  
10 getting a better appreciation of where you are coming from.

11

12 If I could just talk about one other  
13 example. The Canada Council was used as an example by  
14 Sheila. They set up some kind of an advisory board, a  
15 First Peoples Advisory Board to the Canada Council, but  
16 they left out the Métis. A question which went through  
17 my mind was, "Well, did the Métis want to sit in the same  
18 room as the Inuit and other Aboriginal people or did they  
19 want to have their own process where they were sitting  
20 in front of the Canada Council themselves?" What is the  
21 principle that is being created?

22 The other thing that went through my mind  
23 was that if the Métis want their own structure, if they

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1 want like ten advisors to the Canada Council, then I can  
2 just see exactly what is going to happen. The Inuit are  
3 going to want the same thing, the First Nations are going  
4 to want the same thing, so we are going to have a situation  
5 where every time Aboriginal people are going to be asked  
6 for advice, you are going to set up at least three round  
7 tables, if not more. Maybe the women are going to ask  
8 for their own round table. Then when that happens, the  
9 women are going to break up because all the women don't  
10 want to be in the same room and you are going to have the  
11 Inuit women, the Métis women, so those kinds of things,  
12 unfortunately, to deliver a coherent report we are going  
13 to have to wrestle with.

14 So, in relation to the Canada Council,  
15 would the Métis, for instance, accept having the same kind  
16 of representation as the other Aboriginal people?

17 **SHEILA GENAILLE:** Yes. I think what I  
18 was trying to point across, Georges, and I think what the  
19 Métis Nation has been trying is our identity. We know  
20 who we are. We've been promoting it, but people don't  
21 seem to either listen or pay attention to us.

22 All we are saying is we want equality.  
23 We heard the term in the last two years several times

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1 where the Métis people consider themselves and Canadians  
2 at large consider us as third-class Canadians,  
3 second-class Aboriginals. We are saying no more. All  
4 we want is equality. We want parity. We want with the  
5 other Aboriginal groups in this country and with Canadians  
6 in general.

7 By pointing out that, it just shows that  
8 they are not -- you know, like we are part of this country.

9 Yes, we have Indian ancestry, but I'm not an Indian.  
10 I am a Métis person. I may have some of their qualities,  
11 just like I have some of my French ancestors' qualities,  
12 but I'm not French. All we want to be is recognized of  
13 who we are, not the continual exclusion all the time, over  
14 and over and over.

15 **CO-CHAIR GEORGES ERASMUS:** I think that  
16 point is clear. All I am wrestling with is what is the  
17 best way to have the recognition. So, in that case would  
18 the Métis have been satisfied to have been given a seat  
19 like the others is what I am asking?

20 **SHEILA GENAILLE:** Yes, or even an  
21 invitation to come and listen and let us have a choice  
22 whether we wanted -- we may not have wanted a seat on there,  
23 but just give us the choice and to be part of it.



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1                   **GARY BOHNET:** Georges, if I could  
2     interject because I will tell you it's an excellent  
3     question and I'm glad you asked it because it is a real  
4     thing that we are facing every day. It is not only with  
5     the Canada Council.

6                   There are a number of issues that are  
7     facing Aboriginal people in general in the country and  
8     in the environmental area, the fur issue, the negotiations  
9     of the Migratory Birds Convention Act. One of the problems  
10    we are facing when we are looking at these advisory  
11    committees or our input into the process is the turf wars.

12                  We've faced it in the last couple of  
13    months and really it has been a real issue, where certain  
14    organizations are saying we are not represented by the  
15    national organization and we wanted to be represented --  
16    tribal groups want to have the seat. So that whole process  
17    has got to be really looked at and studied and the reality  
18    is there are four national Aboriginal organizations, there  
19    are three Aboriginal peoples recognized in the  
20    Constitution, one of which is Métis, so we expect in any  
21    forum of negotiations, the advisory committees are equal  
22    representation to the other Aboriginal organizations.  
23    It is an issue that we are faced with every day.

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1                   **CO-CHAIR GEORGES ERASMUS:** Thank you.

2

3                   I want to shift to justice. Your  
4 presentations are pretty clear as to where you want to  
5 start. I am wondering if you could speculate or just think  
6 ahead. What I am kind of interested in is while you want  
7 to create a Métis Nation justice secretariat with the  
8 capacity to develop alternatives to justice, do you think  
9 that probably will result in modifying the present system  
10 and that would satisfy the Métis, or do you see that  
11 modification of the present system would not be enough  
12 and that in addition to modification that there may well  
13 be if nor more than one, at least one model of alternative  
14 Métis parallel justice system?

15                  **GERALD MORIN:** Thank you, Georges.

16                  The Métis National Council Justice  
17 Secretariat, I guess it is one of those areas of  
18 jurisdiction that we want to develop pursuant to our  
19 inherent rights, we see some fairly radical changes taking  
20 place, like modifying the existing system I don't think  
21 would be adequate for us.

22                  As to what those systems, institutions  
23 or infrastructures would be remains to be seen. But I

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1 think as a starting base we are a people, for example,  
2 who have controlled through social mechanisms behaviours  
3 in our communities and so on and we've had our own laws  
4 in place. We've looked at the laws of St. Laurent, for  
5 example. We've look at the laws of the buffalo hunt and  
6 I know we are not involved in buffalo hunts any longer,  
7 but there are values that are underlying those laws of  
8 the buffalo hunt and laws of St. Laurent.

9 I think the challenge for us is to  
10 extract those values and ensure that they are reflected  
11 in modern mechanisms of putting in place our own social  
12 and justice systems.

13 As to what form those institutions will  
14 take we don't know, but we know that the justice system  
15 has failed our people miserably and that developing our  
16 areas of jurisdiction to justice through an MNC Justice  
17 Secretariat being the vehicle to do that.

18 I am the Minister of Justice in the Métis  
19 Nation Cabinet. We have an advisory committee made up  
20 of Métis lawyers and police officers who advise me and  
21 who are part of that secretariat. That's more or less  
22 I guess our Department of Justice, if you want to view  
23 it that way. We are looking at exploring alternative

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1 justice models, institutions that we should put in place,  
2 policies which should be developed and so on.

3 We have developed, by the way, the  
4 mission statement, the objectives and the functions of  
5 this MNC Justice Secretariat on the advice of our advisory  
6 committee within the Secretariat.

7 So, just as an overall context I will  
8 make those comments and I will also let Mark elaborate  
9 further.

10 **CO-CHAIR RENÉ DUSSAULT:** I want to  
11 remind everybody that it is 12:40 and there are still some  
12 questions. I don't want to prevent an additional comment  
13 on the justice issue, but I am also aware that you are  
14 going to come up with additional material.

15 **CO-CHAIR GEORGES ERASMUS:** Maybe if we  
16 could just leave it at that.

17 I have one last question.  
18 Constitutional and legislative protection for Métis  
19 self-government agreements. I notice that you are  
20 suggesting that the federal and provincial acts that will  
21 recognize your agreements that for any changes that  
22 three-quarters of the membership of the Legislative  
23 Assembly would be needed. Then, Métis assent would also

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1 have to be obtained.

2                   You don't describe how the Métis consent  
3 is acquired, but nevertheless if in fact you put into the  
4 legislation already that you need Métis assent, why would  
5 you need the three-quarter vote? It seems to me that it  
6 is quite a high threshold level. I am thinking not so  
7 much about an opportunity when you don't want change, but  
8 I am thinking more about a time when you do want change  
9 because if you actually put it into the legislation that  
10 it can't be changed without your consent and you describe  
11 how that takes place, it seems to me you are more or less  
12 given a bit of a veto.

13                   On the other hand, if the time comes,  
14 five or ten years down the road and all of a sudden there  
15 is something you want left out and you are able to convince  
16 a majority and the Legislative Assembly, and you know how  
17 hard it is to get a majority, Chrétien just received an  
18 overwhelming vote in the country, but he doesn't have  
19 three-quarters of the House. I am just looking at this,  
20 if you have the other part that you build it right into  
21 the legislation very clearly that they can't amend it  
22 without clear consent from the Métis and you describe how  
23 it is. Perhaps your Legislative Assembly has to agree

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1 and maybe you can have a high vote that is required in  
2 your own House, but if you build it into the Legislative  
3 Assembly it seems to me that it be a retardant for a time  
4 when you want change.

5 So, I don't know, you don't have to  
6 answer it, but just think about it.

7 **MARK LECLAIR:** Just quickly, Georges.  
8 Georges is speaking about the proposal in our brief which  
9 would provide a non-constitutional legislative protection  
10 for an agreement like the Métis Nation Accord.

11 **CO-CHAIR GEORGES ERASMUS:** It says  
12 both, constitutional or non, so it looks like it would  
13 --

14 **MARK LECLAIR:** Yes. What we were  
15 talking about there is because this developed in the  
16 context of our parallel discussions in Charlottetown on  
17 the Métis Nation Accord. The governments made it clear  
18 that they did not want to take a constitutional route with  
19 the Métis Nation Accord, so we developed a number of  
20 legislative consent provisions which would have made it  
21 very difficult for the government to tamper with the  
22 provisions of the Métis Nation Accord.

23 The second part of the answer is what

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1 we had envisaged as being enshrined in the legislation  
2 were framework type issues, like commitments to negotiate,  
3 commitments to negotiate land, these sorts of things.  
4 It wouldn't relate to our internal constitutions or a  
5 number of other areas. This was basically trying to set  
6 a framework there that legislatures and Parliament could  
7 not tamper with lightly.

8                   So, it was in the nature -- it's whole  
9 reason was to provide the same sort of comfort that a  
10 constitution would and our constitution takes seven  
11 provinces and 50 per cent of the population, representing  
12 50 per cent plus the feds. So this was another mechanism  
13 to protect that framework agreement.

14                   **CO-CHAIR GEORGES ERASMUS:** I assume  
15 that once you had this framework that you would then have  
16 the process and you would have legislation that would enact  
17 your final agreement. You didn't make a distinction  
18 whether you would have this requirement there or not.  
19 So, if you use the same formula then my concern would apply.

20                   Thank you for answering this question.

21

22                   **CO-CHAIR RENÉ DUSSAULT:** Commissioner  
23 Chartrand.

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1                   **COMMISSIONER PAUL CHARTRAND:** I only  
2 have one short and direct question for Mr. Swain. I would  
3 like to begin first by thanking Mr. Morin and all the other  
4 members of your panel for having assisted us this morning  
5 in understanding the perspective of the Métis National  
6 Council on the issues within our mandate.

7                   Essential to this mandate, of course,  
8 is the matter of the relations between Aboriginal peoples  
9 in Canada, in this case the Métis people, and you have  
10 assisted us and I think enlightened Canadians generally  
11 in understanding the view of the Métis people respecting  
12 the legitimacy of those relations. If we are to look at  
13 the future relations, certainly those relations must be  
14 legitimate from the perspective of the Aboriginal peoples.

15                  You have told us that the Métis people  
16 are seeking to assert and establish that legitimacy in  
17 a number of ways and because of the uniqueness of the Métis.  
18 Mr. Blais talked to us about the litigation that seeks  
19 to determine whether the original compact entered into  
20 by the Métis in 1870 is indeed tainted, or whether Canada  
21 will uphold its end of the bargain.

22                  Mr. Morin and the others also told us  
23 how in order to legitimate that relationship between Canada



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1 and the Métis people you pointed out the fact that the  
2 Métis constituents voted for the Charlottetown Accord and  
3 supported the substance of the Métis National Accord,  
4 thereby legitimating that particular process. Indeed,  
5 you added some details indicating how you are now in the  
6 process of restructuring your own political representative  
7 institutions, so that the legitimacy is accorded from the  
8 people to that process to give you the authority to  
9 legitimate those future relations. So, these are all very  
10 important points for which we thank you for assisting us.

11                   With respect to the issue of  
12 status-blind organizations, it has been raised a number  
13 of times, Mr. Blais. Indeed, this Commission will have  
14 to give very careful scrutiny to that issue. When we were  
15 listening to various submissions across the country, we  
16 heard both sides. I recall, for example, a lengthy  
17 comprehensive critique of the Pathways to Success Program  
18 provided to us in Maliotenam which we have on the record.

19

20                   With respect to Mr. Bohnet's  
21 recommendations regarding commercial fisheries, I wanted  
22 to assure you that in my view this matter, the matter of  
23 reviewing the management of those fisheries resources is

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1 very important and I would urge our staff and my colleagues  
2 to conduct an in-depth examination of these matters to  
3 enable us to make some comprehensive and workable  
4 recommendations on that issue.

5                   My question, Mr. Swain, has to do with  
6 this: I think it is entirely a matter of lack of  
7 understanding on my part, but I thought you suggested that  
8 with respect to the provision of funds for economic  
9 development programs that you put forth the Métis position  
10 that outlays of governmental expenditures for such  
11 economic developments ought to be equal to other Aboriginal  
12 programs. That's what I understood and that's what I would  
13 like your elaboration upon.

14                   The reason I am asking for that  
15 elaboration is that we have heard from other quarters,  
16 indeed, as I understand it, at this sitting in Ottawa the  
17 view that the outlays now being provided for other  
18 Aboriginal people are grossly inadequately. So,  
19 presumably the Métis would not be wanting equality in  
20 grossly inadequate funding programs.

21                   I wonder if you might like to just  
22 elaborate on that one point. Thank you very much.

23                   **RON SWAIN:** Thank you for the question,

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1 Mr. Commissioner. When we talk about economic development  
2 for the Métis, it's without a doubt we are not at parity  
3 even with the other Aboriginal organizations and  
4 Aboriginal peoples.

5 The Métis don't have parity, so that is  
6 one of the issues that is right before us right now. It  
7 is a real issue for us as a people and it has come up time  
8 and time again throughout the whole conversation.

9 When we look at this whole status-blind  
10 approach, it is a simple fact that when we come to the  
11 tables, even if we have a voice, it is usually one vote  
12 or one voice for the Métis. We are sitting at tables that  
13 represent First Nations and Inuit and most of the time  
14 they will have -- and I've sat at these tables at Pathways  
15 specifically, where that one voice or one vote is  
16 meaningless because we don't have a majority.

17 Also, we don't have the infrastructure  
18 to make it possible, even if we had equal votes right now.

19 **COMMISSIONER PAUL CHARTRAND:** Pardon  
20 me, but --

21 **RON SWAIN:** Commissioner, I am going to  
22 come back to the economic aspect of this in my address  
23 here.

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1                   So when we come back to the fact that  
2 we want equal representation in a status-blind approach,  
3 it doesn't work for us because we don't have the  
4 infrastructure in our communities. We don't have the  
5 infrastructure in our economic development institutions,  
6 so when we put forward a contemporary position that we  
7 at least want parity when it comes down to the economic  
8 dollars being sliced up, that's a real reality. But, of  
9 course, it is quite obvious that there is not enough dollars  
10 going towards the whole economic development aspect as  
11 far as Aboriginal peoples in general.

12                   In answer to your question, yes, there  
13 should be an increase of economic resources to all  
14 Aboriginal people, but we don't even get a third of what  
15 is available now.

16                   It is a real issue to us because this  
17 is the area that we can see ourselves moving forward as  
18 an independent people, is through economic development.

19                   **COMMISSIONER PAUL CHARTRAND:** Thank you  
20 very much.

21                   **GARY BOHNET:** Paul, I want to make  
22 something quite clear. There is not adequate funding  
23 right now for the existing programs that are out there,

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1 any of the federal programs. The lack of funding to Métis  
2 has always been an issue.

3 I think the point I wanted to make so  
4 that it's clear is we are not asking for money to be taken  
5 away from the other Aboriginal organizations. New monies  
6 have to be found for initiatives that are developed for  
7 the Métis.

8 **COMMISSIONER PAUL CHARTRAND:** Thank  
9 you.

10 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

11 I think we have covered as much as we  
12 could in this discussion this morning. It is already  
13 12:50. My advice would be that if we have other questions  
14 we could pursue them in another forum at another time.

15 We are of course looking forward to  
16 receiving your final report. We understand that what you  
17 have given us today is your final draft report. We know  
18 that we have other events where we are going to meet  
19 together.

20 I would like at this point to thank all  
21 the members of the Métis Nation who have supplemented and  
22 commented on their own portfolio, for your strong  
23 presentations. I think we have the thrust of your message.

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1 We are looking forward to working with you and getting  
2 down to some of the specifics in many additional areas.

3 I would like to thank you very much and  
4 to say that the Commission will resume its Hearings at  
5 2:30. We hope to be able to resume the Hearings at 2:30.  
6 We know we still have an important schedule ahead of us.  
7 Thank you.

8 **GERALD MORIN:** I think this was handed  
9 out to you in the concept of a Métis University of Canada.  
10 I just want to make sure that that's incorporated into  
11 the public record.

12 I want to thank the Commissioners very  
13 much on behalf of all of us. Thank you.

14 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

15 --- Lunch Recess at 12:55 p.m.

16 --- Upon Resuming at 2:35 a.m.

17 **CO-CHAIR GEORGES ERASMUS:** Could we ask  
18 everyone to take their seats, please, and we would ask  
19 the next presenters to come forward, the Native Women's  
20 Association of Canada.

21 **CO-CHAIR RENÉ DUSSAULT:** Good  
22 afternoon. We would like to have as good a presentation  
23 as possible. We are sorry for being late and we hope that

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1 the delay did not cause major problems. We are available  
2 to go a bit longer at the other end to make sure that you  
3 have time to make a full presentation. You may proceed  
4 whenever you are ready.

5 Perhaps you could introduce yourself for  
6 the sake of the record. Thank you.

7 **CHRISTINE BOONE, EXECUTIVE MEMBER,**  
8 **NATIVE WOMEN'S ASSOCIATION OF CANADA:** Good afternoon,  
9 Elders, sisters and brothers. We have been invited by  
10 the Royal Commission on Aboriginal Peoples to make a  
11 presentation here today during your final round of public  
12 hearings.

13 First, we would like to introduce  
14 ourselves.

15 My colleague, who is participating on  
16 behalf of the Native Women's Association of Canada, is  
17 Mrs. Laurel Claus-Johnston, a Mohawk woman and member of  
18 the Board of Directors of the national organization. She  
19 also holds the elected position of First Vice-President  
20 of the Ontario Native Women's Association. Mrs.  
21 Claus-Johnston is presently enrolled at the University  
22 of Ottawa, common law program.

23 My name is Christine Boone, and I am from

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1 the Maliseet Nation from New Brunswick. I am presently  
2 an executive member of the Native Women's Association of  
3 Canada representing the Eastern Region. The Eastern  
4 Region consists of aboriginal women's organizations in  
5 Newfoundland, Nova Scotia, Prince Edward Island and New  
6 Brunswick. I live in Fredericton with my husband and am  
7 a proud mother and grandmother.

8 We also have with us today as resource  
9 people Ms Marsha Smoke, who is our Interim Administrator  
10 at the national office, and Ms Sharon McIvor, the  
11 organization's Justice Co-Ordinator.

12 The Native Women's Association of Canada  
13 has been in existence since 1974 and has gone through many  
14 changes as the voice for aboriginal women in Canada. The  
15 national organization continues to evolve to address  
16 issues in a manner which reflects the changing needs of  
17 aboriginal women in Canada.

18 The Native Women's Association was  
19 established with the following principles and objectives:

- 20 1. To be the voice for aboriginal women;
- 21 2. To address issues in a manner which reflects  
22 the changing needs of aboriginal women in  
23 Canada;



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- 1 3. To provide a forum to assist and promote
- 2 common goals toward self-determination and
- 3 self-sufficiency for aboriginal people;
- 4 4. To promote equal opportunity for aboriginal
- 5 women in programs and activities;
- 6 5. To serve as resource among its constituency
- 7 and aboriginal community;
- 8 6. To cultivate and teach the characteristics
- 9 that are unique aspects of our cultural and
- 10 historical traditions;
- 11 7. To advance issues and concerns of aboriginal
- 12 women; and
- 13 8. To work with other aboriginal organizations
- 14 who share common goals.

15 At the present time the Native Women's  
16 Association of Canada represents aboriginal women through  
17 its provincial, territorial and member organizations who  
18 are based in each province and territory across Canada.

19 **LAUREL CLAUS-JOHNSTON, DIRECTOR, NATIVE**  
20 **WOMEN'S ASSOCIATION OF CANADA:** The Native Women's  
21 Association of Canada had an opportunity to present a  
22 written document to you titled "The Issues and Concerns  
23 of Aboriginal Women". In order to prepare this written

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1 document our organization was prepared to play a role in  
2 educating and encouraging aboriginal women to participate  
3 in the Royal Commission on Aboriginal Peoples consultation  
4 process. This would enable NWAC to summarize the concerns  
5 of aboriginal women and to provide forums to highlight  
6 the issues that aboriginal women would want the Royal  
7 Commission to address.

8 We would like to go briefly to that  
9 report that was submitted to you and highlight some of  
10 the areas of concern.

11 The consultation process identified  
12 critical issues such as the escalation of alcohol and drug  
13 abuse, physical and sexual abuse, and family and community  
14 violence and suicides.

15 In addition to the impact on the social  
16 fabric of aboriginal communities, employment, education,  
17 child care, inadequate housing and an unacceptable  
18 standard of medical and dental care that exists were all  
19 highlighted.

20 While the issues identified had a direct  
21 impact on individuals on a daily basis, a specific concern  
22 of aboriginal women demonstrates that there still exists  
23 inadequate information on the subject of self-government.

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1                   After the research project to the Royal  
2 Commission had been completed, the Native Women's  
3 Association of Canada held its annual meeting on October  
4 1, 2 and 3 in Hull. During that time issues were brought  
5 to the floor by aboriginal women who were in attendance  
6 from every province and territory in Canada.

7                   At this time, we wish to take the  
8 opportunity to provide you with the reasons why this  
9 national aboriginal organization must focus on the  
10 changing needs to bring the aboriginal women of this  
11 country and the Native Women's Association of Canada into  
12 the next century.

13                  The 1991 Census of Canada has estimated  
14 the total aboriginal population to be just over 1 million  
15 people. Population information from various sources  
16 indicate that the female aboriginal population comprises  
17 anywhere from 51 per cent to 54 per cent of the total  
18 aboriginal population in Canada.

19                  In spite of many significant victories  
20 in recent years, aboriginal women continue to be subject  
21 to social and economic policies designed to suppress and  
22 undermine efforts for stability, social change and  
23 advancement.

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1                   Aboriginal women in this country are  
2   among the lowest paid and poorest educated, earning  
3   significantly less than the rest of the Canadian  
4   population.

5                   The poverty of aboriginal people,  
6   particularly aboriginal women and children under the age  
7   of six, has been documented in numerous studies and  
8   reports. These reports describe the appalling living  
9   conditions, low life expectancies, high infant mortality  
10   rates, substandard housing and high unemployment rates.  
11   The reports also describe the widespread substance and  
12   alcohol abuse, family violence and high rates of suicide.

13                  Previous studies completed as far back  
14   as the 1970s still indicate that aboriginal women are still  
15   at an increased disadvantage in their educational  
16   attainment. The barriers leading to this lag in  
17   educational achievement are quite varied and range from  
18   family responsibility and lack of child care, the  
19   application process, financial difficulties and other  
20   factors which include not meeting minimum entrance  
21   requirements.

22                  The aboriginal women through the  
23   provincial and territorial organizations who make up the

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1 membership of the Native Women's Association of Canada  
2 recognize the need to review its vision statement and  
3 restructure the national organization so that it will be  
4 organized in such a way to be more responsive to the needs  
5 stressed by aboriginal women in their local communities.

6                   An issue that has received substantial  
7 attention from grassroots aboriginal people in the federal  
8 agenda is the federal agenda on the Indian Act Alternatives  
9 legislative initiatives. While the Government of Canada  
10 has consistently introduced termination policies toward  
11 aboriginal people such as the 1969 White Paper and the  
12 Buffalo Jump of 1984, the 1993 termination policy is the  
13 Indian Act Alternatives legislation, a process that has  
14 been under way since 1986.

15                   A draft bill on a First Nations Moneys  
16 Act is ready to be tabled once Parliament reconvenes, and  
17 similar initiatives are being negotiated for an optional  
18 chartered land legislative proposal for specific First  
19 Nations and a proposal for a First Nations Resources  
20 Management Act.

21                   The Indian Act Alternatives legislation  
22 affects all aboriginal people regardless of their  
23 residency and are designed to release the Government of

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1 Canada of its fiduciary responsibility to all aboriginal  
2 people. While the Government of Canada through the  
3 Department of Indian Affairs claims that this is an  
4 Indian-led process, evidence exists that demonstrates that  
5 the federal government has been in control and directing  
6 these initiatives since 1986.

7                   While the Native Women's Association of  
8 Canada has not had the resources to do the proper research  
9 required on this issue, we urge the Royal Commission on  
10 Aboriginal Peoples to examine the impact that the proposed  
11 legislation will have on our lands and resources. In light  
12 of the benefits that the exploitation of our lands and  
13 resources will bring to Canada through the proposed Indian  
14 Act Alternatives legislative initiatives, the application  
15 of the Canada-U.S. Free Trade Agreement and the North  
16 American Free Trade Agreement must be explored.

17                   While employment rates for aboriginal  
18 women were not specifically identified, barriers to  
19 employment were. The most significant barrier to  
20 employment is the scarcity of jobs in the area of residence,  
21 followed by disparity in education or work experience and  
22 job expectation.

23                   It is timely that we also raise concerns

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1 regarding the federal pathways to success program.  
2 Concerns have been identified which relate to  
3 representation and the overall management of the program.  
4 While not all regions are experiencing the same type of  
5 problems, this national organization has been asked to  
6 intervene on behalf of its membership in various regions  
7 of the country.

8                               In a country where the majority of  
9 Canada's aboriginal population reports income levels  
10 between \$2,000 and \$10,000 per year, the average Canadian  
11 earns anywhere from four to ten times the income of the  
12 majority of aboriginal people. The average income for  
13 aboriginal women continues to remain at approximately 36  
14 per cent of the Canadian male income.

15                              This is a great concern among aboriginal  
16 women, considering that 28 per cent of aboriginal  
17 households are now headed by women. Of these, 80 per cent  
18 are single parent households with children under the age  
19 of six.

20                             In our aboriginal society Statistics  
21 Canada reported that three major social problems facing  
22 aboriginal people are alcohol abuse, drug abuse and family  
23 violence.

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1                   The situation of aboriginal people today  
2   in 1993 is a matter of great concern in aboriginal  
3   communities and should be one of national concern.

4                   The total aboriginal population in  
5   Canada is derived of over 51 per cent female with many  
6   of the households headed by single parent women with the  
7   vast majority having incomes of less than \$10,000 per year.

8   A startling number of the female aboriginal population  
9   subsists on incomes of less than \$5,000 per year.

10                  It should come as no surprise that the  
11   majority of aboriginal women live in poverty and often  
12   in substandard housing.

13                  Since aboriginal women's incomes are  
14   considerably less than the national average, this means  
15   that a greater portion of their meagre income goes toward  
16   paying for shelter costs, leaving less money for basic  
17   needs such as food and clothing. To compound matters,  
18   affordable child care is often inaccessible to the  
19   aboriginal single mother, thus creating barriers to  
20   training programs, education and gainful employment.

21                  In a society where aboriginal people are  
22   living in third world conditions, there are many, many  
23   issues surrounding the administration of justice, health,



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1 child welfare, and the list goes on.

2 We look forward to the final report of  
3 the Royal Commission on Aboriginal Peoples and hope that  
4 the governments of this land honour its fiduciary  
5 responsibility to aboriginal women and their families as  
6 our issues should not be characterized as "women's issue"  
7 but in fact "issues affecting women".

8 In closing, as we approach November 11,  
9 1993, the Native Women's Association of Canada believes  
10 that it is timely to raise the issue of the injustice that  
11 has been dealt to our aboriginal veterans and their  
12 families. Although the Government of Canada has  
13 recognized, apologized and compensated Japanese Canadians  
14 for the treatment they received while their country was  
15 at war, the Canadian government has yet to provide any  
16 kind of recognition or compensation for the aboriginal  
17 veterans and their families that served in the Armed Forces  
18 in the name of Canada.

19 For the first time this year, the Native  
20 Women's Association of Canada will be laying a wreath at  
21 the Remembrance Day ceremonies here in Ottawa on behalf  
22 of aboriginal women, their men and families.

23 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

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1                   This is your presentation, is it? We  
2   want to move to a question period, if you don't mind.

3                   **MS CLAUS-JOHNSTON:** There is one more  
4   thing, if we could have a few more moments. One of our  
5   sisters has a presentation and some communication she would  
6   like to make to you.

7                   **CO-CHAIR RENÉ DUSSAULT:** No problem.  
8   Please do so.

9                   **SHARON McIVOR, JUSTICE CO-ORDINATOR,**  
10   **NATIVE WOMEN'S ASSOCIATION OF CANADA:** Earlier on this  
11   year in June we were out in Victoria. A hearing was held  
12   out there with the women who did not have an opportunity  
13   to have their voices heard by the Royal Commission through  
14   various things: scheduling, inaccessibility,  
15   information. So they asked the Native Women's Association  
16   of Canada and the Royal Commission to come out and have  
17   a closed hearing where they could have their voices heard  
18   in a safe environment where they did not have to worry  
19   about retaliation after they left the meeting.

20                   This happened in June. The blankets  
21   that I have set out here are blankets that were worn by  
22   myself and Teresa Nahani when we listened to those women.  
23   Each of the ribbons on the blanket represents one woman

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1 telling here story. They asked they we convey those  
2 stories to you, the Royal Commission, because they could  
3 not do it themselves. The ribbons they put on the blanket  
4 was to remind myself and Teresa that someone had to bring  
5 their voices forward. They could not do it and they wanted  
6 their voices heard.

7 We have here the videotapes of those  
8 hearings. We had promised them that we would make them  
9 available to you, and we are asking that you listen to  
10 these women who cannot be here that are represented by  
11 these ribbons, and take their voices into consideration  
12 when you make your report.

13 I will give you the tapes.

14 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
15 much. As you are aware, Viola Robinson participated in  
16 this meeting in June.

17 We will now move to our question period.

18 I would like to ask Commissioner Paul  
19 Chartrand to start.

20 **COMMISSIONER PAUL CHARTRAND:** Thank you  
21 very much for your presentation. I will be quite brief.

22 I wish to begin by noting your reference  
23 to aboriginal veterans. The story of veterans is indeed

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1 a sad story in the life of Canada, but it is worth remarking,  
2 it seems to me, that they also have been accredited with  
3 already having made significant changes to the entrenched  
4 legislative regime that oppress the everyday lives of  
5 Indian people on reserves after their return from the  
6 Second World War.

7 I think you would agree that we ought  
8 as well to recognize the significant positive  
9 contributions that veterans have already made.

10 I understand the emphasis that you place  
11 on education and access to income and profits in the  
12 submission you have made here today, and I agree with the  
13 point you make that amendments to the Indian Act, whether  
14 proposed by others or crafted by this Commission, are  
15 indeed an important part of our mandate.

16 I move on to the two short questions that  
17 I would like to ask.

18 The first one has to do with the  
19 statement you make -- and I will refer to the statement  
20 -- that certain aboriginal women are subsisting, according  
21 to some statistics, on less than \$5,000 per year. For  
22 a person like me who is ignorant of these statistical  
23 matters, it seems like an incredible statistic. I can't

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1   contemplate how anyone could meet your description of being  
2   able to subsist on \$5,000 a year in Canada in 1993. But  
3   underlying that incredulity on my part is the assumption  
4   that you are referring to independent people.

5                   I wonder if you could identify the source  
6   for this particular statistic and if you would care to  
7   elaborate on its significance for us.

8                   That is my first question.

9                   **MARSHA SMOKE, INTERIM ADMINISTRATOR,**  
10   **NATIVE WOMEN'S ASSOCIATION OF CANADA:** Thank you,  
11   Commissioner Chartrand. I will respond to that question.

12                   The Native Women's Association  
13   commissioned a study itself in the summer of this year  
14   to explore the conditions that aboriginal women are facing  
15   at the present time. The study is comprehensive. It does  
16   identify various areas of difficulty. It is the source  
17   that we pulled a lot of the figures from.

18                   That report can be provided to the Royal  
19   Commission after the presentation today for your  
20   information. It has all of the attached bibliography  
21   where the information was drawn from.

22                   **COMMISSIONER PAUL CHARTRAND:** Thank you  
23   very much. I look forward to reading the details of your

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1 study.

2 My second question relates to a  
3 statement at page 7, which reads this way:

4 "The Indian Act alternatives legislation affects all  
5 aboriginal people regardless of  
6 their residency and are designed  
7 to release the Government of Canada  
8 --"

9 I wonder if you might elaborate on the  
10 meaning of that. I am assuming -- I want to make sure  
11 this assumption is right -- that "aboriginal people" is  
12 to be given a comparatively narrow meaning here. I would  
13 wonder in what sense this legislation would affect the  
14 Métis people or the Inuit people.

15 I wonder if you would like to expand on  
16 the meaning of that statement, please.

17 **MS CLAUS-JOHNSTON:** What I believe this  
18 statement in this paragraph to bring to your attention  
19 is the fact that these proposed legislative changes are  
20 being brought about without the consultation process or  
21 any kind of relationship with the people that it affects  
22 most.

23 By that, when we say that the Indian Act

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1 legislation or proposed legislation affects all aboriginal  
2 people, it does take in non-status people and it does take  
3 in people who are off reserves as well. We believe that  
4 the changes that are being brought about, the needed  
5 changes -- not necessarily the current changes but the  
6 needed changes -- need to have the input of the people  
7 that we speak for.

8 That is what we meant by all aboriginal  
9 people.

10 **COMMISSIONER PAUL CHARTRAND:** I believe  
11 I understand, but just to make certain the statement is  
12 intended to make the point that you have clearly spelled  
13 out but by way of excluding the Inuit and the Métis in  
14 this case.

15 Thank you very much.

16 **CO-CHAIR RENÉ DUSSAULT:** Bertha Wilson,  
17 please.

18 **COMMISSIONER BERTHA WILSON:** I would  
19 like to ask for some further information in connection  
20 with a statement that appears on page 4, which I think  
21 raises a very important issue.

22 You say in the middle of the page, after  
23 you have spoken about how drug and alcohol abuse and family

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1 violence impact on families:

2 "-- a specific concern of aboriginal women demonstrates  
3 that there still exists inadequate  
4 information on the subject of  
5 self-government."

6 Of course we as a Commission are most  
7 anxious to obtain the views of aboriginal women on the  
8 issue of self-government. So often there has been the  
9 view expressed that there are certain issues that women  
10 will address -- family issues and issues affecting  
11 children, and so on -- and failing to recognize the  
12 importance of getting the views of women on something as  
13 vital and important as native self-government.

14 I am puzzled by this comment and I wonder  
15 why there is this inadequate information. Is information  
16 being withheld from native women? Is it just not  
17 available?

18 Could you elaborate on that? It is  
19 obvious vital that native women be fully informed about  
20 all aspects of what native self-government would mean for  
21 them and their families. I would really like to hear more  
22 about that.

23 **MS CLAUS-JOHNSTON:** I can respond to



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1   that, Ms Wilson.

2                               This particular statement arises from  
3   the research that went on in the intervenor participation  
4   program where a survey was taken in Saskatchewan, and the  
5   main focus of that inquiry was on self-government.

6                               I believe that that issue speaks broadly  
7   across the country because in the organization that I  
8   belong to, quite often we bring our women together to  
9   discuss what we believe are certain concerns. And every  
10   time the issue of self-government comes up and what does  
11   it mean?

12                              It is as simple as that. What does it  
13   mean?

14                              So while women are dealing with bread  
15   and butter issues and safety issues and their own future,  
16   they still are concerned about the people who make  
17   decisions in their lives, and probably what they are  
18   expressing the most is that people are still making  
19   decisions in their lives.

20                              In our brief that was submitted, it shows  
21   that the statistics or the research that was done in  
22   Saskatchewan refers to this particular statement. But  
23   on a broader scheme, federally speaking, I believe all

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1   aboriginal women are concerned about what does  
2   self-government mean to them in terms of "is it going to  
3   be more people making decisions about my life". When it  
4   is brought back down to the personal grassroots level,  
5   that is exactly what it means. Women do not have enough  
6   information on what self-government means to them  
7   personally. We hear that constantly

8                   **COMMISSIONER BERTHA WILSON:** As we  
9   travelled through the various communities and heard the  
10  grassroots voice of women, there was no doubt that many  
11  were apprehensive about the concept of native  
12  self-government. As far as I could discern from the  
13  presentations that were made to us, they were particularly  
14  worried about the issue of accountability and how native  
15  governments were going to be made accountable for the  
16  government that they in fact instituted.

17                   We heard a great deal from the female  
18  presenters about whether or not they would have the  
19  protection of the Charter of Rights and Freedoms and many  
20  expressed concern as to whether or not that Charter was  
21  going to apply to native self-government. I think they  
22  were expressing that concern because they had heard some  
23  of the male native leaders say that that Charter was

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1 inappropriate for native people because it did not reflect  
2 native values. It reflected the values of western  
3 society.

4                   So we did hear a great deal on both these  
5 issues; the issues of how native governments were to be  
6 made accountable to the people and whether the basic  
7 protection, human rights protection, was going to be  
8 available for women and children under self-government.

9                   I realize that one of the propositions  
10 that has been put forward to meet certainly the second  
11 issue of the applicability of the Charter has been that  
12 there should be an aboriginal Charter of Rights and  
13 Freedoms that would apply to native governments. I do  
14 not know enough about this.

15                  Is the concept that there would be one  
16 aboriginal Charter of Rights or is it that there would  
17 be several different charters applicable to the different  
18 groups of aboriginal people? I am not quite sure about  
19 that although I understand there has been some work done  
20 on an aboriginal charter.

21                  Is the idea that it would have general  
22 application to all the aboriginal people, or would there  
23 be a Métis charter and an Inuit charter, and so on? Can

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1   you shed any light on that for me?

2                   **MS CLAUS-JOHNSTON:**   The light I can shed  
3   on that is my personal opinion.

4                   I believe that the issue that you are  
5   speaking of is unity.   The work that is being done at this  
6   point toward an aboriginal charter, I believe, has the  
7   concept of unity.   As an organization the mandate has come  
8   from the women on the floor to work in unison.   We believe  
9   that we need to work with the other organizations and work  
10   closer with the provincial bodies in order to be responsive  
11   to the communities themselves.   And that is unity.   An  
12   aboriginal charter would be unity.

13                  I can't say what it would look like, but  
14   I believe that should it come about and be acceptable to  
15   all the people, all the First Peoples, it would be unity.

16                  There are those concerns about the  
17   interim period, about some of the protective measures in  
18   the Charter at present for women and children.   There are  
19   those concerns.   But in the greater issue of unity, those  
20   concepts and those needs and those perspectives would be  
21   reflective in an aboriginal charter.

22                  **COMMISSIONER BERTHA WILSON:**   Thank you.

23                  Could you help me on the subject of

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1 accountability. Have you given thought to or have you  
2 some ideas as to how you could ensure the accountability  
3 of native government to the people they are governing?  
4 Have you thought about how that might be achieved?

5 **MS CLAUS-JOHNSTON:** I believe the  
6 accountability that you are mentioning is the direct  
7 accountability, not the ethical or moral accountability  
8 that some people speak of. I believe the line of  
9 communication and the relationship that is being alluded  
10 to is a direct one so that people who feel that they have  
11 other people speaking for them have the ability to approach  
12 that person, bring their concerns to that person and, it  
13 that person is not responsive to them, has the ability  
14 to remove that person.

15 What I believe you are bringing up and  
16 what I hear as well, belonging to an organization in  
17 Ontario, is the accountability issue. It is very high  
18 because a lot of people are professing to speak for and  
19 on behalf of a lot of other people. The relationship that  
20 you are speaking of is one that needs to be direct. That  
21 is why there is a division between on and off reserve  
22 issues, non-status and status people, who speaks for what.

23 I believe my sister, Ms McIvor, has

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1 something to add.

2 **MS McIVOR:** I just wanted to add a little  
3 on the aboriginal charter issued that you questioned.

4 The Native Women's Association of Canada  
5 did in fact start work on a draft of an aboriginal charter  
6 and we did so in consultation with the Assembly of First  
7 Nations. We had agreed that it may be a useful document.  
8 But that work sort of fell by the way when the Constitution  
9 talks started rolling and other issues took a higher  
10 priority.

11 The concept of the aboriginal charter  
12 was brought forward because of the issues that you talked  
13 about, about the Charter of Rights and Freedoms being a  
14 western document. However, there is some controversy over  
15 the whole issue of equality: Where did the idea of  
16 equality come from? Many lean back and say well, it came  
17 from writers such as Marx, Engels and Rousseau. But if  
18 there is a line of thinking that those ideas came from  
19 Henry Morgan, who of course got his ideas from the Iroquois.

20 So when we are looking at the whole idea  
21 of equality and saying that it is a western concept, there  
22 is a lot of questions about that now, where the idea of  
23 equality came from. There are some of us who believe that

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1 it comes right from here.

2 I think that is really important for some  
3 to understand, that when we are talking about equality,  
4 when we are talking about fairness in checks and balances,  
5 it is what we have brought forward over and over again  
6 within the aboriginal scheme of self-government. We are  
7 looking for an element of fairness, an element of checks  
8 and balances so that unfair treatment cannot happen.  
9 That, I think, is rooted in our own societies, and I think  
10 it is very important for yourselves to understand that  
11 we cannot outwardly get rid of the sense of equality when  
12 it is in our roots.

13 **MS CLAUS-JOHNSTON:** More on that, Ms  
14 Wilson, is the concept of legal rights. There is a pilot  
15 project -- maybe a bit beyond a pilot project -- at  
16 Akwesasne which is looking at self-governing. And the  
17 issue related to right to counsel is dominant. What does  
18 that mean? When you look at the justice issues and you  
19 balance them against the community aspect of I guess the  
20 term is conflict resolution, then the idea of right to  
21 counsel becomes obsolete.

22 So there are native perspectives and  
23 ideals and transitions that are meaningful and relevant.

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1 But in the working out of these ideals in the future,  
2 that is where I see the unity coming in in an aboriginal  
3 charter.

4 **COMMISSIONER BERTHA WILSON:** Is that  
5 drafting, that effort to come up with a document still  
6 going ahead?

7 **MS CLAUS-JOHNSTON:** At present, no.

8 **COMMISSIONER BERTHA WILSON:** Why is  
9 that, I wonder?

10 **MS CLAUS-JOHNSTON:** I think what  
11 happened in the fall of last year in all of the areas that  
12 we were pulled on, pulled apart about, took a lot of energy.  
13 Presently, our national organization is restructuring  
14 and refitting itself and revisioning, and attempting to  
15 look at the concerns that the women bring up when they  
16 come to national assembly and they go on the floor and  
17 they speak of the things that are important to them.

18 It does not mean that we have forgotten  
19 that. It just means that the energies since last year  
20 have been diverted.

21 **COMMISSIONER BERTHA WILSON:** Thank you  
22 very much.

23 **CO-CHAIR RENÉ DUSSAULT:** Viola



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1 Robinson, please.

2 **COMMISSIONER VIOLA ROBINSON:** Thank  
3 you.

4 I just want to raise this meeting in  
5 Victoria. I was the Commissioner who went out there along  
6 with a staff member and attended this meeting. This  
7 meeting was in camera.

8 During our hearings going across the  
9 country we held some in camera sessions, and a lot of them  
10 had to do with women who wanted to raise very sensitive  
11 issues and did not feel very comfortable in doing it in  
12 a public forum. So we accommodated them through holding  
13 private forums. There is a lot of information that has  
14 been gathered from those forums.

15 The one I went to, I came back to the  
16 Commission and, to the best of my ability, I tried to inform  
17 the Commissioners of the meeting that we had in Victoria.  
18 This is something that we do need help on.

19 For instance, we have the tapes here.  
20 We can look at these tapes, but how can we best use this  
21 information and bring it out to the public? How do we  
22 report on it? I don't feel comfortable in putting these  
23 things in. Should they be put into our report?

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1                   I think we need some guidance and help  
2   on exactly the best way to deal with this information.  
3   Most of it was done in camera and a lot of it is very  
4   sensitive. Yet it has to go out and it has to be heard  
5   and we are wondering what is the best way to do it.

6                   That is what I think we are looking for  
7   some guidance on.

8                   **MS McIVOR:** The women who came to the  
9   hearings were fearful for their safety, as you know, Viola,  
10   during that whole hearing period. We tried to keep it  
11   as confidential and as low key as possible. They are very  
12   concerned that you hear their voices and use the voices  
13   to best bring out the problems that they brought forward.  
14   It is very important also to maintain that  
15   confidentiality. So if you are going to use the stories  
16   or the incidents, do it so that specific people are not  
17   identified.

18                  But on speaking to the women and them  
19   asking that those tapes be made available to you, the  
20   Commission, they are trusting that their personal identity  
21   will not be revealed. As you know, some of them had to  
22   actually move out of their own communities because of some  
23   of the incidences. They were not safe in their own

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1 communities any more. They came to the hearing in Victoria  
2 in secret. Some of them moved off the island. Some moved  
3 up island. And they came in in a very secretive way so  
4 they would not be discovered.

5 With that kind of fear, it is important  
6 to make sure that they are not identified so that it can't  
7 be pointed. We know also through contacts from other  
8 women's groups across the country that what is happening  
9 in that part of the country is not unique. It is happening  
10 across the country.

11 So when you put it into your report, or  
12 you refer to it in your report, it is important not to  
13 identify specific areas as well.

14 **COMMISSIONER VIOLA ROBINSON:** That is  
15 all I have for now. Thank you.

16 **CO-CHAIR RENÉ DUSSAULT:** Georges  
17 Erasmus, please.

18 **CO-CHAIR GEORGES ERASMUS:** Thank you.

19 You talked about an aboriginal charter  
20 with some work that was done between some of the First  
21 Nations and the native women. Are there drafts that were  
22 started that we could possibly look at? We have not been  
23 privy to anything. It would really be useful, if it was

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1 at all possible, to benefit from at least the early work  
2 that was done.

3 **MS McIVOR:** We do have a draft that was  
4 put before our Board of Directors and the Board of Directors  
5 did approve part of it. We will go back to our Board of  
6 Directors and see if we can release it to you.

7 **CO-CHAIR GEORGES ERASMUS:** That would  
8 be most useful.

9 Getting back to another point that was  
10 brought up by Bertha Wilson, in relation to the continuing  
11 lack of information that aboriginal women seem to have  
12 out there in relation to the subject of self-government,  
13 what is the solution? How should the Commission approach  
14 this point that women still lack basic information on  
15 self-government? What is the remedy?

16 **MS CLAUS-JOHNSTON:** I think, first of  
17 all, we need to move out of that place of thinking we know  
18 what self-government is so we would not be downloading  
19 information and saying this is what self-government is.

20 What the women are saying is they do not  
21 have a voice in the decision-making and the decisions that  
22 are made on behalf of them, and that is self-government.

23 **CO-CHAIR GEORGES ERASMUS:** I am sorry

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1 to interrupt, but are they not saying two things, though?  
2 Are they not saying clearly what you are saying, which  
3 is that we are not involved? But are they also saying:  
4 We don't know what the men mean or everybody else means?

5 **MS CLAUS-JOHNSTON:** That is true, you  
6 are correct in that. They are not understanding, or maybe  
7 they are understanding what the men are saying. And they  
8 are frightened, as was mentioned before, and they are  
9 concerned and apprehensive of that particular model.

10 So possibly a solution would be a  
11 presentation, sharing of information of what is happening  
12 from one end of the country to the other with all women,  
13 downloading information rather than saying this is what  
14 self-government is. These are the areas that are being  
15 investigated.

16 I think on the weekend and the beginning  
17 of next week there is a self-government conference in  
18 Vancouver or Victoria, and one of the responsibilities  
19 for our delegates to go is to gather information because  
20 from the roster of people that are there, various models  
21 of self-government are being presented and discussed and  
22 workshopped. They must bring that information back to  
23 this organization, and we must make decisions to make sure

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1   that that information then goes out to each territorial  
2   organization.

3                           That is downloading of information.

4                           But at a grassroots level it then becomes  
5   the responsibility of each organization provincially or  
6   territorially to make sure that women have that  
7   information. I believe women need that information so  
8   that they can remove their fear and that they can have  
9   a voice.

10                          I guess what I am saying is education,  
11   sharing of information, which can be costly, which can  
12   be involved and long and drawn out. But it can also be  
13   community-driven. I see that as a priority for women who  
14   need the ability to make decisions on important things  
15   in their lives.

16                          **MS McIVOR:** Also, Georges, it is  
17   important, I think, for the Commission to recognize that  
18   a recommendation from them saying that on the issue of  
19   self-government the community should be involved would  
20   have a lot of impact. What we have in the present structure  
21   is very elitist. We have a certain group that has the  
22   information and can make the decisions on that information  
23   that will affect everyone in their community. There is

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1 no mechanism requiring that group to even go back to their  
2 community to find out if in fact they know what is going  
3 on, and whether they want input into it or not.

4 So a recommendation from your Commission  
5 that that process happen would have a lot of strength when  
6 it comes to looking at the scheme in general.

7 What Laurel is saying about the  
8 information is important but also that the community should  
9 be involved in any kind of discussion before  
10 self-government in any form can go ahead. Otherwise you  
11 will always be in the situation where there will be people  
12 there that say: "We don't know what is going on and people  
13 are making decisions for us."

14 **CO-CHAIR GEORGES ERASMUS:** I understand  
15 what you are saying, that there should be both a sharing  
16 of information from those people involved so that the  
17 people in general will understand. Then you are also  
18 saying that at the grassroots level community people should  
19 be involved in the evolution of self-government.

20 Could I ask you a question that we have  
21 been asking other organizations.

22 When this process of self-government  
23 moves along and institutions of self-government have been

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1 isolated one way or another to be used by the people,  
2 whether it is the First Nation people or Inuit or Métis,  
3 or otherwise, should there be some kind of public  
4 ratification by the client community to make it very clear  
5 whether they support or do not support the particular style  
6 or model of self-government institution that is being  
7 proposed, whether it is for a community or for a nation?

8                   Should there be some kind of public  
9 referendum or something so that the community has an  
10 opportunity to ratify it?

11                   **MS CLAUS-JOHNSTON:** That is a quantum  
12 leap at this point for me. A referendum usually is  
13 isolated in one or two questions, and it is do you agree  
14 or don't you agree. I believe that should the true  
15 consultation process happen where families and women are  
16 in the decision-making itself, the ratification will be  
17 in the fact that their community will have a voice, and  
18 you will not hear any other voice saying "no, they are  
19 not listening to us".

20                   **CO-CHAIR GEORGES ERASMUS:** But isn't  
21 the problem surely that what seems like a true community  
22 process for one group might not be a true community process  
23 for another?



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1                   **MS CLAUS-JOHNSTON:** That is true, yes.

2       And I know it is coming from an idealistic perspective  
3       that every community would take the time to listen to every  
4       voice. However, I believe that must be attempted and that  
5       women have the right to have that presented to them. Even  
6       if they choose not to speak, they should have the freedom  
7       to have a voice.

8                   **CO-CHAIR GEORGES ERASMUS:** I am looking  
9       at the end point.

10                  **MS CLAUS-JOHNSTON:** The end point of the  
11       ratification?

12                  **CO-CHAIR GEORGES ERASMUS:** Yes. What  
13       I am saying is that we have heard from people that they  
14       should be involved in the process. We have heard that  
15       very, very clearly. We have not talked about whether we  
16       are going to put this down or not, but it has certainly  
17       been told to us very, very clearly.

18                         Now I am wondering whether or not when  
19       the model of self-government that has been arrived at by  
20       a community or a grouping of communities, a nation of  
21       people, as to what is going to be their government, whether  
22       it should be put before the people.

23                         I will talk about the people I am from.

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1 I am a Dené. My leaders go to the table. They negotiate  
2 a Dené style of government and the negotiations go back  
3 and forth for many years. It comes to our communities.  
4 It comes to general assemblies. Finally we approve it  
5 in our assembly.

6 It seems to me personally that  
7 regardless of how big our assemblies are -- and we have  
8 had very large assemblies. Sometimes we have had 1,500  
9 people at our assemblies for 14,000 people. So we had  
10 a large percentage of our people, over 10 per cent of our  
11 people, in our assembly.

12 It would seem to me that we would still  
13 need to have an opportunity provided to the Dené population  
14 -- everyone over 16, or over 18, whatever -- to ratify  
15 that so that the leadership people that have been involved  
16 in it for all the years will know whether or not they are  
17 starting at a place where you have a majority.

18 Maybe there are other processes. You  
19 come from the Mohawks. Maybe you would feel secure with  
20 your leadership and the process they would design that  
21 they would not need to do that. I don't know.

22 If not, I am wondering if it would be  
23 a good safety mechanism so that both Canadians and

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1   aboriginal people would feel that justice was done by  
2   providing not only a process where people were involved  
3   but also a mechanism in the end where they could ratify  
4   whether or not they were prepared to start off with a model  
5   government.

6                   **MS CLAUS-JOHNSTON:**   I agree with that  
7   concept.

8                   **MS McIVOR:**   The only thing, Georges, is  
9   that we would not like to see it as sort of a quick fix  
10   kind of process.

11                  **CO-CHAIR GEORGES ERASMUS:**   An excuse  
12   for not involving people.

13                  **MS McIVOR:**   Right.   And I guess the  
14   other thing is that our experience as aboriginal women  
15   is that in band elections we know that many people vote  
16   one way or another for other reasons than genuine desire  
17   to vote for something.   We know because our communities  
18   are very small -- some of them have only 60 or 80 electors  
19   -- no matter how private you make your balloting everyone  
20   knows how other people have voted.

21                  Our experience with the ratification  
22   process with the Saskatchewan Treaty Land Entitlement  
23   Agreement is that some of the women in Saskatchewan have

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1 told us that they did not agree with the negotiated deal  
2 that their particular band had arrived at, and when they  
3 went out to lobby against it all sorts of other things  
4 happened to them.

5                   In specific incidences, one woman was  
6 threatened with being shot. Her windows were shot out  
7 of her house. Another woman's welfare cheque got lost  
8 for several months. She never had any income. Another  
9 woman had two children going to post-secondary education  
10 institutes and education money, because of the cutbacks,  
11 suddenly did not become available to her children in the  
12 middle of their academic year. And the minute that she  
13 decided to quit lobbying, of course they found money again.

14                   So as long as you have that kind of  
15 structure, you can't use a referendum as a good indicator  
16 that everyone agrees.

17                   I just want to bring to your attention  
18 that a referendum in an overall Canadian society may be  
19 good because you can genuinely go into your little polling  
20 station and cast your ballot and unless you tell someone  
21 how you are voting, no one will know. If you live on a  
22 reserve where there are 60 electors, you can be assured  
23 that everyone knows how you are going to vote and then

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1 pressure can be brought on to you to vote one way or another.

2 **CO-CHAIR GEORGES ERASMUS:** Thank you  
3 for sharing that. It shows that it is not a cut and dried  
4 situation.

5 You point out that aboriginal women have  
6 a lot of barriers in getting education, particular higher  
7 education. But it seems that unless we are getting the  
8 wrong information, looking at a lot of the students that  
9 are now getting into post-secondary education, it is  
10 aboriginal women who are actually graduating from high  
11 school, and that of the 20,000 or 30,000 aboriginal people  
12 in post-secondary education the majority of them are women.

13 And the tendency also is in the large society it is  
14 actually women who are getting the higher grades. They  
15 are the ones who are succeeding in high school, and they  
16 are the ones who are in the majority in the classrooms.

17 I am surely not saying something new to  
18 you. You have been sitting in classes and you have  
19 probably seen what I am saying.

20 In fact, the writing is on the wall that  
21 if men don't do something very soon, not very long from  
22 now we are probably going to go back to manual labour and  
23 the trained people are all going to be women.

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1                   Just to put in a little positive note  
2   there: Yes, the barriers are there but for those who are  
3   in university at the moment it seems that the majority  
4   are women.

5                   **MS McIVOR:** I would like to make a  
6   comment on that, Georges.

7                   **CO-CHAIR GEORGES ERASMUS:** Sure.

8                   **MS McIVOR:** That is true that a high  
9   percentage of the people going into post-secondary are  
10  women. But our experience is that the barriers put up  
11  for women, and specifically aboriginal women, in some of  
12  the areas -- and I suspect it may run across the areas  
13  -- are particularly difficult.

14                  I know I recently completed work with  
15  a task force on gender equality for the Canadian Bar  
16  Association and found that the aboriginal women and men  
17  who get into the law programs are exceptional in that they  
18  feel they are a very privileged group. Even among that  
19  privileged group the ones that go out and are successful  
20  to complete law school, to get into articling, to continue  
21  on with a career, is a very small percentage. There is  
22  a very high rate of despair.

23                  In fact, in Toronto they have formed an

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1 association to support law students and articling students  
2 because of the suicide rate.

3                   We talk about the opportunity. The  
4 opportunity may be there on paper, but if you look at the  
5 support, if you look at the racism that goes on within  
6 the law school itself, with their peers, within the  
7 teaching staff, within the law firms, the figures are not  
8 very indicative of what is going on, and the trauma that  
9 these people go through just to complete the post-secondary  
10 programs.

11                   I think it is important that you take  
12 that into consideration as well.

13                   **CO-CHAIR GEORGES ERASMUS:** Right.

14                   **MS CLAUS-JOHNSTON:** I would like to  
15 comment further on that as well, probably personally.  
16 It has to do with expanding on something that Sharon has  
17 said, and it has to do with the fall-out.

18                   The experience of going into  
19 post-secondary education for women, for aboriginal women,  
20 is almost one of tenacity. It is not a wonderful exploring  
21 time. It is very much on a vision and a goal, and women  
22 become hardened. So I don't find the process as much of  
23 an education process as it is goal setting and becoming

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1 very stubborn probably.

2                   In that setting I find that aboriginal  
3 women become very quiet, do not share a lot and explore  
4 a lot in the school setting. Maybe we are,  
5 percentage-wise, on the rise because of the needs in our  
6 lives. But the situation of being educated or the  
7 experience of being educated is entirely different. The  
8 perspective is entirely different. It is painful. You  
9 have a different reality as a student, and as a mature,  
10 aboriginal student it is a different reality.

11                   I would like you to be concerned about  
12 that.

13                   A lot of my heroines, the people that  
14 I admire, are aboriginal women who I know what they put  
15 up with to go through school.

16                   **CO-CHAIR GEORGES ERASMUS:** You point  
17 out that the initiatives to change parts of the Indian  
18 Act through what is called the Alternative Legislative  
19 Initiatives is something that native women have some real  
20 concerns about.

21                   What are you proposing to replace the  
22 initiatives? What would you suggest as another route to  
23 arrive at some of the goals that are being put forth by



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1 those chiefs and community leaders that are looking for  
2 something different than what the Indian Act is now  
3 providing for them?

4 **MS CLAUS-JOHNSTON:** It is to move the  
5 forum closer to grassroots where women have an opportunity  
6 to say how the current situation affects them and what  
7 would a change be; how would it be without this particular  
8 act.

9 I think we need that opportunity to move  
10 this outside of the elitist forum.

11 **CO-CHAIR GEORGES ERASMUS:** You are  
12 saying that it is not the fact that legislation is being  
13 used. You are not concerned with that. You are not  
14 concerned with the fact it is delegated authority.

15 What you are concerned about is that the  
16 grassroots was not involved. Is that what you are saying?

17 **MS CLAUS-JOHNSTON:** Somewhat, but not  
18 totally.

19 **CO-CHAIR GEORGES ERASMUS:** Marsha?

20 **MS SMOKE:** Maybe I can elaborate on the  
21 Indian Act alternatives process that is there.

22 It is very clear in the draft legislation  
23 that the federal government wants to make it very easy

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1 for communities to opt into the Indian Act alternatives  
2 process and particularly make it onerous for those  
3 communities if they find that they are not happy with  
4 governing themselves in those particular areas under that  
5 legislation.

6 In the case of the legislation that  
7 affects the Moneys proposed act, I will use that as an  
8 example because the drafting has been complete and the  
9 government is not prepared to look at any changes to the  
10 bill that has been prepared.

11 What that does is although there are  
12 several communities that want to have that legislation  
13 in place to make it easier for them to manage their funding  
14 in the consolidated revenue fund, what it also does is  
15 provide that even though 90 per cent of that money is in  
16 the consolidated revenue fund for bands in Alberta, the  
17 remaining 10 per cent of funding for all of the other bands  
18 in Canada, as well as individuals who may be orphaned,  
19 the money that is there for those people.

20 The proposed legislation also includes  
21 an opportunity for all of the remainder of those First  
22 Nations and the remainder of those individuals who may  
23 or may not be living in their communities to opt into that

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1 legislation with those pre-conditions that are there that  
2 affect the fiduciary responsibility. Once a First Nation  
3 community decides to opt into that legislation, they are  
4 basically telling the government that yes, you have  
5 satisfied that provision of the responsibility that was  
6 under the Indian Act.

7 I think to go further in terms of what  
8 kind of a process could be there as an alternative to the  
9 alternatives, if you wish, the federal government  
10 particularly I have seen over the years is only designed  
11 to deal with the legislation that it has had a hand in  
12 drafting or has prepared for itself, such as the Indian  
13 Act. The federal government is not designed to be able  
14 to implement any of the treaties in this country because  
15 they are functioning under a piece of federal legislation  
16 that sets up the Department of Indian Affairs through the  
17 Department of Indian Affairs Act. They are also designed  
18 to deal with provisions under the Indian Act, or the Indian  
19 Act as it becomes amended or changes made.

20 It has been a real battle over the years  
21 to try to get the general population, to allow our people  
22 to get their point across that the government bureaucracy  
23 that is handling the implementing legislation is not in

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1 a position and is not designed to implement the treaties  
2 that are there, including the modern day treaties that  
3 exist. They are just not set up to deal with that.

4 **CO-CHAIR GEORGES ERASMUS:** You talk  
5 about concerns about the federal pathways. What are the  
6 concerns? Could you identify them?

7 **MS CLAUS-JOHNSTON:** The pathways  
8 federal strategy was aimed, I believe, to focus at  
9 aboriginal women. When the consultant that native women  
10 hired brought together representation from the provinces  
11 and the territories in February of this year to discuss  
12 how halfway through the strategy what was happening, what  
13 did it look like, the disparities that were across the  
14 land were immense.

15 So in theory and on paper, and in  
16 perspective and focus, this may have well been, and may  
17 yet be, a good strategy. But in application as it flows  
18 down and becomes community driven, so to speak, the focus  
19 is not necessarily on aboriginal women's participation,  
20 participation rates in the training initiatives. That  
21 was most distressing.

22 From a more personal perspective sitting  
23 on the Regional Area Management Board of Ontario, which

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1 I do, I see the pathway strategy in play. I sit on that  
2 board. The statistics that are supposed to be an  
3 indication of rates of participation by aboriginal women  
4 are faulty, not produced, not prioritized. And yet there  
5 is little to back up the complaints from the communities  
6 themselves, which our organization has representation on  
7 community boards. The area management boards come to us  
8 through that channel and we are able then to go to the  
9 next level of involvement and say: What statistically  
10 is happening with aboriginal women?

11 We find that most obvious mechanism of  
12 showing how women are being treated or how women are being  
13 involved is not there. So the biggest concern comes in:  
14 How does the strategy itself monitor itself, evaluate  
15 itself?

16 From a perspective of sitting four women  
17 on that board, I am constantly bringing up the fact that  
18 where are women. Then when we analyze it a little bit  
19 deeper beyond strict participation rates, which can be  
20 shown statistically which are non-existent, we look at  
21 women having access through these training initiatives  
22 in their own communities not backed up by the things that  
23 they need, such as child care and transportation, and other  
kinds of support.

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1                   And then we look at the fact that the  
2   strategy itself is very narrow. It looks at women in a  
3   very narrow way. Actually, training it looks at people  
4   in a very narrow way and it does not take into consideration  
5   the broader needs, the broader basic needs of women who  
6   need training.

7                   Nationally, I believe there are problems  
8   with that strategy as well; provincially, I know there  
9   is.

10                  But the focus of the evaluation process  
11   that was brought in by our consultant, Mary Jamieson, when  
12   we had that gathering in Six Nations to meet with all the  
13   women from across the country, the issues that were raised  
14   were very serious as to the success of this federal  
15   strategy.

16                  Beyond that, it seems very much like a  
17   piecemeal approach. There is a great initiative. There  
18   was a good reason but how it flows down and becomes part  
19   of a community initiative, there is a breakdown and there  
20   is a flaw.

21                  **CO-CHAIR GEORGES ERASMUS:** Thank you  
22   for that.

23                  You bring out some of the statistics on

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1 single aboriginal homes, particularly those headed by  
2 women. A lot of times we hear about this and then we talk  
3 about the kind of problems that these people have. Not  
4 very often do we hear about how we might slow down or stop,  
5 or at least slow down, the increase of single parent  
6 households.

7                   Is there anything that can be done to  
8 stop the growth? The way it is going at the moment --  
9 somebody can do the math, but at some point we will not  
10 have any two-parent households any more. The growth in  
11 the last 20 years of single parent families seems to be  
12 extraordinary.

13                   Is there anything that can be done that  
14 can slow this down? So far all we have been getting is  
15 the ways to assist these people.

16                   This reminds me of the story we heard  
17 the other day in this room about a medicine man by a river  
18 with a falls and somebody falls in the river, he notices,  
19 and he goes out and assists the person. As soon as he  
20 has brought that person in, another one is coming along  
21 ready to go over. Finally, after doing that for quite  
22 some time he gets another medicine man to take over saving  
23 the people drifting by and he starts walking up the river

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1 to find out why everybody is falling in the river to get  
2 to the root cause of it.

3 Is it just too naive to talk about how  
4 we might stop the growth of single parents? Is there  
5 anything that can be done?

6 **MS CLAUS-JOHNSTON:** I think you might  
7 be aware of the concept of healing and how it is applied  
8 and how it is talked about by women in the process that  
9 it involves. What you might be looking at, then, is the  
10 healing process of women with respect to men. That is  
11 very difficult at this time.

12 By difficult, I mean the reality is of  
13 single parenting, and that means that the man is not there  
14 or the partner is not there. The healing process that  
15 I believe is happening across the country is the  
16 acknowledging of responsibility to heal and also to  
17 acknowledge and recognize and point out the responsibility  
18 of men to their extended families. I believe that is the  
19 road.

20 How we bring that about probably is as  
21 diverse as how many people there are, as many situations  
22 and life's experience there are. But the healing process  
23 itself is, I believe, what you are talking about.



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1                   **CO-CHAIR GEORGES ERASMUS:** Is there  
2 anything that can be done with young women? If men are  
3 going to continue to be irresponsible, is there anything  
4 that can be done with young women that we can ebb the flow?

5                   **MS CLAUS-JOHNSTON:** Do you mean how do  
6 we stop our young women from being alone?

7                   **CO-CHAIR GEORGES ERASMUS:** From  
8 becoming a single parent.

9                   **MS CLAUS-JOHNSTON:** Becoming single  
10 parents? How do we keep our families together, I guess  
11 is what you are asking.

12                  **CO-CHAIR GEORGES ERASMUS:** How do we  
13 create situations when children are going to be born they  
14 are actually born with two parents that are going to be  
15 responsible for them?

16                  **MS CLAUS-JOHNSTON:** They always are  
17 born with two parents but not equally responsible. But  
18 I believe the recognition and importance of an extended  
19 family, I believe the healing process itself that is needed  
20 for women and men needs to be encouraged, and I believe  
21 as a Commission you have a great responsibility to bring  
22 that up in your report, that this is the road for us of  
23 healing. And it is bringing our families together and

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1 our children back.

2 I don't know how to stop women from  
3 becoming single parents.

4 **CO-CHAIR GEORGES ERASMUS:** In relation  
5 to housing, again very much connected to this issue of  
6 young women 16 and so forth immediately starting to begin  
7 their families, overall aboriginal people have a great  
8 need for housing. The existing stock is getting quite  
9 old and we are a long way from even beginning to see a  
10 time when we might provide all the housing that aboriginal  
11 people need.

12 Have you thought of any ways,  
13 considering the kind of fiscal situation that Canada is  
14 in, that we might be able to stretch dollars so that we  
15 could actually maximize the in relation to housing? Is  
16 there a housing plan? Is there a strategy for housing  
17 that could maximize dollars? Is there something that has  
18 not been done yet that if it was done better we could get  
19 a bigger bang for money for housing?

20 **MS CLAUS-JOHNSTON:** I don't believe  
21 there is a strategy in place. I believe there is a need  
22 for one. But I can see that some of the notions related  
23 to single parenting and the criteria for the housing that

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1 women are in can be changed. Some of them can be our own  
2 concepts related to family. The situations that women  
3 find themselves in in single parenting, in urban settings  
4 especially, is living under the definitions and criteria  
5 of family and structure that are not their own.

6                   So maximizing or more bang for the buck  
7 would be to have a different definition of family, a  
8 different set of criteria as to how people can function  
9 as a family. And also the concept of every one of these  
10 women who are in substandard housing and in poverty  
11 situations are paying large amounts out to rent. I believe  
12 that a concerted effort through some strategy could see  
13 the women in dwellings that were their own.

14                   So that particular notion of bringing  
15 a like group of people together and changing why they are  
16 together, the criteria for the being together, and focusing  
17 their concerted efforts and moneys together on something  
18 that would be their own would be one answer.

19                   I am not sure if anybody else has any  
20 suggestions, but I know Marsha works extensively with  
21 housing and probably has something more to add.

22                   **MS SMOKE:** Thank you, Laurel. I do do  
23 a lot of work in the housing area and just this year the

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1 federal government has eliminated the social housing  
2 program for aboriginal people that includes urban native  
3 housing and rural native housing right across Canada.  
4 The reason for eliminating that program is because the  
5 federal government says the high cost of maintaining those  
6 housing units on an annual basis.

7                   In terms of developing something that  
8 is going to replace that program that was there, right  
9 now just as an example here in the Ottawa-Carleton area  
10 and the Outaouais, the last census report indicated that  
11 there were 30,000-plus aboriginal people in the  
12 Ottawa-Carleton and Outaouais region.

13                   In terms of one housing corporation  
14 here, there are 600 families on the waiting list. That  
15 represents over 2,000 people. All of our cities and towns  
16 and rural areas have a lot of people that are on those  
17 waiting lists, particularly when you consider that over  
18 65 per cent of the population has moved away from Indian  
19 reserves.

20                   Right now in the short term the federal  
21 government is asking that question: What can be put in  
22 its place to provide the same level of housing. The  
23 research that I have been involved with is that there is

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1 an opportunity there to look at something like a revolving  
2 loan fund where many of our people are paying market rents  
3 anyway and living in housing that is not that desirable.

4 If there was a way that we could do the research and expand  
5 upon a plan where we could turn those market rents into  
6 mortgage payments where the savings that are being  
7 accumulated by Canada Mortgage and Housing Corporation  
8 through not carrying on the social housing program, if  
9 we could regenerate that back into the market where  
10 aboriginal people could have those homes that they can  
11 call their own and those rules that are presently there  
12 under the program will be made by the owners of those homes  
13 as opposed to a government agency that never even sees  
14 those buildings.

15 **CO-CHAIR GEORGES ERASMUS:** Thank you.

16 If you have any further ideas on that, I would really  
17 like to see them.

18 The other day we had the Inuit women  
19 present to us. In relation to the point you have on page  
20 7 of your revised document in relation to justice, the  
21 case of abusers and family violence. It is at the bottom  
22 of the page.

23 In particular to sex offenders you say

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1   there should be stiffer penalties.

2                   This was something we dealt with with  
3   the Inuit women, and what we asked them was whether or  
4   not culture should ever be used as a way to soften the  
5   sentences of aboriginal male abusers.

6                   What is your position on that?

7                   The concern they had was that, for  
8   instance, in the Northwest Territories and perhaps  
9   elsewhere sometimes what is introduced to the courtroom  
10   is that because this is an aboriginal man with an aboriginal  
11   woman, generally in a drunken stupor the man abuses the  
12   woman, sexually and otherwise, that culture can be  
13   introduced as a way to soften the actual sentence.

14                  What is your view on that? Should  
15   culture ever be used as a crutch, as an excuse for the  
16   act that took place?

17                  **MS CLAUS-JOHNSTON:** I would like to  
18   respond to that one in part.

19                  As I mentioned earlier, the concept of  
20   healing is very wide. I don't believe that stiffer  
21   penalties or higher incarceration rates or longer terms  
22   solve the problem. The problem is disrespect for women  
23   played out in violence. That is one of the focuses of

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1 healing, to heal the women and the children and the men,  
2 and bring them to the place where they were before, where  
3 they walked with a respect in the beginning for the earth  
4 and was transferred to women.

5 **CO-CHAIR GEORGES ERASMUS:** Let me see  
6 if I am hearing you right.

7 What I seem to be hearing is that the  
8 sentence is secondary, that when a man has this kind of  
9 abusive nature what the court should be concerned about  
10 is the healing process, the counselling, the therapy that  
11 this man and perhaps the family needs to go through.

12 Is this what you are saying, that that  
13 is the primary issue they should be dealing with?

14 **MS CLAUS-JOHNSTON:** The primary concern  
15 of women is the health of their families, their children  
16 and their families. If that health is at risk, I can  
17 understand why men need to be removed. But they do not  
18 need to be removed the way the courts remove them.

19 If healing is the concept and is the  
20 prime focus for the relationship with that community who  
21 has an individual who is not well at that time, then the  
22 focus changes from penology to healing. And with that  
23 there are the concepts across the country with healing

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1 lodges with respect to women.

2 In Ontario there are four initiatives  
3 that I know of that are looking to bring about healing  
4 lodges for families that are in the process of healing  
5 for many things.

6 Risk itself and harm is hard to deal  
7 with, but we cannot isolate and exclude and cut off men  
8 and their abusiveness. We must bring them back to their  
9 relationship with the earth and with women in that healing  
10 process.

11 **MS McIVOR:** I guess the other side of  
12 that, Georges, is if you are asking that in a given  
13 situation the person should get less of a sentence or a  
14 shorter sentence or a different sentence because of  
15 cultural differences, I don't think that is a good  
16 standard. I don't believe that the aboriginal culture  
17 historically ever tolerated the kind of action that brings  
18 them before the courts, so I don't think there is any way  
19 you could look at the culture and say: Okay, in this  
20 culture it is an acceptable behaviour. I don't think that  
21 is true. And that they should get less of a sentence or  
22 a different sentence because of that culture.

23 As Laurel says, if there are



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1 alternatives, if there is a way to help the process, help  
2 the family to not do this again, that is an option. But  
3 I don't particularly think it is an option that is  
4 culturally related. I know that culturally we would have  
5 a different healing process. But I think overall looking  
6 at the Canadian criminal justice system, we really set  
7 a dangerous standard if we say in this situation because  
8 this man is aboriginal he should have less of a sentence  
9 than if he was non-aboriginal. It is totally a double  
10 standard in the respect given to the crimes against our  
11 women would bring less of a sentence than if it was brought  
12 against non-aboriginal women. I think that is really a  
13 dangerous kind of standard to set.

14 I agree with Laurel that if there is a  
15 way to reconcile the family, a positive way to bring the  
16 family together and solve this problem, and do it in an  
17 aboriginal way, that is very valuable. But because he  
18 is aboriginal he should get a shorter sentence, I don't  
19 think that is a standard that we would advocate.

20 **CO-CHAIR GEORGES ERASMUS:** Could I just  
21 check: Are you both saying the same thing on that?

22 **MS CLAUS-JOHNSTON:** We are both saying  
23 the same thing.

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1 **CO-CHAIR GEORGES ERASMUS:** Good.

2 **CO-CHAIR RENÉ DUSSAULT:** Paul Chartrand  
3 on this very point.

4 **COMMISSIONER PAUL CHARTRAND:** Thank  
5 you.

6 I would like to ask you to elaborate on  
7 that point, if you would. It seems it is a very important  
8 one.

9 According to my limited understanding  
10 of these matters, the courts in Canada have in fact decided  
11 that the fact that an individual is an aboriginal person  
12 with a unique aboriginal cultural background is one of  
13 the relevant factors to be taken into consideration in  
14 deciding upon the quantum of sentence.

15 So my question is to ask if you are  
16 asserting a broad proposition; that is that in your  
17 estimation culture ought never be a relevant factor in  
18 sentencing, or if you are on the other hand suggesting  
19 only a more narrow point.

20 In the Fireman case in the Ontario Court  
21 of Appeal in the 1970s, which I believe is probably the  
22 clearest authority on the matter, the court dealt with  
23 this particular example of inequality, and I will just

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1 give one aspect of the facts which illustrates the kind  
2 of inequality worked by a different cultural background

3                   In this particular case the accused who  
4 was convicted spoke no English. And the court remarked  
5 that if this individual were to be incarcerated for a length  
6 of time, that ordinarily would be imposed on a  
7 non-aboriginal individual, in particular one who could  
8 speak English, then that would have the effect of imposing  
9 a harsher sentence. In fact, incarceration amongst people  
10 who did not speak any Cree would in fact sentence that  
11 individual to isolation, which was in fact severe and harsh  
12 in relation to the effect that the same quantum of sentence  
13 would have on people who were not unilingually Cree.

14                   I say that to you by way of attempting  
15 to illustrate the kind of significance that the courts  
16 have attached to the cultural background factor.

17                   The narrow question to you is whether  
18 you wish to make your suggestion in a way that limits it  
19 to the particular point that you have made or whether you  
20 intend a broader application.

21                   Thank you.

22                   **MS McIVOR:** Georges asked specifically  
23 about a rape situation between an aboriginal man and

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1   aboriginal woman.

2                   **CO-CHAIR GEORGES ERASMUS:**   I did and the  
3   reason is the next question I was going to ask was the  
4   one Paul just asked. And that is what I did yesterday  
5   with the Inuit women also.

6                   **MS CLAUS-JOHNSTON:**   I believe the  
7   position with respect to healing is an attempt to break  
8   the cycle and not to limit or discount the harm or the  
9   risk that a person who has violated or done harm to a woman  
10   is in need of treatment or care. I think it needs to be  
11   looked at in a broader sense.

12                  **CO-CHAIR GEORGES ERASMUS:**   Perhaps the  
13   best way to deal with this is to go to other issues. Let's  
14   say for this discussion that in relation to sexual abuse  
15   the sentences should be the same.

16                         If we could broaden it beyond that, there  
17   are many, many reasons why aboriginal people are behind  
18   Canadian bars. The reality is that when you compare  
19   aboriginal people going to jail for the same thing that  
20   a non-aboriginal person goes for, aboriginal people stay  
21   in jail longer for the same offence. They don't get  
22   paroled as quickly. So most of them do spend more time  
23   in jail anyway.

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1                   The question Paul is asking, which I was  
2 also going to ask, is: Is there any situation at any time,  
3 other activities, other offences, when aboriginal culture  
4 should be introduced in the courtroom -- and this is the  
5 Canadian courtroom -- to be used as a way to soften the  
6 sentence?

7                   **MS CLAUS-JOHNSTON:** You are asking  
8 whether we believe sentencing should be softened to  
9 aboriginal people because of culture? Is that what you  
10 are asking?

11                   I think the situation does not have an  
12 answer, because I personally believe in a parallel system  
13 where our people talked and spoke on their own with their  
14 own people.

15                   You are talking and asking how  
16 aboriginal people can continue to fit into or out of the  
17 criminal justice system and have something introduced into  
18 the wording or interpretation or definitions given when  
19 you speak to their sentence.

20                   But their culture, I find that  
21 offensive. I don't believe there is a situation where  
22 culture should be used in that particular way. However,  
23 that is because I believe in a parallel system.

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1                   **CO-CHAIR GEORGES ERASMUS:** Why? If  
2 culture is not important, why don't you use the same system  
3 as everybody else?

4                   **MS CLAUS-JOHNSTON:** Do you mean use  
5 culture within the current criminal justice system as a  
6 defence or as a way to speak to sentence?

7                   **CO-CHAIR GEORGES ERASMUS:** If the same  
8 rules applied to everybody -- and they should apply to  
9 everybody -- if the same law should apply, if the same  
10 way of punishment should apply, why should there be a  
11 parallel system if culture is not the reason?

12                   **MS CLAUS-JOHNSTON:** I am not  
13 understanding this.

14                   **MS McIVOR:** We are on record several  
15 times as saying that we do not believe that we can  
16 aboriginalize the current justice system. There is just  
17 no way of doing it. And I think that is what you are asking,  
18 if aboriginal people come before the justice system how  
19 do we aboriginalize this part of it so that it will affect  
20 them equally, somehow balancing it out.

21                   We make a lot of assumptions that they  
22 are treated equally when they get into the prisons. If  
23 you have done any kind of work in the prisons, you know

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1   that aboriginal people are treated differently. What you  
2   are asking is because they spend more time in prison should  
3   we say that their sentences should be shorter to compensate  
4   for that?

5                           I don't think that is a way of dealing  
6   with that.

7                           The reason that they spend more time in  
8   prison, that they don't get paroled as early, again we  
9   attribute it to the systemic racism. So if you are going  
10  to tackle racism, do it in an up-front way, say okay, let's  
11  get in and let's tackle the racism.

12                          To try to aboriginalize each little  
13  segment to say because they came in, they are aboriginal  
14  and they can't speak English therefore they should be  
15  treated in a different way, I think it is really difficult  
16  for us to even consider that scenario and try to say:  
17  "Okay, in any given scenario we will look at culture; in  
18  this given scenario, we won't."

19                          I think that we as native women have  
20  always said we do not like to aboriginalize the system,  
21  to make it easy for us to be treated within the system,  
22  because it is like putting apples and oranges together.  
23   I don't think it will ever happen.

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1                   The other thing is is that what we are  
2 talking about in many forums is the racism inherent in  
3 the system, the systemic racism, and I think that has to  
4 be tackled. But I don't think we can tackle it on a  
5 piecemeal basis by saying that within specific situations  
6 aboriginal people should be treated differently.

7                   **CO-CHAIR GEORGES ERASMUS:** It is not  
8 clear from your recommendations that you are suggesting  
9 that there be an alternative justice system. But that  
10 is what you are saying?

11                  **MS CLAUS-JOHNSTON:** Yes. But it is not  
12 brought out or carried through in our issues and concerns  
13 of aboriginal people, and that we apologize for. But it  
14 also is a very strong position that we do have.

15                  **CO-CHAIR GEORGES ERASMUS:** The reason  
16 that we are walking down this path is because any reference  
17 you have to justice here is stiffer penalties. That is  
18 the reason we are talking about the existing structure.

19                  **MS CLAUS-JOHNSTON:** I didn't see that.

20                  **MS McIVOR:** Where do you say that we  
21 refer to that, Georges?

22                  **CO-CHAIR GEORGES ERASMUS:** Page 7 right  
23 at the bottom.



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1                   **MS McIVOR:** At the bottom of my page 7  
2 I have "While employment rates". Is that the other one?

3                   **CO-CHAIR GEORGES ERASMUS:** It is  
4 something that was given to us on October 22nd.

5                   **MS McIVOR:** Here we go; yes.

6                   **CO-CHAIR GEORGES ERASMUS:** It was  
7 something about some revisions to the original  
8 presentations.

9                   **MS McIVOR:** That recommendation has  
10 come to us over and over again, and that particular has  
11 come where there are alternate systems put into place or  
12 sentencing circles put into place where some kind of  
13 reconciliation has been attempted.

14                   The message that has gotten into the  
15 community, into very specific communities, ones that we  
16 have talked about before, is that it is a piecemeal  
17 patchwork kind of thing. We have put in an alternate  
18 system, a diversion system. Sex offenders are diverted.  
19 They are back in the community in two days re-offending.

20                   The message that is getting out to the  
21 victims, the message that is getting out to the community,  
22 is that it does not make any difference if we report these  
23 incidences of violence. It is very, very specific to those

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1 communities.

2                   They say that until we get into place  
3 a structure where we can start with the community healing,  
4 the message has to go out that these are wrong and you  
5 are going to get stiff sentences. You are not going to  
6 be able to be diverted and come back into the community  
7 and rape somebody else tomorrow.

8                   That is very specific to that.

9                   **CO-CHAIR GEORGES ERASMUS:** Could I ask  
10 you a question in relation to healing and self-government.

11                   If the Royal Commission had to choose  
12 between where it was going to start first, whether the  
13 healing should start first or self-government should start  
14 first, or if they should start in tandem, we have heard  
15 different opinions out there. What side of that coin do  
16 you come down on?

17                   We know that both have to happen. But  
18 if you were to try and suggest whether one has to occur  
19 fundamentally before the other, what would you say?

20                   **MS CLAUS-JOHNSTON:** I would say they  
21 already are happening and I would say that they are  
22 happening in tandem and that whatever self-government it  
23 is, it begins with the person. And that is happening.

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1 And the healing process is happening.

2 What we would look for is  
3 acknowledgement of that from the Commission and some  
4 recommendations that it be encouraged and that it be  
5 national.

6 The way that I believe that is is sitting  
7 around the tables at various levels of discussion listening  
8 to people talk, being with women in communities. The  
9 healing process has already begun, as you all know, as  
10 have the issues related to self-government already begun.  
11 We would just believe that the Commission could  
12 acknowledge that and advance that.

13 **CO-CHAIR GEORGES ERASMUS:** Just to go  
14 back to the point we were talking about originally, as  
15 far as native women's concerns we can say that you are  
16 clearly down as saying that the Canadian justice system  
17 should not be aboriginalized, if you want to use that word.  
18 Don't bother wasting your time. Start looking at true  
19 parallel justice systems that meet the genuine  
20 requirements and values of aboriginal people.

21 Is that what you are saying? I don't  
22 want to put words in your mouth.

23 **MS CLAUS-JOHNSTON:** We are saying that

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1 it should be brought out, yes, that the racism should be  
2 brought out.

3 **CO-CHAIR GEORGES ERASMUS:** I am talking  
4 about more than that.

5 We are having to deal with justice, the  
6 Canadian justice system, whether or not we should be  
7 looking at modifying the existing system, or whether we  
8 should be looking at parallel systems or doing both.

9 Sharon was only speaking for herself,  
10 and it was very clear that if you take her approach we  
11 should not be recommending putting a lot of energy into  
12 repairing machinery that cannot be repaired, which is the  
13 Canadian justice system. Put more time and energy into  
14 developing the parallel systems.

15 Is that the message of the native women?

16 **MS CLAUS-JOHNSTON:** That is the message  
17 of self-government.

18 **CO-CHAIR GEORGES ERASMUS:** Thank you.

19 My last question is with regard to your  
20 recommendation no. 5 in this October 22nd document. It  
21 says:

22 "That mechanism be developed by aboriginal people for the  
23 purposes of conducting research

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1                   and exploring initiatives that  
2                   concern the future of all  
3                   aboriginal people, especially  
4                   aboriginal women at the  
5                   grassroots."

6                   What kind of mechanism are you talking  
7   about for this research? Can you put some flesh on the  
8   bones of what you mean?

9                   **MS SMOKE:** This recommendation is there  
10   because while going through the process of gathering  
11   information and obtaining views of aboriginal women on  
12   the wide subject area that we hope to have covered under  
13   the intervenor participation program, we found that while  
14   there were several areas that individuals were able to  
15   comment on specifically there was a real lack of us being  
16   able to do the proper work necessary to draw out the views  
17   specifically by many of the aboriginal women in the various  
18   regions, and that had the opportunity been there to explore  
19   in more depth than we felt we could have been able to share  
20   with you many of the issues in detail, and that we should  
21   have had the opportunity to do more in-depth research.

22                   **CO-CHAIR GEORGES ERASMUS:** Do you have  
23   any ideas on what the mechanism should look like that would

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1 do that?

2 **MS CLAUS-JOHNSTON:** It probably should  
3 look like a series of areas to explore that were asked  
4 across the nation so that when we try to identify the need  
5 for this submission here, as we noted there was not time  
6 and there was not adequate resources.

7 However, with time and adequate  
8 resources the asking of questions that are similar or the  
9 same from one end of the country produces a different kind  
10 of report. It looks at housing from one end of the country  
11 to the other. It looks at child care issues or education.

12 We have had to draw from various reports  
13 that NWAC has commissioned and NWAC has done over the years  
14 to bring out some of the issues that we have talked about  
15 today.

16 We have never had enough resource to do  
17 an extensive study that was able to take the same question  
18 from one end of the country to the other and look at it  
19 from a national perspective. We have been looking at it  
20 from the input from the regions and the energies and  
21 expertise of the Board members or the executive people.

22 So by that the mechanism is a very  
23 focused, direct research project.

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1                   **CO-CHAIR GEORGES ERASMUS:** Thank you  
2 for answering all my questions.

3                   **CO-CHAIR RENÉ DUSSAULT:** It has been a  
4 fairly long session and I don't want to prolong it too  
5 much. But I can't help asking you about youth suicide.

6                   As you are aware, we had a special  
7 consultation in April where NWAC was a participant here  
8 in this hotel, in fact. I understand from the stress that  
9 you have put throughout your presentation on the importance  
10 of getting support for a family and healing the family  
11 and the grassroots approach, that it would do certainly  
12 a lot to improve the situation.

13                  Could you tell us what are your views  
14 on what could be done to ease the situation. We heard  
15 NWAC representatives and the special consultation but as  
16 we are contemplating producing some kind of interim report  
17 on this, I would like to hear from you what are your views  
18 on what should be done to help in this area and prevent  
19 some of those young people taking their lives.

20                  **MS CLAUS-JOHNSTON:** I believe that the  
21 perspectives and concepts given health currently need to  
22 be expanded to encompass healing, and that those particular  
23 sources of income or resource need to be directed to the

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1 community people.

2                   At present in northern Ontario there are  
3 certain elders who are brought to communities who are in  
4 much need of dealing with the suicides and the ripple effect  
5 through the families, in the ongoing families. These  
6 people are brought in not under the auspices of the health  
7 or medical profession. They are brought in under the needs  
8 determined by the community that this is what we need.  
9 We need to heal. We need to hear from our elders. We  
10 need to talk to our spiritual people because we are hurting.

11                   So moving the concept of health beyond  
12 the medical model to one that aligns itself closer to a  
13 community need regarding healing is one way. And those  
14 resources are sadly needed.

15                   In northern Ontario there are suicide  
16 response teams, people who have taken it upon themselves  
17 to meet and bring in one expert and find out how they can  
18 begin working with their communities. That again is  
19 piecemeal and based on somebody being healthy enough to  
20 approach somebody to give them a hand on how do we deal  
21 with the suicides in our area.

22                   I believe a recommendation could come  
23 looking at suicides as a part of wellbeing and health,



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1 and that it become part of the bigger issue regarding  
2 healing itself. And when you look at the statistics, there  
3 is no discounting the statistics that show the jobless  
4 rate and the substance abuse rate and the hopelessness.  
5 Those are the indicators.

6 I don't know how to fix all those things.

7 I just know that as a community response our old people  
8 are flying back and forth across the province, and they  
9 are old and they are sadly in lack of resources. They  
10 go because the community asks them to go. They are brought  
11 in with much reverence and respect because of what they  
12 can bring. They can bring their caring and their sharing  
13 and their loving and their healing, and they do just that.  
14 They move outside of that very strict medical model of  
15 health.

16 That is one way I see.

17 **MS McIVOR:** Just to elaborate on that  
18 a little bit, I know one of the elders that Laurel was  
19 talking about has recently moved forward with what she  
20 calls a healing lodge to bring in aboriginal families or  
21 women and their children to deal with trauma, sexual abuse,  
22 that kind of thing.

23 One of the major problems is paying for

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1   them to be there. Even though they may be able to come  
2   in on their own, you still have to feed them and house  
3   them, and all of that.

4                   In some of the treatment centres  
5   approved by the province the moneys can come out of medical  
6   money, as Laurel is saying. So a recommendation where  
7   the non-traditional treatment methods should be included  
8   when you are looking at paying out of the medical dollars  
9   would be appropriate, I think.

10                   **CO-CHAIR RENÉ DUSSAULT:** Thank you.

11                   **MS McIVOR:** I have another comment or  
12   a request I would like to make.

13                   I know that the Royal Commission has  
14   asked for information around the correctional facility  
15   that we have titled the healing lodge. I know that since  
16   I last spoke to Deborah -- I believe it was Deborah I spoke  
17   to to give her information on it -- we have moved beyond  
18   the stage we were at then.

19                   I am not sure how much information you  
20   have. The aboriginal healing lodge came out of a task  
21   force on federally sentenced women that was commissioned  
22   in 1989. The healing lodge has moved forward as one of  
23   the five new federal facilities. I would like to give

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1 more information to the Commission on the process that  
2 we have used and the kind of facility that we vision and  
3 hopefully will be built within the next year, and would  
4 like the support of the Commission if they feel that this  
5 is an appropriate way to deal with the federally sentenced  
6 women.

7 I know you do have information but I  
8 don't know how up to date it is.

9 **CO-CHAIR RENÉ DUSSAULT:** I might ask you  
10 to speak to Linda Jordan afterwards and make sure that  
11 linkage will be established in a way where we are going  
12 to get all the information, and we will move from there.

13 If there are no other questions for the  
14 time being, on behalf of my colleagues I thank each and  
15 every one of you for your presentation. We are aware that,  
16 as you said in your presentation, that NWAC is going through  
17 a revision in a way and we wish you good luck. We hope  
18 that we will be able to keep in touch as we progress toward  
19 putting together all the information we have received from  
20 the hearings, from the round tables, and also from the  
21 research program of the Commission.

22 **MS CLAUS-JOHNSTON:** I have one more  
23 thing that I can't leave. And unless I would bring this

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1 up, I couldn't feel good unless I did. And that is related  
2 to the issue of child welfare. I don't know if that  
3 has been presented across the land to you, but I know  
4 provincially it is of great concern. When we come together  
5 federally we hear those concerns echoed from the women  
6 as well. That is the concerns of bringing our children  
7 home and the limitations there are and the barriers that  
8 exist to getting our children back.

9 I would hope that any report that comes  
10 from the Commission would investigate those barriers and  
11 acknowledge how important it is that we have our children  
12 back.

13 **CO-CHAIR RENÉ DUSSAULT:** Paul  
14 Chartrand.

15 **COMMISSIONER PAUL CHARTRAND:** On that  
16 point, may I ask if you are indicating a concern that the  
17 present system ignores what you might perceive as the  
18 rights of both the parents and the children in a case of  
19 apprehensions by what I think are called child welfare  
20 agencies? I am not familiar with all the facts in these  
21 matters but I am referring to the groups established I  
22 think under provincial legislation, but I am not sure,  
23 called Indian Child Welfare Agencies, or something like

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1   that.

2                   Do you have any concerns with respect  
3   to allegations of apprehensions in cases where children  
4   are in fact separated from parents for significant amounts  
5   of time and the resultant delays in having the matters  
6   dealt with by the system?

7                   Is this a concern that you have? And  
8   if it is, then I would invite you to provide us with as  
9   much information as you can. It is a matter that has in  
10  fact been brought to my attention, and it seems from the  
11  information I received so far that there are matters  
12  involved that would probably shock the conscience of many  
13  Canadians concerning the notions they now hold of the  
14  existence of redress at the hands of the court.

15                  I invite you to assist us by way of  
16  providing us with any information that you have in that  
17  matter. I do agree that it is a very important matter  
18  and I would very much like to be able to make  
19  recommendations which are based on the fullest and the  
20  best information available.

21                  Thank you.

22                  **MS CLAUS-JOHNSTON:** I can suggest to you  
23  that on behalf of the organization which I speak for today

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1 -- not today, at this moment; I will change my hat -- and  
2 say that the Ontario Native Women has a draft adoption  
3 report which is really new and is meeting many barriers  
4 and many restrictions.

5                   However, we have a draft adoption report  
6 that I would be prepared to submit to the Board of Directors  
7 at Native Women of Canada for their scrutiny and have it  
8 passed on to you for consideration.

9                   There are in that report alarming and  
10 shocking indications of where we are in 1993 with respect  
11 to our children.

12                   **COMMISSIONER PAUL CHARTRAND:** What is  
13 that board? I just want to make sure I understand.

14                   **MS CLAUS-JOHNSTON:** The Ontario Native  
15 Women's Association.

16                   **COMMISSIONER PAUL CHARTRAND:** Thank  
17 you.

18                   **CO-CHAIR RENÉ DUSSAULT:** Thank you. It  
19 was a pleasure having this opportunity to share with you.  
20 We hope that we will have another opportunity in another  
21 context to do so throughout the coming year that is a very  
22 important one for everybody.

23                   At this point I would like to ask Father

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1 Guy Lavallee to join us at the table to say the prayer.

2 **(Closing Prayer)**

3 **CO-CHAIR RENÉ DUSSAULT:** The Commission  
4 will resume its hearings at a quarter to 9:00 tomorrow  
5 morning.

6 --- Whereupon the Hearing adjourned at 4:50 p.m.  
7 to resume on Friday, November 5, 1993, at  
8 8:45 a.m.