

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

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"for the record..."

STENOTRAN

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Ottawa, Ontario
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1 Ottawa, Ontario

2 --- Upon resuming at 8:58 a.m. on Friday,

3 November 5, 1993

4 **CO-CHAIR RENÉ DUSSAULT:** I'd like to
5 welcome the representatives of the Friendship Centres.

6 I would first of all like to ask Bruce
7 Elijah to say the Prayer.

8 **(Opening Prayer)**

9 **CO-CHAIR GEORGES ERASMUS:** Thank you
10 very much.

11 This morning we'll be hearing from the
12 National Association of Friendship Centres.

13 You can begin whenever you're ready.
14 Maybe you can introduce your team for us, please.

15 **BRUCE HELGASON, President, National**
16 **Association of Friendship Centres:** Good morning. I'd
17 like to thank Bruce Elijah, our Elder, for those
18 encouraging words, and to make the initial introductions.

19 My name is Wayne Helgason. This year,
20 in July, I was elected as the National President of the
21 Friendship Centres in Canada for a two-year term.

22 We'd like to thank the Commissioners for
23 this opportunity that we've had to assist you, and a report

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1 which we've tabled, which is tabled with you in the spirit
2 of our movement in cooperation and inclusion and
3 friendship, and hope that it contributes in a meaningful
4 way to your deliberations.

5 The presentation team that we've
6 assembled today for the discussions we will have include
7 Ivan Williams, the Vice President of the National
8 Association of Friendship Centres.

9 To my immediate left Darlene Cardinal,
10 the Treasurer.

11 Peter Dubois, in the red tie, as the
12 Secretary.

13 To my right, Terry Doxtator, the
14 Executive Director of the Association.

15 Brad Morris, our Legal Advisor.

16 On the very far right, Roger Obonsawin,
17 a senator with the movement.

18 And our national youth representative,
19 Vera Wabegijic.

20 You'll be hearing from each of them in
21 the course of the presentation, but I would like to make
22 note that we have some other representatives in the
23 National Association, and I'd like to just mention them,

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1 and appreciate their presence here today. They've
2 assisted in all parts of the country with the
3 considerations in terms of the recommendations and the
4 text of our report.

5 I'd just like to read their names out
6 and perhaps appreciate the fact that they're here.

7 We have Kathleen Woodman, from New
8 Brunswick; Maurice Blondeau, a Senator from Saskatchewan;
9 Peter Nakagee, from Ontario; Ken Michon, from Ontario;
10 Connie Connely, from the Yukon; Barry Seymour, from B.C.;
11 Terry Belheumer, from Manitoba; Maria Benoit, from the
12 Yukon; Keith McDonald, from Alberta.

13 I hope I didn't miss anybody. At last
14 count that's who we had with us here.

15 I'd like to also respectfully
16 acknowledge the presence of Chief Ron George, with whom
17 we've had some discussions and are hopeful of some further
18 discussions. His support here today is encouraging.

19 And I'd like to appreciate the presence
20 of my daughter, Carla, who has come from Winnipeg.

21 In terms of the National Association
22 itself, in the late 1960s a growing network of Friendship
23 Centres began to organize themselves into provincial and

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1 territorial associations. At a meeting of Friendship
2 Centre representatives in 1969, a steering committee was
3 formed to consider the value of having a national voice.
4 Their recommendation led to the establishment of the
5 National Association of Friendship Centres in 1972, at
6 which time a national office was opened in Ottawa.

7 The objectives of the National
8 Association of Friendship Centres is to represent the
9 interests and concerns at this point of 99 core funded
10 centres and 12 non-core funded centres across all of
11 Canada; to act as a central, unifying body for the
12 Friendship Centre Movement; to promote and advocate the
13 concerns of Aboriginal Peoples; and to represent the needs
14 of local Friendship Centres to the federal government and
15 the Canadian public in general.

16 The NAFC, if I may refer to it that way
17 for brevity, is a non-profit, non-sectarian, politically
18 non-partisan organization governed by a voluntary Board
19 of Directors comprised of 11 regional representatives and
20 a youth representative. There is also a four-member
21 elected Executive Committee consisting of a president,
22 vice-president, secretary and treasurer.

23 Each Provincial/Territorial

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1 Association (PTA) appoints one representative to the NAFC
2 Board of Directors. Where there is no PTA, the Friendship
3 Centre may itself appoint a representative. Executive
4 Committee positions are elected on a rotational basis.
5 The president, treasurer, vice-president and secretary
6 are elected at the NAFC's annual general meeting
7 bi-annually. The Board of Director meets quarterly and
8 the Executive Committee meets between these quarterly
9 meetings, or when required by special circumstances.

10 The NAFC monitors the activities and
11 programs of the various federal government departments
12 whose mandates involve providing funding or services to
13 or on behalf of Aboriginal people. The Department of the
14 Secretary of State and Employment and Immigration Canada,
15 formerly known, are two of the main players in this regard.
16 The Secretary of State provides core operational funding
17 to the Friendship Centres and to the NAFC.

18 The NAFC also acts as a central
19 communications body for its member Friendship Centres and
20 the PTA's. In this regard, the NAFC publishes a quarterly
21 newsletter for the information of its affiliated members.

22 The newsletter informs the Centre of current activities
23 and initiatives, program allocations, upcoming events and

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1 other useful information to its members. It also provides
2 a vehicle to permit and encourage Centres to share their
3 information and experiences with their counterparts.

4 The Association is also active in
5 addressing other issues such as literacy, racism, AIDS
6 prevention, employment equity, economic development,
7 housing, health and other social issues, as well as the
8 environment. Each member Centre, by the way, pas a fee
9 in support of the National Office.

10 The provision of services to Aboriginal
11 Peoples in urban centres is a major concern. The 1991
12 census shows that the majority of Aboriginal people live
13 off reserve, or have no reserve or no --

14 Of the 1.1 million, self-identified
15 Aboriginal people in Canada, nearly 800,000 live in urban,
16 rural and isolated communities. This means that over 70
17 per cent of the Aboriginal population who do not live
18 on-reserve cannot access programs that are available
19 through such departments as Health Canada.

20 As a note before we move on I'd just like
21 to inform the Commission that in fact you have a national
22 elected executive here, and appreciating that our
23 discussions have confirmed that the NAFC is recognized

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1 as one of the six national organizations and that in our
2 case and as president, not to be overly comparative but
3 to inform you that neither I nor any executive member
4 achieve a salary. We are volunteers. It's been the
5 strength of the movement. Nor per diem. That we are
6 elected and we serve for the movement on that basis.

7 We're particularly honoured to be here
8 today to dialogue with you.

9 In terms of some of the history of the
10 Centre I would like to call upon Peter Dubois to make some
11 comments in that regard.

12 **PETER DUBOIS, Secretary, National**
13 **Association of Friendship Centres:** Thank you very much,
14 Mr. President.

15 Elders, Commissioners, ladies,
16 gentlemen, youth, it is certainly a pleasure and a
17 privilege and more of an honour to be sitting up here
18 addressing the issue that we have before us today.

19 I do accept this privilege and honour
20 with some trepidation because over the period of time
21 throughout the life of the Commission I had some
22 reservation, pardon the pun, of appearing before the
23 Commission. I suppose it is with mixed feelings that I

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1 do participate, and by doing so, before I go into my
2 responsibility of the history of the movement I'd like
3 to preface my comments and statements with some personal
4 convictions that I feel needs to be shared with you.

5 One of them has been a contribution that
6 Native society has made to the non-Native community over
7 the years and the sharing of this vast land base and all
8 the resources therein.

9 Considering the fact of the contribution
10 that we have made in the past I feel with a strong conviction
11 that Native people still have a greater contribution to
12 make to the well-being of society.

13 Let me share with you first of all one
14 of the reasons why I feel this way.

15 I believe that we as Native people are
16 faced with the great culture value conflict, the conflict
17 of morals as opposed to materialism. The moral issue
18 guiding Native people of this country puts us in a very
19 difficult situation of a conflict of contemporary
20 society's measure of success, it being materialism.

21 The morals of honesty, integrity, love
22 and sharing are rapidly disappearing overwhelmingly to
23 the contemporary value system of materialism today.

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1 In our efforts to attain this
2 materialistic success I think we lose those important
3 values that I have mentioned, whether we lie, cheat, steal,
4 or even at times kill to attain that measure of success
5 is hardly ever questioned. So I think at this point in
6 time with these comments I want to share with you I do
7 it at the risk of being branded a social outcast or even
8 an undesirable member of this community at large.

9 Nevertheless, I do feel it is something
10 that needs to be stressed at this point in time, and I
11 say that from a personal point of basis, not to jeopardize
12 my colleagues nor the clients that we serve.

13 Having said that, I also do realize that
14 the system that we live under needs a drastic overhaul
15 or change in how it addresses the Aboriginal issues of
16 this country.

17 Not being so young and having
18 experienced many difficulties over the years it is
19 50-some-odd years ago that I'd heard some of our leaders
20 discussing a royal commission. But the royal commission
21 at that day was to investigate the affairs of the
22 Department, because our leaders felt that they were not
23 being dealt with properly.

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1 I think a commission at that point in
2 time might have been very valuable and served its purpose.

3 Today we have a royal commission investigating the affairs
4 of the Aboriginal community, and I think that is a step
5 in the right direction and I don't think really goes far
6 enough to address the situation that the Aboriginal people
7 of this country face.

8 As I said before, I think the government
9 needs an overhaul and revamp, and I do feel that possibly
10 your findings and recommendations should go to the country
11 in addressing the situation. As I've said, the system
12 needs a general overhaul, and in doing so would recognize
13 its fiduciary responsibility of improving the standard
14 and quality of life of Native people.

15 I cannot help but think of the
16 contributions that we've made in our value system that
17 honoured the environment and today looking at how it is
18 being destroyed by industry, acid rain and other forms
19 of industry I think is now being looked at very seriously
20 when in fact it was something that we had respected over
21 the centuries, as our Elder has eloquently stated to us
22 this morning.

23 Take a look at the economic situation

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1 of this country and its deficit financing. I think it
2 is almost nearing bankruptcy, and what are we to do about
3 it? If we look at the educational system, it is under
4 scrutiny. It has not met the needs of the Aboriginal
5 people of this country. Even the youth of the
6 non-Aboriginal community are questioning the system.
7 Recently the student strike in one of the major cities
8 of this country seems to have brought that to the forefront.

9 If you look at the political situation
10 of our country, the different political parties
11 disappearing, whether that's good or bad I think remains
12 to be seen. I think in this day and age, and particularly
13 what's happened now, I think it is good for some people
14 that are now in that position.

15 Having brought these issues to your
16 attention from a personal point of view I realize that
17 your task is certainly enormous and overwhelming and one
18 not to be envied by anyone. So I take the opportunity
19 of sympathizing with you, or empathizing with you, and
20 congratulate you for taking on this great challenge.

21 Now I will get back into the history of
22 the movement, now that I've taken a few things off my chest
23 and mind, and share with you the history that I have been

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1 assigned to do.

2 I believe that the history of the
3 movement began in 1492, when the arrival of Columbus on
4 this continent was welcomed by the Native people, the
5 Aboriginal people.

6 The concept of sharing and loving and
7 giving was extended to this foreigner, continuing the
8 movement of the Friendship Centre of this country. It's
9 unfortunate that the movement was not officially
10 recognized until the early 1950s with the migration of
11 Aboriginal people into the major urban centres across the
12 country. It was not until the 1950s that Centres such
13 as Toronto with the North American Indian Club and the
14 Coqualeetza Indian Fellowship Club of Vancouver, and later
15 the Winnipeg Indian and Métis Friendship Centre in 1959.

16 From a handful of local agencies the
17 Friendship Centre movement emerged and grew to become a
18 national network of 111 Centres today, stretching from
19 Vancouver to Goose Bay, Labrador to Whitehorse, Whitehorse
20 to Yukon Territory in the north, and elsewhere.

21 Friendship Centres were created to
22 address the needs of the migrating Aboriginal people to
23 the urban setting, recognizing what was required and

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1 starting at a community level. Originally a referral
2 service evolved into a service delivery organization that
3 we are today.

4 Because of a multi-faceted inclusive
5 organizations of the 111 Centres across Canada we feel
6 that the service that we are rendering certainly is one
7 to be given consideration in the future to all Aboriginal
8 people regardless of their status, whether they be First
9 Nations, Métis, Inuit, or whatever they may be classified
10 as.

11 I do believe that the history of the
12 movement has certainly proven itself to be all-inclusive
13 and to be a service that is recognized by the governing
14 body of the day, again to improve the quality of life of
15 Native people and also the non-Native community.

16 Having said that, I do not want to take
17 much more of your time than is necessary. I realize that
18 we do have time constraints in dealing with these issues,
19 and I don't think the two or three hours that we will be
20 addressing ourselves on the issue will not be able to
21 resolve all the concerns and the problems that we have.

22 But I think in an effort to improve the process of building
23 a partnership to build this larger community on, I think

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1 will be one of necessity in order to meet the needs.

2 With those thoughts and comments I thank
3 you for the opportunity of participating at this level.

4 Thank you.

5 **WAYNE HELGASON:** Thank you, Peter.

6 In terms of some further clarification
7 of the structures of the Friendship Centres I'd like to
8 call upon Yvan Williams, our Vice-President.

9 **IVAN WILLIAMS, Vice President, National**
10 **Association of Friendship Centres:** Good morning.

11 I'd just like to go over the structure
12 and make everyone aware of exactly how we are structured.

13 To start off with, in our community
14 representation our Friendship Centres are a reflection
15 of the communities that they serve and also a reflection
16 of the great diversity among our Aboriginal people.

17 Consequently, there is a considerable variety of programs
18 available to community members.

19 There are also a great number of common
20 programs and services provided by Centres, notably in the
21 areas of employment, referral services, children's
22 programming, elders programs, alcohol and drug programs
23 and life-skills training.

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1 Friendship Centres are non-profit
2 organizations which are governed by a voluntary Board of
3 Directors comprised of Aboriginal people living in the
4 community that is served by the Centre. As such, the
5 Centre is run by the community and focuses its efforts
6 and program delivery to meeting their needs. Friendship
7 Centres do offer a very wide range of services designed
8 to meet the needs of all age groups.

9 The Friendship Centres in turn belong
10 to provincial and territorial organizations, at which
11 level they are represented. These provincial and
12 territorial organizations deal with the concerns of the
13 Friendship Centre at the provincial or territorial level
14 on behalf of the Centres.

15 The Friendship Centres also belong to
16 our National Association of Indian Friendship Centres.
17 We have representation on the National Board from all
18 territorial organizations. In that area we deal with the
19 federal government, et cetera, and other organizations.

20 The NAFC is a non-profit, non-sectarian,
21 politically non-partisan organization governed by a
22 voluntary Board of Directors comprised of 11 regional
23 representatives and a youth representative. We also have

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1 a senator that sits on our Board. There is a four-member
2 elected Executive Committee consisting of a president,
3 vice-president, secretary and treasurer.

4 The NAFC also acts as a central
5 communications body for its member Friendship Centres and
6 the PTA's. In this regard the NAFC publishes a quarterly
7 newsletter for the information of affiliated members.
8 The newsletter informs the Centres of current activities
9 and initiatives, program allocations, upcoming events and
10 other useful information to members. It also provides
11 a vehicle to permit and encourage Centres to share their
12 information and experiences with their counterparts.

13 The Association is also active in
14 addressing other issues such as literacy, racism, AIDS
15 prevention, employment equity, economic development,
16 housing, health, social issues and the environment.

17 I guess you could say we are truly a
18 bottom-driven organization in that our member Centres do
19 pass on their needs to the provincial and national
20 organizations, and we act on their behalf. So we don't
21 only say we're bottom-driven, we act that way.

22 One of our strengths is that we rate from
23 top to bottom in our organization volunteers that serve

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1 on each and every board. We do not have any paid members.

2 In essence, we do have sort of a
3 self-government structure in place within our organization
4 at this time in that our Centres deal at the local level
5 with municipal governments, organizations, different
6 political organizations and service organizations. Our
7 PTAs, they deal on a provincial level, and nationally we
8 deal on a federal level. We're very proud of this, and
9 we feel that we do a very good job representing the
10 people-on-the-street.

11 Thank you very much.

12 **WAYNE HELGASON:** Thank you, Yvan.

13 For a few comments in terms of what
14 Friendship Centres do I'd like to call upon Darlene
15 Cardinal, our Treasurer and representative in that regard.

16 **DARLENE CARDINAL, Treasurer, National**
17 **Association of Friendship Centres:** Thank you.

18 What do Friendship Centres do? I guess
19 I could ask a lot of questions as normally I guess everybody
20 else on the Friendship Centre movement.

21 The population directly served by all
22 Friendship Centres is approximately 600,000 Aboriginal
23 people. However, the total Aboriginal population of

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1 Canada is eligible to benefit from services and programs
2 delivered by Friendship Centres. There are over one
3 million Aboriginal people still self-identified in 1991
4 Census who are potential beneficiaries of Friendship
5 Centre programming.

6 Aboriginal people frequently move to or
7 visit urban centres for a variety of reasons. The decision
8 to move may be motivated by a combination of social,
9 employment, educational, medical or economic reasons.
10 Friendship Centres, located in 111 urban centres across
11 Canada, deliver many services to assist Aboriginal people
12 in adjusting to city life. Such services help in surviving
13 the culture shock experienced by many Aboriginal people
14 who have moved from small communities or villages to large
15 urban centres.

16 The benefits derived by these people are
17 difficult to measure but they are certainly there.
18 Further, the vitality of such services may be imperceivable
19 to non-Aboriginal people while to Aboriginal people the
20 services provided by Friendship Centres are important to
21 their existence in their foreign environments.

22 The Aboriginal population served by
23 Friendship Centres covers all ages, from pre-natal to

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1 elders. They come from a variety of socio-economic
2 backgrounds, from street people to professional people
3 and business people. They are people who have survived
4 the residential schools and people who have never lived
5 on reserves or in a Métis or Inuit settlement. A growing
6 number know the urban centres as their home.

7 They are people who have been born and
8 raised on a reserve or in Métis and Inuit settlements.
9 Some were bounced from foster home to foster home, and
10 some are people who have survived family violence and are
11 seeking refuge and anonymity in the city. In essence,
12 they are all Aboriginal people.

13 One of the most highest values of the
14 Friendship Centres is their open door policy. They do not
15 segregate, discriminate or turn their backs on anyone,
16 Aboriginal or non-Aboriginal. This has been referred to
17 as "status-blind". Friendship Centres see people as each
18 having value, worth, pride and feelings. These people
19 are not simply a client group or target group, but are
20 family. The extended family reality is central to what
21 Aboriginal people believe and how they live.

22 Aboriginal people live geographically
23 dispersed in most cities and small nearby towns. This

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1 fact, combined with a growing Aboriginal population and
2 reduced funding, makes it extremely difficult for
3 Friendship Centres to maintain, not to mention expand,
4 the services they provide to Aboriginal peoples living
5 in urban centres. The 1991 Census identified that close
6 to 400,000 Aboriginal peoples live in 25 major urban
7 centres across Canada. This is an increase of almost
8 150,000 since 1986.

9 We are funded by the Department of
10 Secretary of State under the Aboriginal Friendship Centre
11 Program. In 1992 and 1993 we received \$19,600,000. For
12 1993-1994 we received \$17,861,000. We support 111
13 Friendship Centres with this money, which they govern their
14 own and operate out of their Friendship Centres.

15 Friendship Centres are a little leaner
16 right now in delivering because we are receiving
17 considerable cuts. For the next four years we've been
18 told that we are anticipating a 20 per cent cut in the
19 next four years.

20 The Friendship Centres raise
21 approximately three dollars for every dollar provided by
22 the federal government.

23 The provincial government funding is

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1 essential for the province of services. Manitoba was
2 eliminated provincial funding in 1993. There has been
3 no provincial funding in Saskatchewan since 1987.

4 Friendship Centre funding is not secure.

5 The federal project funding to Friendship Centre in turn
6 is not secure because of all these continual cuts.

7 Hopefully with this new Party it will be a little different.

8 Friendship Centres are service-delivery
9 organizations and a national association equipped to
10 represent Friendship Centres at the national level. We
11 service the needs of Aboriginal communities in Canada's
12 urban areas all across Canada.

13 Thank you.

14 **WAYNE HELGASON:** Thank you, Darlene.

15 I'd like to move now to a bit of a
16 discussion or a presentation around the report itself,
17 the background and the process that we undertook to present
18 the information before you today.

19 I'd like to call upon Terry Doxtator,
20 our Executive Director, in that regard.

21 **TERRY DOXTATOR, Executive Director,**
22 **National Association of Friendship Centres:** With all
23 the groups that the Royal Commission has been dealing with

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1 we have tabled with you this morning this document. It's
2 the final, final draft, or the final, final report that
3 we've undertaken over the past summer.

4 Friendship Centres in the past number
5 of annual meetings have declared their intentions and their
6 preferences and their desires around issues such as
7 constitutional amendment and development of
8 self-government itself. Those resolutions have generated
9 quite a task for the elected executive in the National
10 Office.

11 Over the past few years we have looked
12 extensively to government sources for assistance in
13 putting something together that would clarify Friendship
14 Centres' positions in regard to constitutional amendment
15 and/or self-government.

16 Last year, in 1992, here in Ottawa
17 statements were adopted by the membership which supported
18 Aboriginal self-government and basically outlined how we
19 would associate ourselves in that kind of development.
20 Particularly it was to respect self-government as
21 developed by any other political force amongst Aboriginal
22 peoples.

23 We were very pleased when the Intervenor

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1 Participation Program was created. When we applied we
2 had hoped that we could bring our membership together in
3 a constituency or forum to talk these issues over and to
4 present those kinds of desires that we're hearing there
5 and those recommendations that people were bringing from
6 the grassroots level to the national body.

7 I think it's important to point out that
8 for the amount of resources we were able to acquire through
9 Intervenor Participation Program we were able to put
10 together not all, and I must stress that, not all of the
11 desires and the visions of Friendship Centres.

12 It's important to point out that
13 Friendship Centres, because they commit themselves to
14 addressing community need and community wishes, have
15 different perspectives on what self-government might look
16 like. I think it's important also to point out that the
17 Executive Committees over the past few years of the NAFC
18 have been courageous in regard to keeping perspectives
19 in line with what we are doing as a national organization.

20 Some Centres did declare themselves to
21 be politically motivated and declared their intentions
22 to become involved in Aboriginal self-government on their
23 own if they so desired, if they saw that that's the only

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1 way they could get inside of discussions.

2 Some Centres have declared, like other
3 communities across this country, that perhaps they're not
4 prepared yet for self-government. Those are real things
5 amongst our constituency, real issues, real perspectives.

6 So this effort was to at least address
7 what self-government is in relation to how Friendship
8 Centres are reacting to community need.

9 It's been said prior to these
10 presentations and prior to the development of this report
11 that Friendship Centres were not created to be political
12 representatives of communities. They were created to
13 address community needs.

14 Through the development of this report
15 and our talking to Friendship Centres and talking to
16 Friendship Centre representatives there was a lot of
17 discussion around whether that harmed the Friendship
18 Centre perspective, to declare those kinds of statements,
19 to declare those kinds of positions, because as we moved
20 through the last few years, particularly Charlottetown,
21 the Charlottetown Accord and other self-government forums,
22 Friendship Centres have been left out of processes, out
23 of discussion circles about where they believe they should

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1 be placed and fit into the overall realm of things in terms
2 of self-government.

3 The report does bring out a lot of
4 factual information that's probably already available from
5 all other kinds of sources such as Stats Canada 1991 and
6 1986. It really is intended to clarify that Friendship
7 Centres have always had a growing role in meeting community
8 needs. It's an ever-growing thing, and it's still growing
9 today. If the figures stand as they are today, then you
10 see a larger explosion in terms of the populations that
11 we have to service.

12 It also points out that we are
13 particularly in a sort of a middle road of developments
14 in this country with regards to Aboriginal rights,
15 Aboriginal self-government. That's intentional, because
16 Friendship Centres service everyone who comes through the
17 doors seeking some kind of comfort in their lives, or
18 seeking something that's going to address issues that
19 they're facing within urban experience.

20 The Centres themselves want to really
21 stress in terms of the formulation of this report that
22 in that kind of service delivery we are actually promoting
23 unity amongst all Aboriginal peoples and the rest of

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1 Canada. We are promoting self-sufficiency. We are
2 promoting a reliance on themselves in terms of how they
3 activate themselves in local communities to meet community
4 needs.

5 The real desires that Friendship Centres
6 have towards self-government -- the document is intended
7 to address where do Friendship Centres fit in in
8 self-government. We've said before that Friendship
9 Centres will have a continuing reliance on federal and
10 provincial governments, and when and should and if and
11 where Aboriginal governments are created and recognized,
12 Friendship Centres will also have a reliance upon them.

13 It underlines a position that is perhaps
14 not stated as clearly in the document, but it underlines
15 the position that we have to have a service delivery
16 mechanism within urban areas that does not require the
17 request of identification to produce something at the door
18 to say "I am Status Indian", or "I don't have a card",
19 or "I'm Métis", or "I'm Inuit", or "I just came from a
20 reserve". There is not that requirement, and there should
21 not be, for services.

22 The conditions of urban life are much
23 too critical to begin a discussion or discussions around

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1 separation of service delivery for certain constituencies.

2 We do not support, as the report intends
3 to show, a further breakdown along definitions created
4 by Canadian law. Definitions must be created, must be
5 dealt with by Aboriginal communities themselves.

6 In terms of the recommendations, we do
7 address some processes of how we can achieve the continuing
8 and a maintenance of the role of Friendship Centres in
9 the future, the experience of Friendship Centres in terms
10 of its service delivery, growing from referral services
11 to where we're at today.

12 It really shows that the intent of
13 Friendship Centres is to be around, really. That's the
14 bottom line. We do not intend to go anywhere. We have
15 been around for the past 40 years and it is an experience
16 in the history that should not be ignored any further by
17 any forum when discussions of constitutional amendment
18 and/or self-government occurs.

19 We promote the structure of the
20 Friendship Centres. So no one has to consider that they
21 have to reinvent some wheels here in terms of service
22 delivery.

23 We have a daily record of how we meet

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1 the need of communities. And we have a historical record,
2 however, of being left out of many forums when we talk
3 about the future of Aboriginal communities. That must
4 come to an end. We hope that the Commissioners will
5 consider fully the recommendations of this report and
6 perhaps restate them in your final report so that community
7 need, and community need is very real. When community
8 need is created, it's not created along lines of whether
9 you come from a particular First Nation or a Métis community
10 or an Inuit settlement. Community need is an experience
11 of an urban environment, an urban setting.

12 There are many reasons why people found
13 themselves in urban settings. There's a whole history
14 of that. It's as painful as experiences of the residential
15 school system. It's as painful as any community might
16 have -- we've seen recently in terms of the Davis Inlet,
17 the critical situations we've seen recently.

18 There's no intention to downgrade those
19 situations and our support for those peoples, but we want
20 to make sure that there's an understanding achieved here
21 that Friendship Centres are vital to the continuing
22 development of self-governance in this country and have
23 a vital role to play in any discussion from here on end

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1 regarding the future of Aboriginal peoples.

2 **WAYNE HELGASON:** Thank you, Terry.

3 I would suggest at this time that perhaps
4 we hear from our senator, Roger Obonsawin.

5 **ROGER OBONSAWIN, Senator:** Thank you,
6 Mr. President.

7 I'd just like to make a few brief
8 comments, an overview in terms of the Friendship Centre
9 movement direction and also issues around the funding.

10 The role of the Friendship Centres has
11 always been, from their inception, a very heavily community
12 development role. Quite often that role has been
13 overshadowed by the need to provide direct social services
14 to deal with the immediate crisis problems faced by people
15 on a social service level. Sometimes that community
16 development role got overshadowed by that, especially in
17 the early days, when there were very few other agencies
18 or services in urban areas to provide services to native
19 people.

20 That community development role, in my
21 mind, will be one of the crucial roles in the future,
22 cultural and community development in urban areas. In
23 effect, the foundation of the Friendship Centres has only

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1 been established. Their true potential is really in the
2 future.

3 The recognition of the Centre's role in
4 community development and advocacy was really the initial
5 Migrating Native Peoples Program in 1972 from Secretary
6 of State. The reason it was placed under Secretary of
7 State mandate was that it was the mandate of the Secretary
8 of State to ensure equality of access, equality for Native
9 people within Canadian society, primarily socio-economic
10 equality, access to services in urban areas.

11 There were, prior to the program,
12 federal-provincial agreements between the federal
13 government and provincial governments for funding of
14 Friendship Centres on a 50/50 basis. They were very small
15 amounts, \$2,000, \$3,000, cost shared between federal and
16 provincial governments.

17 When the Migrating Native Peoples
18 Program was negotiated, it was a large increased commitment
19 from Secretary of State to the role the Centre should play.
20 To implement that, because it was going to be for core
21 funding, then the federal/provincial agreements had to
22 be cancelled, or had to negotiate cancelling those
23 federal/provincial agreements at that time. The Cabinet

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1 couldn't pass it until the federal/provincial agreements
2 were nullified.

3 We had discussions with Manitoba,
4 Saskatchewan, different provinces in terms of cancelling
5 those agreements, providing core funding to Friendship
6 Centres, then the provinces coming in to provide funds
7 for direct programs rather than on a cost shared basis,
8 on an individual basis.

9 There is also another component of that
10 program that was never implemented, and that was a
11 demonstration fund. Actually the majority of the funds
12 were to be in that project. That was a very farsighted
13 fund that was looking at vehicles for looking at different
14 ways of providing services to Aboriginal people in urban
15 areas. That fund never materialized. Rumors were that
16 some of the Cabinet members got worried that there was
17 going to be a demonstration fund to pay for Indians to
18 demonstrate in front of Parliament. In any event, that
19 fund never materialized. It disappeared.

20 The evaluation of the first program
21 after five years shows that the referral process had
22 actually reversed. The intention was to provide referral
23 services through Friendship Centres who would access

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1 non-Natives in other services in the city. In effect,
2 the reverse happened. The other services started to refer
3 to the Friendship Centres, particularly the non-Native
4 services. So the burden increasingly fell on the
5 Friendship Centres without the funds from those agencies,
6 like Children's Aid societies, like Social Services
7 agencies were getting lots of funds and had those mandates,
8 but they just referred the people, they didn't refer their
9 funds over.

10 There is a need to look at, in my mind,
11 addressing the inequities that are across Canada in the
12 funding of Friendship Centres. That's going to be a major
13 challenge. The situation as it now stands, as you know,
14 the cutbacks are really affecting, but they're affecting
15 some provinces more than others.

16 As I started looking at that issue,
17 looking back over the years, the funding has always been
18 a problem between regions. There's an understanding in
19 Canada, there's a principle of equalization in Canada --
20 equal access to opportunities and equalization payments,
21 transfer payments are made to provinces where they can't
22 afford to provide a level of services that they would in
23 other areas, such as health, social services, education,

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1 whatever the transfer process is.

2 In effect, centres in areas where they
3 didn't get provincial support were really left far behind.

4 Those areas, such as Ontario for instance, where there
5 was a heavy input from the provincial governments. Now
6 we have two provinces that have pulled out completely of
7 Friendship Centre program.

8 I believe that Friendship Centres have
9 proven themselves to the degree that we should be looking
10 at equalization payments, we should be looking at
11 addressing those inequities between provinces. If that
12 role of community development and ensuring that Native
13 people gain the same socio-economic level as other
14 Canadians, then those inequities have to be redressed.
15 Part of those inequities are geographic in nature, and
16 economic in nature.

17 We should be looking at funding systems
18 that really can look at equalization from an institution
19 that has really proven itself over the years and has a
20 tremendous potential for future community development and
21 cultural development in the future.

22 I'm very proud to have been part of this
23 movement over the last -- I won't say how many years.

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1 Peter mentioned 1942. That's the year I was born, but
2 actually the Friendship Centres emerged before that. I
3 think Peter and Morris are much older than I am, and were
4 involved in discussions on these things before I was even
5 around. So I'll defer to Peter on the year and that.

6 Thank you very much for the opportunity
7 to make the presentation.

8 **WAYNE HELGASON:** Thank you, Senator
9 Obonsawin.

10 At this point we hope that we will
11 completely make the case to you that in fact the Friendship
12 Centre movement and the Friendship Centres that exist
13 today, albeit under some period of difficulty in relation
14 to some funding mechanisms, but because of the
15 process-driven nature of the Friendship Centre movement,
16 driven by the community, the depth of involvement we've
17 had, both historically and in Centres that has been
18 sustained for 40 years, the organizational experience
19 we've acquired with other groups in urban areas have
20 replicated and in many cases Friendship Centres have led
21 to the development of services, discreet and inclusive
22 of all Aboriginal people in urban centres.

23 I know some of you need no convincing,

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1 but I think the case needs to be made on our behalf that
2 the capacity that exists within the Friendship Centre
3 movement and the 111 Friendship Centres, there's one
4 guarantee we can make you, that in the 111 Centres in Canada
5 you will feel welcomed as an Aboriginal person or a
6 non-Aboriginal person in stopping in.

7 What we're giving you is a map which
8 lists, and it's made by our Swan River Friendship Centre
9 for us, which in Canada shows where all the Friendship
10 Centres are. For those of us who tend to be more graphic
11 than literal sometimes, it has a message of its own.

12 Being cognizant of time here I would like
13 to give our youth rep. an opportunity to say a few words
14 as well and introduce to you the president of our youth
15 representation, our youth board, again with parallel
16 representation from all over Canada.

17 I'd like to call upon Vera Wabegijic.

18 **VERA WABEGIJIC, National Youth**

19 **Representative:** Good morning. My name is Vera
20 Wabegijic. I live here in Ottawa but originally I'm from
21 Wiki (PH), Manitoulin Island.

22 I have a lot of things planned for youth
23 at the Friendship Centres. I really want to see youth

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1 getting more involved at the local levels and at the
2 grassroots levels. Hopefully that will be really strong
3 to take hold of our future and to promise a bright future
4 for our generations to come.

5 I'd like to share some things with you
6 that are helping me right now.

7 When I hear elders talking about our
8 culture and traditions, it moves me. Their words
9 strengthen me and inspire me. The teachings that have
10 been passed on to me help me along my path I have chosen.
11 It helps focus my mind and encourages me to do my best
12 every day.

13 I would like to share with you a poem
14 I wrote two months ago, but let me tell you about my
15 inspirations that compelled me to write this.

16 The first time I heard the drum it was
17 like a magnet pulling me to it. When I heard the drum and
18 the songs it makes me want to get up and dance. When you're
19 near the drum you can feel it in your heart because it's
20 your heartbeat. It's only natural for a person wanting
21 to dance because it is the first sound you hear -- your
22 mother's heartbeat.

23 I went to a Pow-Wow in the States and

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1 while I was there I was near a drum from Saskatchewan.
2 They were drumming and I was listening to their song and
3 watching them drum and sing. What happened to me next
4 I cannot explain in words. I just remember all the
5 emotions I felt and experienced. It was amazing.

6 I'll read you the poem I wrote:

7 "The lead singer goes through a few of the choruses before
8 they begin. He makes sure that
9 they remember the beat and pitch
10 of the song. He ends by telling
11 some joke to take the pressure off
12 the others. He passes the
13 sweetgrass to bless the drum and
14 his brothers.

15 He begins a song in honour of our mother and her heartbeat,
16 the heartbeat that gives life to
17 all creation and to the drum, the
18 drum that brought him and his
19 brothers together, together to
20 sing for the people and a prayer
21 to the Great Spirit for life.

22 You can feel the emotion from the drummers, all the love,
23 love for the drum and the love for

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1 singing for the dancers, the honour
2 they remember when the drum was
3 passed to them by their grandfather
4 long ago when they were just young
5 men just learning to keep the beat.
6 Now they come to the gatherings
7 with their own families, their
8 faithful women who now sing with
9 them to support their husbands.
10 Their drum is now complete. The circle of life wraps
11 tightly around the drum.
12 The song is over. They look at each other and smile, that
13 knowing smile of their memories of
14 drumming on the pow-wow trail,
15 memories of growing and sharing
16 with each other all their
17 experiences. Laughter breaks out
18 and the lead singer sheds tears,
19 tears of happiness of being here
20 with them and remembering once
21 again that this was the place where
22 they first began to drum.
23 One by one they get up and move towards the dance area.

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1 The next drum starts and by
2 coincidence it is a Friendship
3 Dance.
4 They start the Circle by holding hands. Their families
5 join them. They are here
6 celebrating life and their
7 friendship with each other and the
8 drum.
9 The song ends. They go to hug each other. They know they
10 will grow old together and that
11 their boys will inherit the drum.
12 They will carry on the tradition
13 that was passed on to them by their
14 grandfather, a tradition that was
15 passed on through the many
16 generations, a celebration of life
17 that will definitely not end here.
18 It will hold the memories --
19 memories of a drum and the drummers
20 and singers that loved it so much."

21 Thank you.

22 **WAYNE HELGASON:** Thank you, Vera.

23 **CO-CHAIR GEORGES ERASMUS:** Wayne,

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1 before we get into your priority themes I wonder if we
2 should have a small break, then we'll come back and you
3 can make your final presentations and we can get into some
4 questions.

5 **WAYNE HELGASON:** That would be fine.

6 **CO-CHAIR GEORGES ERASMUS:** We'll take
7 a short break.

8 --- A short recess at 10:17 a.m.

9 --- Upon resuming at 10:34 a.m.

10 **CO-CHAIR GEORGES ERASMUS:** Before
11 beginning, I noticed that you've left the best for last,
12 your priority themes of self-government: children,
13 health, women, youth, partners.

14 If we could suggest that you take no more
15 than until about 11 o'clock to try and do that so that
16 Commissioners will have at least an hour so we could get
17 into a nice dialogue in our questions back and forth.

18 Please go ahead whenever you wish.

19 **WAYNE HELGASON:** Thank you.

20 I have no doubt but that the issues of
21 the priority theme areas we've identified will be a matter
22 of the discussion that we were anticipating and eager to
23 engage in.

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1 Each one of us are grounded at the
2 community level and we're relatively unaccustomed to
3 formality, and appreciate your consideration in that
4 regard. The priority themes are listed, of course, and
5 we've provided some additional text with these speaking
6 notes.

7 I would like to suggest that perhaps what
8 we do is in fact move into the area of the discussion,
9 in which I think we will find more facility and perhaps
10 from your point of view more usefulness for the short time
11 that we have.

12 Perhaps we could move into that even at
13 this time so as to allow for a full discussion.

14 We really appreciate the opportunity,
15 again, to submit this report. We believe that it
16 illustrates an intention and a desire and a capacity to
17 support the efforts that you're trying to achieve, and
18 we look forward into the future for expanded and increased
19 opportunity to solve some of these most critical issues
20 that we know that you've become aware of.

21 Perhaps we could do that, Commissioner
22 Erasmus.

23 **CO-CHAIR GEORGES ERASMUS:** If you wish,

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1 we could do that. Let's say we do that on the proviso
2 that if we've ended up at the end of the process and you
3 feel that we have not adequately asked the questions so
4 that there might be gaps that you feel you want to cover,
5 then maybe we could wrap it up with some concluding remarks.

6 **WAYNE HELGASON:** That would be fine.

7 **CO-CHAIR GEORGES ERASMUS:** We'll get
8 into questions, then. We'll start with commissioners.
9 Commissioner Paul Chartrand would like
10 to start.

11 **COMMISSIONER PAUL CHARTRAND:** I begin
12 by thanking all of you for coming to assist us. When I
13 heard that we might have one hour in which to deal with
14 questions I was seized with a sense of distributive justice
15 and thought that I would endeavour to ask five questions,
16 anticipating maybe two minutes each equals ten times six
17 is 60 minutes. But given the quick change I'm delighted
18 that I might have the chance to ask a supplementary question
19 later on perhaps.

20 I'd like to remark that on the Prayer
21 that was offered to us by Bruce Elijah. It was very
22 instructive. I'd like to comment on some of the things
23 that the Secretary, Mr. Dubois, urged upon us as well.

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1 I'm certainly in agreement with your
2 view that the system needs a drastic overall in how it
3 deals with Aboriginal people today. I'm also very much
4 in agreement with your view that the activities of the
5 federal department of Indian Affairs needs to be
6 investigated. This is a matter that has a long history.

7 This week we were presented with some
8 similar concerns. We were referred to a bibliography,
9 "Wall of Words", by Joan Ryan, which documented some
10 serious matters relating to the Department's involvement
11 in urban Aboriginal issues in the 1970s. And I noticed
12 that in a McClean's article a decade later declared that
13 nothing had been done to address the issues which had led
14 to the terrible tragedies outlined in that book.

15 We were told as well in one hearing that
16 I attended about the criticisms of the federal Auditor
17 General with respect to the practices of the Department
18 respecting what you call breaches of obligation respecting
19 forestry practices. In other places people have wondered
20 about the role of the government in having a duty to
21 identify the interests of Aboriginal peoples which has
22 recognized the government has a duty to protect.

23 It seems incredible to contemplate a

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1 situation where it is recognized that the government has
2 a duty to protect certain interests where the government
3 does nothing to identify the nature and the scopes of those
4 interests as a preliminary step. It seems to me that your
5 comments raise these issues, which are very, very
6 fundamental to our mandate, and I see we must deal with
7 them. And I certainly urge the Commission to deal with
8 them.

9 I don't have many questions. The first
10 one is a direct question concerning statistics raised by
11 Darlene Cardinal.

12 You based some statements about the
13 population of Aboriginal peoples in Canada in the 1991
14 Census -- I think the statistic is 1.1 million -- as opposed
15 to the Aboriginal Peoples Survey.

16 In my understanding of these matters the
17 Census of Canada did not identify the Aboriginal population
18 understood as a matter of political identity, but rather
19 asked the question about ancestry. So there's a
20 significant distinction between the population identified
21 in the Census and in the Aboriginal Peoples Survey.

22 Everyone will agree that ancestry,
23 although it may be a very significant factor in determining

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1 the personal identity of an individual, can never be a
2 sole and sufficient factor to identify individuals.

3 We have, in some of the Commission's own
4 work, argued the proposition that Aboriginal communities
5 in Canada are in their nature political communities that,
6 it seems to me, this idea that Aboriginal peoples are a
7 political community. And I think this goes to the heart
8 of our mandate.

9 My question has to do with what you would
10 perceive is the proper basis for the identification of
11 Aboriginal peoples. I recognize that the Friendship
12 Centres as such offer services to anybody, whether they're
13 Aboriginal people or not, so the issue is not important
14 for purposes of delivering services. But it seems from
15 my initial reading that you're tentatively searching your
16 role as political representatives.

17 I wonder, then, about the basis for the
18 identification of Aboriginal peoples that you want to adopt
19 as an organization. Is it driven by ancestry, because
20 many Canadians will see that as race, and we know that
21 newspaper editorials and other fora in Canada have raised
22 very strong arguments about what they have called the
23 spectre of race-based government.

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1 If one looked at the ancestry driven
2 statistics of the Census one is going in a path that is
3 quite different from the self-declared, voluntary
4 association with a community in its nature political source
5 of identity, which is revealed by the Aboriginal Peoples
6 Survey.

7 The question then is, are you opposing
8 the view articulated in this Commission's "Partners in
9 Confederation", which concedes the proper basis for the
10 identity of Aboriginal peoples as in the political realm,
11 and are you indeed urging us to reconsider that view and
12 to believe that Aboriginal people are indeed to be
13 identified on the basis of what has been called ancestry
14 in the 1991 Census? That's my question. And I ask it
15 of any one who would like to answer. It was raised by
16 Ms Cardinal but I will leave it to you as to how it is
17 dealt with.

18 **DARLENE CARDINAL:** I'll answer some of
19 your questions and I'm going to ask my comrades here to
20 help me.

21 **COMMISSIONER PAUL CHARTRAND:** I thought
22 I only had one!

23 **DARLENE CARDINAL:** That is a tough one

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1 that you've just asked about, do we go by ancestry or do
2 we go by who walks through our doors.

3 I believe the numbers they picked from
4 here is from the Aboriginal Census that was done, and also
5 there's a little notation at the bottom that not all of
6 the Aboriginal people were censused.

7 In my community we just had a census and
8 even the ones that walk through our door I asked them "were
9 you censused?", and they said no. So there's a lot of
10 Aboriginal people that have been missed. There's a
11 greater number out there that haven't been counted. So
12 I don't know how you would handle that* + +(on. Do we
13 go from reserve to reserve and Métis to Métis colonies
14 and then urban areas? There is more than 1.1 million
15 Aboriginal people in Canada.

16 As a Friendship Centre we go by the
17 indication that they are Aboriginal people. The comment
18 was made that we are status-blind. We service the people
19 that walk through our doors. We don't have a line down
20 our Friendship Centres that says "Métis people on your
21 left, Status on your right".

22 I don't know if I'm answering your
23 question, but I'll ask Wayne to assist me a little bit

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1 more.

2 **COMMISSIONER PAUL CHARTRAND:** Perhaps
3 I should phrase it another way.

4 The Census focuses on ancestry. It
5 seems then that an individual who wishes for his or her
6 particular purposes to focus on ancestry will rely on the
7 Census.

8 The APS, the Aboriginal Peoples Survey,
9 relies on something else. It relies on the identification
10 of individuals who say I am an Aboriginal person regardless
11 of my ancestry, perhaps. There's a very distinct basis
12 for identification there.

13 So it seems to me that an organization
14 and an individual who seeks to articulate any position
15 based on a recognition of the identity of Aboriginal
16 peoples as essential political communities will be driven
17 to using the APS. So it's that assumption which drives
18 my question to ask you.

19 Since you anticipate that you might be
20 undertaking an increasing political representative role
21 in Canada for Aboriginal peoples, who is it that you would
22 purport to represent, people who come and say "my
23 grandfather was a Cree", or people who would say "I am

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1 a Cree"? That's my second shot at the question.

2 **CO-CHAIR GEORGES ERASMUS:** I guess the
3 only other thing worth commenting is that there's a big
4 difference in the figures. Over a million people have
5 Aboriginal ancestry that was identified but something over
6 600,000 said "I identify with that, and I believe I'm an
7 Aboriginal person".

8 So something over 400,000 people, even
9 though they said they have some ancestry in their
10 background, they did not consider themselves an Aboriginal
11 person. So that's the background in relation to what Paul
12 is asking. Which is the client group that you're working
13 with?

14 **PETER DUBOIS:** If I may. I think that
15 those figures that you bring to our attention is an
16 indication of what the system requires for that overall
17 that I referred to earlier. I also feel that we as
18 Aboriginal organizations can find ways and means of
19 identifying those people that we claim to represent, and
20 I think given the opportunity to sit down and look for
21 a strategy to resolve that issue, then I think the
22 possibility is there.

23 I'm sure that as we continue to develop

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1 partnerships with other organizations such as the NCC,
2 the AFN and the MNC and the Native Women of Canada, that
3 we can mutually arrive at a system that will meet and
4 identify that need.

5 **COMMISSIONER PAUL CHARTRAND:** My point,
6 I suppose, just to emphasize the point I'm trying to get
7 at, is this, that if indeed you say that for the purposes
8 of representing the political interests of Aboriginal
9 people you will focus on ancestry, then it will be very
10 hard, it seems, for this Commission to support those
11 arguments. There are very strong arguments against that.

12 Whereas if you take a different
13 perspective and say these are relevant political
14 communities, it's much easier to support that. I think
15 it goes to the heart of our mandate, so I was trying to
16 get your views on that central question.

17 **SENATOR ROGER OBONSAWIN:** Can I ask a
18 question in return. How do you define a political
19 definition? What do you mean by that? Could you
20 elaborate on that?

21 **COMMISSIONER PAUL CHARTRAND:** The
22 matter of identity is of course very complex, but the
23 essential notion would be something like this, that there

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1 is first a community. Now, what's a community? It
2 comprises a number of individuals who voluntarily come
3 together to promote their particular purposes, whatever
4 they might be.

5 In Canada we see that Aboriginal peoples
6 get together for particular purposes. How are they
7 described, those purposes? They have said "we want
8 self-determination", or "we want self-government". So
9 the first question is who is this "we" that we are talking
10 about?

11 It seems then if you're focusing on a
12 political definition what you're asking is who, on the
13 usual question of identification -- for example, by saying:
14 I want to be associated with this group because I am in
15 favour of these goals, I am an Aboriginal individual who
16 wishes to be associated with the promotion of the goals
17 of my people.

18 It's no different from someone, I
19 suppose, coming from a different country and wanting to
20 live in Canada and saying "I want to be Canadian. Please
21 allow me to become a Canadian citizen." It's in that sense
22 in which I say political, as opposed to the other notion
23 which says simply that because you have a grandma who is

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1 Cree, then you have a claim to being Cree.

2 **SENATOR ROGER OBONSAWIN:** To expand on
3 that, as you well know, in urban areas it becomes much
4 more difficult to identify and that there are no political
5 structures within the urban communities as there are at
6 band council level, where you have the Registry and
7 everything that attests to it.

8 Without a way of Aboriginal people
9 defining their own citizenship that question is always
10 going to be with us. And that the definition of
11 citizenship is really a responsibility of individual
12 nations, not necessarily reserves, but nations, and that
13 there is a major role to be played in urban areas as you
14 define that, to look at the role of the Centres in providing
15 services to that citizenship, whether they're on-reserve
16 or off-reserve.

17 I would hope that the Commission isn't
18 so rigid and its interpretation not to be able to look
19 at the question from that perspective as well and take
20 into consideration that until that becomes better defined
21 we're really arguing over semantics in terms of how
22 Statistics Canada defines that, because we see different
23 figures. If you go back to the 1981 Census data,

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1 1986 Census data, 1991 Census data, it's all increasing
2 so tremendously only because they use different ways of
3 gathering the information every time. And it subjects
4 itself to the kinds of questions you're addressing.

5 **COMMISSIONER PAUL CHARTRAND:** Thank
6 you. Your remarks have been instructive. I'd like to
7 go on to my next question because depending on the time
8 I said I do have a sense of distributive justice and if
9 it takes a little longer than I anticipated I'll cut out
10 the number of questions that I had proposed to ask.

11 I've not had an opportunity to do a
12 careful study of your materials. We'll be able to do that
13 in time.

14 In order to assist my understanding of
15 the place of the Friendship Centres in Canada today, the
16 big picture, if you will, and keeping in mind in particular
17 the aspirations that you articulate, if I understand them,
18 to some dissipation in representing the political
19 interests of Aboriginal people as opposed to the service
20 delivery function, I'm going to propose a very simple
21 model, and you may say it's simplistic model, but I'm going
22 to ask for your comment on the model because I'm going
23 to ask you if it is indeed, in your view, a correct one

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1 to understand the position of Friendship Centres in the
2 country.

3 The reason I want to ask this question
4 is because I think it goes to the heart of one of the
5 questions we have to face. Aboriginal self-government
6 is central to our mandate and one of the central features
7 of any government is the legitimacy of its representative
8 institutions. So I ask that.

9 Let us say, then, that looking at the
10 positions that you articulate and looking at the positions
11 and the existence of other Aboriginal organizations who
12 purport to represent the political interests of Aboriginal
13 peoples, let us look at the first factor. There are going
14 to be three factors here.

15 The first one is power. Presumably
16 underlying the position that you develop you believe that
17 if you get greater numbers you get greater power. So then
18 you would be interested in promoting what some have called
19 a pan-Aboriginal institution of some sort to promote the
20 interests of Aboriginal peoples generally. So the "A"
21 factor is power.

22 The "B" factor, the second one, I propose
23 that to be efficiency, that is, it seems to be underlying

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1 some of your arguments, as you say, well, small village
2 communities and small scattered communities cannot very
3 well deliver services. There are services that require
4 quite a large aggregation of resources, an efficient
5 organization.

6 I think, if I understand your position,
7 that you're saying because of the benefits of economies
8 of scale and other factors you say it is more efficient
9 to take the position that we do, the status-blind, service
10 delivery model, those sorts of things. So my "B" part
11 of the model is efficiency.

12 So we have first greater power in greater
13 numbers, and "B" we have greater efficiency in greater
14 numbers and central organization.

15 When we come to the third one it's a
16 different kind of factor, that of solidarity. And I'll
17 recall the initial comments I made about the nature of
18 the community. People get together for particular
19 purposes. We have Aboriginal people wanting to get
20 together to promote particular goals in Canada. Who will
21 get together with whom is a basic question. Will the Cree
22 get together with the Cree? Will the Métis get together
23 with the Métis? And so on.

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1 Some people, then, see an historic basis
2 for their contemporary identity. They say, we know who
3 we are. These are our families, and so on. We're related,
4 we have a common history. These are our people.

5 On the other hand, a view that puts many
6 people together, although it might increase power to
7 numbers, it's been argued we might to put more effort into
8 the solidarity of the group, that is, it might be more
9 difficult to convince people that they have something in
10 common if they lack that historic identity that other
11 smaller communities have.

12 So in a sense a "C" factor, that of group
13 solidarity, might weaken factor "A", that is, the power
14 that you might aspire to gain in greater numbers might
15 be somewhat weakened by the lesser solidarity. At least
16 so we have it from those who have studied these matters.

17 The question then is one of the essential
18 concerns, are these the central concerns between the tugs
19 that we see between service delivery organizations in
20 Canada and Aboriginal political interests, that is, that
21 political organizations might be concerned that government
22 interests would have a strong interest in "B", in
23 efficiency, and a strong interest also in solidarity, and

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1 that political organizations are very nervous about the
2 "C" factor, the solidarity factor, because they are keenly
3 aware of the fact that government can have a strong
4 influence on the solidarity of groups.

5 I don't have to give you any details
6 about how the government, given its powers and resources,
7 can influence the solidarity of Aboriginal peoples. This
8 is a matter that has been considered quite at length by
9 commentators in this country.

10 I'm inviting comments on the description
11 that I've given to invite you to comment upon it. Is this
12 in fact a model that assists in understanding the
13 differences of view that we have heard, because in Canada
14 we heard very, very different views, and before we make
15 a final report that makes sense to Canada it seems that
16 we must have a decent understanding of the factors that
17 are at work. Why is it that in one place somebody says
18 it is us that ought to represent, someone else says, no,
19 no, no, it is us that ought to represent. We ought to
20 have status-blind. No, we must not have status-blind.
21 We must have organizations that reflect our own historic
22 identity.

23 Sorry to have gone on so long, but that's

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1 my model of understanding, my MOU. I wonder if you might
2 comment on that issue, the issue that I have raised, and
3 perhaps in the terms of your understanding. I've tried
4 to convey my own understanding. I suspect you might have
5 a much better grasp of the issues and a better way of
6 explaining it for my benefit.

7 **WAYNE HELGASON:** Perhaps I'll just
8 start off and ask other members to make comments.

9 It's really a difficult one. The
10 urban Aboriginal people are probably the most sought after
11 in terms of everybody seemingly wanting to represent them.

12 The fact is, however, and when you talk about the aggregate
13 and the sheer numbers and the people in circumstances and
14 their ancestry driven identity which is a factor when it
15 comes to determining how best to appreciate and assist
16 them in improving their circumstances, which is service
17 delivery inasmuch as the Friendship Centres have either
18 provided or promoted on a meaningful basis.

19 Very often the political dimension that
20 derives itself from the ancestry or the identification,
21 and therefore then the political dimension, isn't a reality
22 to so many inner-city Aboriginal people. And I can speak
23 from Winnipeg's case, the 45,000 identified in the Census.

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1 It isn't meaningful at this point.

2 In fact, in some cases the political
3 energies, the political opportunity that seems to be
4 presented to in fact groups that are determined and defined
5 by the Indian Act as the band councils are by other
6 circumstances do not have, in my personal view, as much
7 meaning or impact at this point. It's understandable that
8 they've taken the position they do, but if we're really
9 going to think about redefining how Aboriginal people in
10 urban areas achieve increased participation, increased
11 authority and responsibility against the system with which
12 they interact, and I say the mainstream system, I
13 personally doubt if it's going to be through the political
14 groups as they are currently constructed, but in fact
15 through a process which includes and is inclusive. And
16 you can use the word status-blind. It's not necessarily
17 completely revealing of the inclusive nature of how urban
18 Aboriginal people interact to achieve ends to their
19 objectives and will continue to.

20 It's recent, certainly, and in view of
21 the concerns about being represented by people and
22 organizations that have little history and in some cases
23 seemingly little concern with the interests of people at

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1 the community level. That's why Friendship Centres, I
2 believe, have moved forward to say and to want to define
3 "political" to some extent.

4 Is "political" where you shop or where
5 you eat or how you support and how you work together to
6 achieve economic and social security? In that regard,
7 yes, we have a new interest. Maybe it's not new, but it's
8 an important interest in ensuring that the political rights
9 of people are there in reality rather than just in some
10 measure of articulation.

11 **COMMISSIONER PAUL CHARTRAND:** I find
12 that very helpful. If I may just interject with a quick
13 comment.

14 Just to clarify my own understanding,
15 what you're saying is that many people who live in urban
16 areas Aboriginal people, you, say have little by way of
17 formal community, and I think you refer to that. That's
18 the words used when referring to the Indian Act situation,
19 for example. I would call that a formal community. Or
20 perhaps an historic community. I think you're talking
21 about individuals living in urban areas who may not have
22 their own historic aboriginal community and so on.

23 You're concerned, then, with the

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1 interests of urban individuals who live in urban areas
2 without much or a tenuous association with a formal or
3 historical community, and you are involved then or
4 concerned to promote the creation of a contemporary
5 community.

6 Do I grasp the understanding? And that
7 would explain of course the symmetry or similarity, if
8 I may call it that way, between the position that you are
9 articulating, or that I understand you are articulating,
10 that of the Native Council of Canada. Indeed you were
11 telling us earlier that you have had some negotiations,
12 so I can see the similarity between the goals.

13 I just wanted to make sure I was
14 following what you were saying, and I do find it very
15 instructive. Sorry for the interruption.

16 **WAYNE HELGASON:** That's fine.

17 Anything further?

18 **CO-CHAIR GEORGES ERASMUS:** Were those
19 all your questions, Paul?

20 **COMMISSIONER PAUL CHARTRAND:** Yes. I
21 rolled them all into one big one.

22 **CO-CHAIR GEORGES ERASMUS:** I'm glad
23 they made sense of it all.

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1 **COMMISSIONER PAUL CHARTRAND:** They're
2 experienced in these matters.

3 **BRUCE ELIJAH, Elder:** We've made a
4 comment in our teachings, and from the community where
5 I come from. I want to give you an example.

6 There came a day when there's a family
7 that came into our house and we could tell that we had
8 just done eating supper that these people had travelled.
9 We could tell that they were tired and they more than
10 likely were hungry. So the family got real quick to set
11 up a table for them and gave them food.

12 I assumed, because I'm not home all the
13 time, that the other members of my family knew these people,
14 and I guess they assumed the same thing. It turned out
15 that neither of our families knew any one these people,
16 because there were a whole family of them.

17 So what we did was, we knew that they
18 were tired so we fixed up a place for them to rest, to
19 sleep. After they got done eating that's what we did.
20 Prior to retiring for the evening my brother and I, my
21 mother, we sat and we talked and we started talking about
22 these people who had just come in as to who they were,
23 and any of us knew who they were.

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1 I use that as an example because it's
2 not a question as to who they are, it's a question that
3 they're in need of. The word comes into political and
4 I kind of smile at that -- you know, we have to be political.

5 There was a question back a few years
6 ago on the American side during the American Indian
7 movement during Wounded Knee, that were we political
8 because we stepped in to help.

9 I want to say that in our teachings is
10 that we care about our people in terms of health, in terms
11 of housing, in terms of any of those wants and needs.
12 If that's political, then that's what it is. It seems
13 like it's thrown to us all the time: how are we politically
14 affiliated with any organization or governing body?

15 I think what we need to do is we need
16 to get back to basics. I think the dominating government
17 today is that as non-starters one was title of land, and
18 that's what we are, that's what we're addressing today,
19 those hurts and those pains is lost out or denied of.

20 I want to say that it is political, and
21 we're going to make it political in every sense of
22 addressing to those services there are people's needs.

23 I want to thank you.

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1 CO-CHAIR GEORGES ERASMUS: Other

2 Commissioners? Bertha Wilson.

3 COMMISSIONER BERTHA WILSON: This

4 question really follows I think part of what the Elder
5 said. It has to do with your continuing role as service
6 deliverers. You've described how at the present time and
7 in the past anyone who came to the door was looked after
8 and no enquiry was made as to who they were and where they
9 came from, that the paramount concern was to meet their
10 need. Obviously that is wonderful, and in my opinion the
11 way that it should be.

12 However, I think we have to face that
13 fact that under a self-government system people start to
14 become very preoccupied with the rights and they're
15 concerned about the fact that the rights and the benefits
16 available to different groups may be different. We've
17 heard this as we've travelled across the country. We
18 particularly heard it from Treaty people, who have said
19 our treaties are our Constitution; they set out our rights
20 and our benefits and what we are entitled to, and this
21 is important to us.

22 So there is this preoccupation. One
23 should turn to think about a self-government system with

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1 people's rights.

2 It seems to me that if there is to be
3 a status-blind approach to service delivery in urban
4 centres it almost has to be on a kind of most favoured
5 nation basis. In other words, the benefits and the
6 services that are to be delivered would almost have to
7 be the highest level of services and benefits that any
8 single group would be entitled to, otherwise groups might
9 not be disposed to go into a status-blind system if it
10 involved the sacrifice of some of the rights.

11 Assuming that what has been described
12 as the materialistic element in the dominant society has
13 impacted at least to some extent on Native people, they
14 are going to be concerned about that on a status-blind
15 system.

16 If the status-blind system contemplates
17 the delivery of the greatest level of benefits to which
18 any group is currently entitled then there would be no
19 problem, it seems to me, and the Friendship Centres could
20 continue to take no interest on who they were or where
21 they came from, because the entitlement would be there.

22 If it is not a status-blind delivery
23 system, and this is really what I'm looking for help on,

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1 if it's not a status-blind and if you have to be concerned
2 about the different levels of benefits to which different
3 groups are entitled, what kind of impact is that going
4 to have on the Friendship Centres service delivery role?

5 It's obviously going to be extremely complex, and I'm
6 just looking for some guidance as to how you would handle
7 that.

8 **WAYNE HELGASON:** It's not as if
9 Friendship Centres even today aren't aware and deal with
10 this very circumstance. As a Treaty person I enjoy certain
11 rights that I know others, the Métis, non-status, which
12 are quite proportionate in their description of themselves
13 as well, don't enjoy.

14 It's not as though at this time, though,
15 Treaty rights do in fact extend to the extent that a lot
16 of people would like into urban areas. It simply isn't
17 an overwhelming factor of resource differentiation.

18 The concern is that the exclusionary
19 principle that's applied to individuals in urban areas
20 leaves out the opportunity. When you say the best favoured
21 nation process, it leaves us feeling as though that would
22 be an element that would be uncomfortable or unusual to
23 incorporate into the principles upon which Friendship

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1 Centres were created and continue to exist.

2 I don't know that in fact would play
3 itself out. I'd have great trepidation in thinking that
4 if that principle was applied and that we had to define
5 our services and get our services resourced on the basis
6 of exclusion or identification with only this group or
7 that group, how much duplicity and how much lack of
8 efficiency, solidarity, unity, would be prejudiced in that
9 regard. I'd have great concerns, actually, as it would
10 be practically applied.

11 **COMMISSIONER BERTHA WILSON:** Would it
12 not also have quite an impact on the whole spirit of the
13 service we're providing if you were to be put in that
14 position of having to differentiate among the people who
15 came to your door?

16 **WAYNE HELGASON:** I believe we in some
17 ways represent more than just Friendship Centres. In some
18 urban areas there are other organizations, most, if not
19 almost all, operating on that same basis, or that same
20 principle. And to a great extent Friendship Centres in
21 terms of their processes of 40 years have set the stage
22 for the development in urban areas of that.

23 In fact I think it would impact, that

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1 dynamic would impact on the power basis, Professor
2 Chartrand's first principle, because we've seen all too
3 often that the diversity that we claim to be interesting
4 and necessary in understanding the Aboriginal community
5 is often used, and the separation is often used, in fact,
6 to deter and keep government from in fact engaging, because
7 we're not together.

8 How many times have we heard "well, can't
9 you get together in this area and determine what's going
10 to happen?". On the basis of those distinctions, that
11 are imposed in some cases, have lead to urban groups or
12 groups themselves not achieving. The perfect excuse for
13 government is before them in that regard. It's very
14 concerning.

15 Personally I don't believe that this
16 separation and this distinction on the basis of status
17 difference would do anything to even achieve the efforts
18 of those groups that are currently lobbying for it. I
19 understand why they might, but I would say in the face
20 of mainstream government it won't lead to even their
21 objectives.

22 What it will do and is happening at the
23 community level is that urban Aboriginal people are

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1 honestly beginning to work together, appreciating the
2 differences, the cultural, the identity differences, but
3 knowing that that's the only way we're going to be able
4 to go because of the reality, we'll call it efficiency,
5 we'll call it effectiveness too, in urban areas where
6 increasing numbers of Aboriginal people are becoming more
7 informed and more active and as part of our movement, and
8 it is a movement, it's growing and it will be there to
9 respond to people on the same basis it always has. It's
10 bigger than any new or emerging interests, I assure you.

11 **COMMISSIONER BERTHA WILSON:** Thank you
12 very much.

13 **SENATOR ROGER OBONSAWIN:** Could I add
14 a comment to that question on the status-blind.

15 The Friendship Centre movement has been
16 based on that very concept from the beginning, and it's
17 been its strength in urban areas. If it changes that it's
18 going to lose a very large part of its mandate.

19 On the question of the rights issue, I
20 have no difficulties in accepting that the highest degree
21 of rights for all citizens of Indian nations should be
22 recognized, whether you're Métis, Status, non-Status.
23 The question comes back to Professor Chartrand's question

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1 of defining the citizenship for which those rights are
2 being defined. That's the question that's outside the
3 jurisdiction of Friendship Centres obviously, but one that
4 has to be addressed so that we can get on with the work
5 in defining that.

6 **CO-CHAIR GEORGES ERASMUS:** Viola
7 Robinson.

8 **COMMISSIONER VIOLA ROBINSON:** I want to
9 thank you for your presentation here this morning. I just
10 want to say that in our travels across the country and
11 certainly for me the evidence of the work that you've been
12 doing in the cities and in communities certainly has been
13 visible. I commend you for the work and the services that
14 you've provided in the past.

15 My question is, when the earlier speaker
16 here was speaking, I think it was the Elder, or perhaps
17 the Secretary, I'm not good at names, you talked about
18 the Royal Commission has to, and the governments need to
19 give consideration for Friendship Centres for the future.
20 And also you talked about needing recognition and for
21 building a partnership.

22 Could you go a little further on that,
23 what you mean by those comments, because one of our mandates

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1 is to build a better working partnership with Aboriginal
2 people in Canada and non-Aboriginal people. Certainly
3 one of the problems that we've been faced with is the
4 self-government issue in the urban centres, and we've
5 certainly heard models from the Native Council of Canada,
6 we've heard some from the Métis National Council, and there
7 have been others. There have been many groups that have
8 come forward and talking about benefits and service
9 delivery groups and centres.

10 You made the comment about what you can
11 contribute for building a better relationship or
12 partnership in the urban centres. Could you give us a little
13 more on what you mean by that.

14 **TERRY DOXTATOR:** I guess I should
15 preface our response that it's not surprising that
16 Aboriginal peoples come forward in this time in securing
17 empowerment to elaborate their positions, whether it be
18 Métis Nation, whether it be a number of the First Nations
19 or the Inuit Peoples themselves. It's not surprising that
20 they would speak to have exclusivity in terms of the
21 expression of their rights.

22 All too often that exclusiveness becomes
23 the subject of discussions and in their promotion of what

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1 they want to achieve for themselves.

2 In the urban experience it's much more
3 difficult to express that exclusiveness in terms of rights
4 and responsibilities and aspirations for the future
5 without consideration of other people's rights and
6 responsibilities and aspirations for the future.

7 In an urban setting the experiences are
8 common, whether it be poverty issues, whether it be racism
9 issues, discrimination, whether it be the achievement of
10 levels of education, unemployment, employability. Those
11 are the issues that we deal with as Friendship Centres.

12 We attempt to provide a comfort zone in those situations.

13 What I'm trying to get at is when we have
14 to deal with individuals, for instance -- I'll have to
15 give you some instances in order to respond to your question
16 adequately.

17 If someone comes into a Friendship
18 Centre, say, in Windsor, Ontario, they might be from the
19 Haida Nation, from the British Columbia area. They need
20 some services. They identify themselves as a Haida
21 individual, as a citizen of the Haida Nation. We attempt,
22 in Friendship Centres, to respond as they would expect
23 to be responded to by their own Nation.

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1 We give them contact with their
2 community. We ask how they might assist this individual
3 -- are they going to assume some responsibility for this
4 individual? Can they assume some responsibility for the
5 individual? If not, in most cases Friendship Centres say,
6 well, are you willing to give us that responsibility for
7 this one instance? That's a common experience for
8 Friendship Centres across the country.

9 That implies that we have to have levels
10 of understanding and levels of partnerships with
11 individual nations, First Nations or Métis Nation people
12 and Inuit Nation people across the country.

13 The discussion earlier about that high
14 standard of service delivery in order to satisfy all of
15 the groups so that they're being treated properly and being
16 looked after properly and being serviced properly, I
17 understand that.

18 To get to the questions around how we
19 deal with the future, Friendship Centres promote the
20 respect for diversity, and we've said that before. It's
21 in the brief. We say that all the time, that we have
22 respect for the diversity of peoples, the cultures
23 experienced in our Centres.

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1 When we talk about future things we take
2 into consideration what the future of the Métis peoples
3 might be. We take into consideration what the future of
4 the Inuit peoples might be. We take into consideration
5 the future of First Nations across the country.

6 As Wayne pointed out earlier, that's a
7 strength. It must be viewed as a strength. When you
8 combine those visions, those aspirations, and as our Elder
9 was pointing out in the opening address, to bring our minds
10 together as one. That's something we attempt in our
11 Centres, to bring people together, to create that strength
12 that we all require in the urban experience.

13 As I pointed out earlier, when
14 Aboriginal governments are recognized we will certainly
15 go to those Aboriginal governments and say we are here,
16 we want to help, you know that, why at this point should
17 there be discussion about exclusiveness for peoples who
18 have a common urban experience?

19 The strength in terms of bringing people
20 together as one should be seen by everyone to -- in terms
21 of their urban experience, and we go back to our own
22 historical perspectives in terms of coexistence. When
23 we can bring our strengths together in the Friendship

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1 Centre and respond to the issues that we're all facing
2 commonly in an urban setting we are actually creating an
3 environment so that it reduces the tendency to separate
4 either the entire Aboriginal community from the rest of
5 the community or to separate or to create separations
6 within the Aboriginal community itself.

7 The future for Friendship Centres and
8 why we say we have to maintain or continue our involvement
9 in communities is to maintain a strength that has been
10 growing for the past 40 years, to display that strength
11 in the future.

12 If you look at Europe today, for
13 instance, the ethnic tensions that have been created
14 because peoples were dealing with issues that prohibited
15 their own expression of who they are. What we do is have
16 that expression safeguarded in our programs, in our
17 delivery mechanisms, and in our mandates as Friendship
18 Centres.

19 We create a common ground, really. We
20 create a common ground so that people can respond
21 adequately and get adequate response from those who they
22 look to when they're in need.

23 **WAYNE HELGASON:** Just to expand a little

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1 bit on that, we want your recommendations to be
2 operationalized, and we know who is going to be most eager
3 to see what they are and what they might mean, and that
4 is the expanded partnership that we think needs to exist
5 too, that Friendship Centres in urban areas have been
6 focusing upon. And that's the non-Aboriginal community,
7 the people who live next door, the others who are in support
8 of seeing things improved but need that idea of a
9 relationship and who are familiar with the reality, the
10 social and political reality of urban area so as to accept
11 the position of Friendship Centres much more, I would
12 suggest, more eagerly where it is inclusive, an opportunity
13 for discussion of all players, an idea of a consensus around
14 an approach.

15 I think there's an interest in municipal
16 level and provincial level of government to do that.

17 The capacity for the future of the
18 recommendations and the future of our Aboriginal groups
19 and Friendship Centres I think can be a bright one based
20 upon the principles and adherence to them and the
21 all-inclusive nature of how our development has been.

22 **COMMISSIONER VIOLA ROBINSON:** Thank
23 you. I have a couple more questions.

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1 The other question I have is you talked
2 about being supported federally by CEIC as well as
3 Secretary of State, and you talked about training.

4 I'm just wondering, when you talk about
5 your representation in -- like you said, there was a
6 recommendation I think that you wanted to be involved in
7 when they're negotiating programs and different
8 departments have committees or whatever, you'd like to
9 be represented on those committees.

10 Having said that, I'm wondering about,
11 for instance, Pathways. We've heard a lot of complaints
12 from different groups about Pathways, that it's not
13 working. It's working for some but not so well for others.

14 In that instance is the Friendship
15 Centre represented on Pathways, and is it working for you?
16 Is that the kind of inclusiveness that you want as far
17 as the Friendship Centre goes?

18 **TERRY DOXTATOR:** We've just done our
19 interview. There's an assessment of Pathways occurring
20 right now, and we just had our interview last night, and
21 that very question was asked.

22 We are involved with Pathways. We have
23 been from the beginning. We had representation on the

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1 Aboriginal working group which created the principles of
2 Pathways. Those five principles of partnership were
3 supported by the NAFC because it displayed the same
4 foundation from which Friendship Centres operate.

5 That's why NAFC found it easy to support
6 -- the experiences of many groups across the country --
7 some people call it Pathways to Hell, Pathways to
8 Frustration, all those kinds of things.

9 We do have issues with the process, and
10 it has been brought to the National Aboriginal Management
11 Board level that we are still dealing with process rather
12 than developing policy.

13 The main concerns we have is that we
14 promote Friendship Centre involvement at the local level.
15 It purports to be a bottom driven operation, much like
16 Friendship Centres. We haven't been able to achieve that
17 in three particular regions: Manitoba, Saskatchewan, and
18 to some degree Alberta. There are reasons for that.

19 The Métis population of those regions
20 want to have their own system. We don't disagree with
21 that. The First Nations want to have their own system,
22 their own path. We don't disagree with that either.

23 What we can't come to grips with is the

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1 non-involvement through that kind of development, through
2 that kind of discussion of Friendship Centres to service
3 the people who also need training and who also need
4 opportunities to become employable.

5 Urban centres, as you know, represent
6 a diversity of peoples. They might be from out of
7 province, they might not be from particular treaty areas.
8 They might not be in a region that is a part of the Métis
9 Nation. Those are the kinds of problems.

10 We responded to other partners in that
11 process to invite us to their forums so that we can have
12 discussions or at least describe situations, urban
13 experiences. There was some talk just recently that this
14 funding, this \$200 million of Pathways, should be split
15 three ways: to the Inuit, to the Indian people, and to
16 Métis people. And they would develop their own paths.

17 It's not that we don't disagree with that
18 again, but it comes back to adequately and appropriately
19 and effectively servicing people in urban areas. For sure
20 when we talk on those issues representation always comes
21 up, about who represents the people in the city. We know
22 that other organizations have come forward and said those
23 people belong to us because they're a member of a Chief

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1 who belongs to my organization, or those people belong
2 to us because they declared themselves to be Métis people,
3 or those people belong to us because they come from the
4 Far North and are indeed Inuit people.

5 When we look at the experience and the
6 pain of our constituency, they're not getting any
7 assistance from those groups. There's no attempt to
8 intervene, and no ability to intervene. Maybe that's
9 because of the resources, or lack of resources that they
10 have at their disposition.

11 On a voluntary basis Friendship Centre
12 people have gotten together, and that's what it was, it
13 was voluntary at first. There was no funding base for
14 Friendship Centres. People often dug into their own
15 pockets to help people.

16 That's why we get concerned when we hear
17 those discussions about the exclusiveness of service
18 delivery and governance and representation. If people
19 had proved themselves to the people who live in urban
20 centres, if they had a history of delivering services and
21 representing their voice to other governments, then
22 perhaps we would be very comfortable and, yes, maybe
23 Centres would roll up and go away. But that is not the

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1 experience, and we all know that.

2 In processes such as Pathways when we
3 hear discussions of splitting the pie we know Friendship
4 Centres are going to be left sitting there and then
5 everybody has gone away back to their own offices, their
6 own regimes. And we're sitting there, well, how are we
7 going to then respond back to our membership, our clients?
8 How can we do that now that all the money has gone this
9 way, that way and the other way?

10 Those are the kinds of issues that come
11 forward in a process such as Pathways. We fully supported
12 it initially. We know there are some frustrations right
13 now, but it's been further frustrated because there's no
14 level of trust. A trust level has now been achieved.

15 When we looked at Pathways we said it
16 was a partnership. It was automatically viewed as a
17 partnership between Aboriginal as a block and government
18 as a block. We had to concentrate also on the internal
19 partnerships.

20 **CO-CHAIR GEORGES ERASMUS:** Excuse me.

21 Could you try and shorten your answer?

22 **TERRY DOXTATOR:** I'll try, but I don't
23 know if I can. But I accept I have made my point. Thank

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1 you.

2 **COMMISSIONER BERTHA WILSON:** This
3 question can be answered quite simply, I guess.

4 You mention in your brief that maybe --
5 do you anticipate that a way to resolving this is through
6 formal agreements with these national organizations?
7 You anticipate doing those and that might be one way of
8 resolving?

9 **WAYNE HELGASON:** We were actually
10 mandated by the Assembly in July to pursue agreements with
11 all Aboriginal organizations where we have -- to really
12 define the relationship, to enter into discussion.

13 We believe it will be a very useful
14 process, because it is. We don't think it will be harmful
15 to disagree on matters, to put forward suggestions that
16 might be contentious. That needs to happen within the
17 Aboriginal community.

18 If I can just back up to the Pathways
19 situation, because in fact the lack of adherence from the
20 principles that were initially established we would
21 believe have led to some of the difficulties. In fact
22 in the urban centre in Winnipeg it was held up over two
23 years because certain questions couldn't be answered.

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1 The per capita distribution, the Act says circumstance
2 and Friendship Centres among other groups said how is this
3 going to be handled? The split, all kinds of questions.
4 If it was a bottom-driven process that basically takes
5 care of itself.

6 In terms of the agreements, and in a
7 sense Pathways is a form of an agreement, I'd like to
8 suggest that because of the discussion, the debate that
9 occurred, we have an agreement in Manitoba, and that can
10 happen elsewhere. It begins on the basis of two parties
11 who maybe even don't recognize each other sometimes.
12 That's for us to work out, and we'll be able to do it.
13 Friendship Centres I believe can play a meaningful role.
14 Not always as the lead, not as the potential government.
15 Certainly that's not -- but to ensure a fair process, to
16 ask the questions on behalf of those that we know and see
17 and attempt to help, to increase the accountability factor,
18 the community information and participation factor, and
19 the political factor.

20 Does that sort of answer your question?

21 **COMMISSIONER VIOLA ROBINSON:** Yes,
22 that's good. Thank you. I'm going to stop now and give
23 others a chance.

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1 CO-CHAIR GEORGES ERASMUS: Mary
2 Sillett.

3 COMMISSIONER MARY SILLETT: Thank you
4 very much.

5 I'd like to thank all of you and welcome
6 all of you for being here. I'd like to apologize for not
7 being here for a while. If my questions were asked, I
8 wasn't here to hear them.

9 I did ask Wayne a question during coffee
10 break, and I'd like to continue with it because it's
11 something that has really sort of interested me.

12 As we know, there is a debate out there
13 on the whole issue of status-blind versus status-driven.
14 We've heard from Treaty groups, particularly in Ontario,
15 saying that an urban model of self-government should never
16 be status-blind because it would somehow diminish their
17 treaty status.

18 We heard yesterday from the MNC that
19 their preference is to go Métis model in most cases because
20 they're not in a situation where they even had the same
21 kinds of benefits as other Aboriginal groups.

22 My question is this. I hear the NAFC
23 saying that in terms of current or future models the most

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1 practical model is one of status-blind, and I will ask
2 a question that Georges asked yesterday because I thought
3 it was a very good one. Is status-blind appropriate for
4 all kinds of issues, for all kinds of services? Are there
5 any other instances, for example, that services should
6 be delivered to people based on a status-driven philosophy?

7 **TERRY DOXTATOR:** Status-blind for us is
8 not a really good phrase. We've been trying to find other
9 words to express the accessibility of services rather than
10 use "status-blind", because the word status implies
11 status, somebody has special status over other people.

12 Although we know and understand and
13 appreciate and support people who respect their own treaty
14 rights or treaty areas, we want to do that too. We want
15 to support those notions, those ideas and that concept
16 and that ability to implement their treaty area rights.

17 The fact that Friendship Centres or the
18 idea that Friendship Centres should go away and make room
19 for specific status-driven, whether it's Métis, whether
20 it's First Nations or a particular treaty area to deliver
21 those services, then we'll present scenarios, what about
22 someone who is out of province, who is in another part
23 of that treaty area? How would they look at even issues

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1 of inter-marriage between treaty areas or between Métis
2 and First Nations peoples, or between other races?

3 How would they handle those situations,
4 and how do they acquire rights under those kinds of
5 scenarios? And do they in fact acquire anything under
6 those scenarios?

7 What I'm saying is that we have many
8 questions also but when people put those kinds of things
9 on the table for us that's all we can do right now is ask
10 questions, how is it going to work?

11 We don't want to be viewed as opposing
12 those kinds of aspirations, but we certainly do have
13 questions based on the experiences of Friendship Centres.
14 And I think they're valid questions. Until individuals
15 in the leadership of those specific initiatives begin
16 answering those questions, will we achieve some kind of
17 comfort level to continue and talk about those kinds of
18 things?

19 As you can appreciate, we need answers
20 too to support or continue and vocalize our support for
21 those kinds of things.

22 **WAYNE HELGASON:** Just generally, to sum
23 up, I'd say that those distinctions aren't operative and

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1 necessarily overly-meaningful except to in some cases
2 political enthusiasts who aren't necessarily
3 representative in our view of the large numbers of
4 Aboriginal people whose lives will be affected and who
5 need to be -- not only to have accessibility in an increased
6 way, but in a fair and effective way all over this country
7 in urban areas.

8 Again, getting back to being
9 operational, the social and the political reality at the
10 community level is something that I think we've seen some
11 groups forget.

12 **COMMISSIONER MARY SILLETT:** I think
13 those are very good questions actually, the ones that Mr.
14 Doxtator raised.

15 The other question I have is one that
16 was also raised at our Urban Workshop in Edmonton, the
17 whole issue of service versus political. I think you've
18 addressed that to some degree this morning.

19 Looking back at my own experience, I look
20 at our organizations, for example, the political
21 organizations would be supportive of creating service
22 institutions because they really didn't have a lot of the
23 time to be able to do the lobbying, the changing of

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1 policies, and delivering the services.

2 For example, in our area of the world
3 we had the Labrador Inuit Association which is clearly
4 the political organization, then we have organizations
5 like the Labrador Inuit Development Corporation, which
6 delivers Inuit economic development services. We have
7 the Labrador Inuit Health Commission, and the list goes
8 on and on and on and on.

9 Sometimes the communication is good,
10 sometimes it isn't. The question that I'm trying to ask
11 is that I sense that over the course of the Friendship
12 Centre history I guess you're known as a service worker.

13 Terry, you were saying earlier that, for
14 example, there has been some questioning about how involved
15 should the Friendship Centre be in issues that will affect
16 the urban population for a long time -- should they be
17 involved, how can they be involved. You don't want to
18 be excluded.

19 For example, from women's organizations
20 we have heard that from many, many other organizations
21 who feel for some reason or not that the political
22 representatives are not representing their interests.
23 In the case of the Friendship Centres you have clear

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1 expertise in the urban area. You're the experts.

2 I was wondering, what is the role of your
3 organization with respect to self-determination? What
4 is your role, for example, with AFN or NCC and the political
5 organizations in the future?

6 **PETER DUBOIS:** I would like to just give
7 a brief answer to that question.

8 I think that this is something that we
9 are now working on. I'd like to take my own personal
10 experience for the last 35 years that I have lived off
11 a reserve, being a Treaty Indian. I have no representation
12 through that Band Council. Not only that but the services
13 rendered from the reserve I'm not entitled to, and I see
14 the lack of services in the urban setting which are
15 required.

16 I think that in the process of trying
17 to extract some of these services I am in a position of
18 undermining my status as a Treaty Indian, but I do feel
19 that we are looking at ways and we will be attempting to
20 look at ways and means of alleviating that type of a problem
21 in the future. I don't think we have any total solutions
22 to those problems now that will be happening in the future,
23 although they are a problem that exists from what exists

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1 today.

2 I think possibly, in answer to the
3 previous question of partnership, I think that this is
4 what we are attempting to do now, is involve all these
5 people to identify where our responsibilities lie and how
6 we can best protect our interests. As was questioned about
7 the rights issues, I think the rights of Aboriginal people
8 have been sacrificed over a great number of years for a
9 long number of years and what is so wrong with extending
10 the benefits to the Aboriginal community for a period of
11 time?

12 As we recognize what our rights are we
13 will also recognize the responsibilities that go along
14 with those rights to our fellow citizens in the larger
15 communities.

16 **COMMISSIONER MARY SILLETT:** My final
17 question is this.

18 As I've said earlier, we meet many, many
19 people who say, for example, all the different Aboriginal
20 peoples in the city have basically the same rights, or
21 lack of rights. For example, it doesn't matter if you're
22 an Inuk, it doesn't matter if you're a Cree. In urban
23 areas, for example, you still have access to non-insured

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1 health benefits. You may or may not have access to
2 post-secondary assistance. You may or may not have
3 representation from your Association.

4 I was wondering, when I hear people,
5 especially Treaty people, saying we have more rights than
6 anybody else, any other urban population. I don't really
7 know what that means. I know very well, though, what it
8 means when Métis say we don't even have the kind of rights
9 that, for example, Inuk has or Cree has.

10 I was wondering, because you are dealing
11 with people basically every single day, different
12 nations, different peoples, what are the differences in
13 the rights or the benefits that individual First Peoples
14 have in the city?

15 **DARLENE CARDINAL:** I'll answer that
16 one, because I have a great history about that.

17 I was born Treaty, I married a
18 full-blooded Indian who was non-Status. We tried to get
19 our Métis. They didn't help us in any way.

20 Then my husband died. Then I applied
21 for a Bill C-31. I have three sons. One son was educated
22 in the States because no one in Canada, none of the
23 Aboriginal governments would touch him because he was too

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1 young to go to Europe. He had to be 21, but he was only
2 18.

3 Back then we were Métis, but then they
4 said, well, you're Treaty. We're waiting for Bill C-31.
5 By the time we received our Bill C-31, he was too old.
6 And he was already educated by the States. So what are
7 our rights? I didn't recognize any rights.

8 Now I work for the Friendship Centre.
9 I have more rights at the Friendship Centre. At least
10 I'm being heard. A lot of the people who come through
11 our doors are being heard, and they are being helped and
12 assisted in any way we can.

13 A lot of the Treaty people that come in,
14 we have to phone Ottawa or else across B.C. to help them
15 get their education because the ones maybe in Alberta won't
16 help them. Native people as yourselves know are very
17 transient. As service groups we have to know what's
18 happening right across Canada.

19 I know the Treaty rights. I know the
20 Treaty rights that I've lost so many of them. The only
21 Treaty rights I got benefits out of was they paid for my
22 Alberta Health care. Other than that, my education --
23 I left early, married a non-Native, a full-blooded

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1 non-Native, and I had to pay for my own education. So
2 Treaty rights didn't help my education one bit.

3 In other words, what are the rights?
4 I guess once you do become self-determination or
5 self-government those rights could be a lot more defined,
6 and that we would be equally treated.

7 Thank you.

8 **TERRY DOXTATOR:** Perhaps I could add
9 to that by saying this.

10 We don't debate the issue of individual
11 rights for individual Aboriginal peoples in our Centres.

12 We don't question individuals when they declare who they
13 are. Our basic principles are respect for their rights
14 when they declare who they are, and we don't debate that
15 with them or anyone else.

16 They have a right basically to an
17 improved quality of life if they don't have it in an urban
18 centre. That's the principle we operate from, so we don't
19 debate the issues of particular Aboriginal and/or Treaty
20 rights.

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

22 Mary, do you have anything else?

23 **COMMISSIONER MARY SILLETT:** No. Those

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1 are all my questions. Thank you.

2 **CO-CHAIR GEORGES ERASMUS:** René
3 Dussault.

4 **CO-CHAIR RENÉ DUSSAULT:** I'm mindful
5 that time is running short.

6 First of all I'd like to address one
7 concern that is found throughout your brief, about what
8 we said in Partners in Confederation, at page 44, where
9 we said that we were stating the case of inherent right
10 when there is a land base because it's easier, and we said
11 the case of Aboriginal groups without any form of land
12 base is different and poses a range of complex problems
13 that cannot be dealt with here.

14 What I want to say is that we didn't in
15 any way mean to step aside the issues of Aboriginal
16 self-government, the urban issues. In fact, as you know,
17 the first round-table we held in Edmonton two years ago
18 was on urban issues.

19 We also had the opportunity during the
20 hearings to have presentations by 42 of the Friendship
21 Centres across the country. In fact the only reason why
22 we said that is that we were not ready at all to present
23 articulated views on this very, very difficult subject

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1 and we didn't want to rush it.

2 We were expecting help and good ideas.

3 In fact, two days ago when we had the presentation of
4 the Native Council of Canada we were presented with an
5 extensive brief and certainly a good start. They gave
6 us their best effort. It's an ongoing process and we're
7 looking forward to receiving additional ideas. The same
8 for you this morning, for the National Association of
9 Friendship Centres.

10 I was very interested in the
11 presentation and the additional presentation you gave us
12 this morning with the various models that you present us
13 with, the non-territorial, extra-territorial,
14 territorial, urban, lands and the various sub-divisions.

15 I understand that at this point your
16 presentations tell us that there should be a transition,
17 obviously, and that at this point Friendship Centres can
18 provide both a service
19 delivery and a political role, and you talk about the debate
20 within your organization on the two aspects relative to
21 the political role relative to the membership of the Centre
22 in the transition to a more complete model of urban
23 self-government.

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1 In fact my question, and I know your
2 thought will continue to develop as weeks and months go
3 by, but do I read your briefs and presentations well in
4 thinking that what you're saying is that at this point
5 you're certainly available in the transition to be part
6 of a process whereby the Friendship Centres would be key
7 partners or players in the developing of urban
8 self-government?

9 We heard your statement that of course
10 you do not want to undermine the rights of specific groups
11 but you want to cope with the problems in the cities, and
12 we have to start somewhere.

13 In fact my question is, at this point,
14 and I understand it could and it will probably evolve,
15 but what is the position of your organization? Is it to
16 start the building of urban self-government around the
17 Friendship Centres, playing both a role in the delivery
18 of services and some kind of political representation of
19 their membership in the city along with other groups that
20 would join in the transition period to develop a model
21 towards self-government?

22 **WAYNE HELGASON:** The Friendship Centre
23 movement has always appreciated the aspirations at the

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1 local level. In that context I think there may be
2 Friendship Centres who would play a varied role in the
3 considerations around how the communities, whichever
4 community they're in, are going to appreciate and enjoy
5 the opportunity.

6 Inasmuch as the National Organization
7 is concerned I think our clear role, as we have stipulated,
8 is one of a facilitation and a support for process.

9 Back to your earlier comments in terms
10 of the land. Actually there's been a lot of acquisition
11 of land. In fact, the Friendship Centres own almost \$100
12 million worth of equity across the country, employ 1,300
13 people all over.

14 In terms of the land base, other groups
15 -- the Aboriginal community is enjoying increased equity
16 and so not acquired net through anything other than the
17 regular process.

18 To answer your question quickly, and
19 I'll ask if anybody else wants to comment, we see a very
20 strong role in facilitating the processes for the
21 development of Aboriginal self-government with, I believe,
22 a cautions regard to ensure that representation is
23 meaningful, that participation is desired and effective,

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1 and that the outcome is positive.

2 **CO-CHAIR RENÉ DUSSAULT:** Is it your
3 position that we should start in the transition with that
4 kind of model, non-territorial, institutional autonomy,
5 meaning institutions that deliver services, moving towards
6 political autonomy? Is this your position at this point?

7 **WAYNE HELGASON:** This is a briefing out
8 of one particular region and, again, in consideration of
9 the local autonomy. Every urban community has potentially
10 a different capacity to react to how it may be established.
11 In fact, in this transition it may be that different models
12 are reviewed or tested.

13 We have concerns in that region in
14 particular around the involvement of political groups in
15 service delivery. And we've seen tragedy in child welfare
16 matters in regards to the enmeshment of the political
17 jurisdiction or authority, interference as it's called,
18 in the delivery of services to children. So there is a
19 cautious regard that we'd like to bring to bear.

20 **CO-CHAIR RENÉ DUSSAULT:** I understand
21 then that this is not a general view covering the country.

22 **WAYNE HELGASON:** No. They're simply
23 options, and we would hope that we have an expanded list

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1 of options from which the local autonomy of centres can
2 examine.

3 **CO-CHAIR RENÉ DUSSAULT:** The second
4 point, and very briefly, we discussed that earlier this
5 week with the Native Council of Canada. It's about the
6 financing of urban self-government.

7 You make the point in your brief that
8 if all the taxes coming from people living in the cities
9 were redirected to the urban self-government it could be
10 enough to finance self-government.

11 I'm not at this point entering into the
12 exactitude of the figures that you've given us. We would
13 like technically to address that in another forum.

14 My question is, even if there is
15 self-government in the city it's quite obvious that there
16 will still be some services rendered by the federal
17 government, for example, and to a certain extent by the
18 provinces.

19 Is your proposal that the taxes that are
20 paid in the cities by Aboriginal peoples to the feds or
21 the provinces will all be redirected to the financing of
22 self-government and that no personal income tax, for
23 example, will be paid to the federal government or to the

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1 provinces? Could you just be a bit more specific on that,
2 because it's not clear.

3 **WAYNE HELGASON:** I can suggest that the
4 way that might be at least dealt with and operationalized
5 is through a partnership at the local level with the
6 municipal -- you're talking about snow clearing or services
7 provided by any level of government and would require
8 negotiations and agreements to ensure that there's some
9 understanding.

10 On the taxation issue generally, though,
11 I don't if anybody else wants to -- Peter?

12 **PETER DUBOIS:** If I may just add a short
13 answer to that question as well, supporting what Wayne
14 has said.

15 Traditionally we as Aboriginal people
16 of this country feel that we have paid our taxes in advance
17 for you acceding this vast land area as well as all the
18 minerals and resources that it contains which the
19 government is now enjoying. Not only the government but
20 the Canadian public.

21 As a result of that and being individual
22 taxpayers, we are being doubly taxed in this situation,
23 and not receiving the services.

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1 I guess that's my short answer to your
2 question. And I think it's something that's a legitimate
3 concern in the Aboriginal communities and needs to be given
4 some consideration to improve the quality of services to
5 Aboriginal communities.

6 **SENATOR ROGER OBONSAWIN:** I don't think
7 you can look at the issue of taxes without looking at the
8 whole issue of transfer payments and how equalization
9 occurs. It's a much larger context to look at in that
10 respect.

11 You have to look at self-government in
12 terms of some of the questions I was raising this morning
13 and on those issues.

14 **CO-CHAIR RENÉ DUSSAULT:** In fact my
15 basic point is to say that a lot of work is still to be
16 done as to how to finance self-government generally, but
17 in the cities in particular.

18 **WAYNE HELGASON:** Yes. And we haven't
19 even involved sufficient discussion to really have an
20 official position at this point.

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

22 **CO-CHAIR GEORGES ERASMUS:** Quite a few
23 of the questions I had have been asked. One of them was

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1 what role Friendship Centres wanted in self-government
2 in the urban areas. You've answered that by saying
3 primarily a facilitation role.

4 Could I ask are there some or many or
5 any Friendship Centres envisaging a time when they actually
6 become governments some time in the future?

7 **WAYNE HELGASON:** We're aware of some
8 demographic circumstance in some of the medium size --
9 smaller towns there the majority of people are Aboriginal
10 and the Friendship Centre plays a key role, but we have
11 not been advised of the intention of any Friendship Centre
12 to become a government.

13 **CO-CHAIR GEORGES ERASMUS:** In relation
14 to CAEDS you talk about -- for whatever reason, you don't
15 mention that, I noticed in a way, that Friendship Centres
16 were not able to participate in CAEDS. Was that because
17 you were not for profit? Is that the prime reason, that
18 you were not created to do business? Is that simply the
19 main reason?

20 **WAYNE HELGASON:** The non-profit status,
21 I believe, impaired to some extent our opportunity, but
22 also CAEDS itself had difficulty in achieving any level
23 of support into urban areas as such, and this focus was

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1 clearly not there.

2 **CO-CHAIR GEORGES ERASMUS:** But is the
3 primary impediment the fact you're not for profit?

4 **WAYNE HELGASON:** That's our
5 understanding.

6 **CO-CHAIR GEORGES ERASMUS:** To get
7 around that I guess there are a number of ways of doing
8 it. We could either change the requirement for CAEDS or
9 else the other is --

10 Have Friendship Centres looked at
11 creating arm's length for-profit mechanisms that they
12 would control?

13 **WAYNE HELGASON:** Yes, and we have some
14 examples of that. That has occurred and I believe it's
15 part of the study we're doing on self-sufficiency.

16 **CO-CHAIR GEORGES ERASMUS:** You brought
17 up something there in the first answer about CAEDS not
18 paying a lot of attention to the urban area. Is that
19 because of the design of the program or is it because the
20 focus of the people running CAEDS were looking more at
21 people with a land base, and they were looking to the
22 reserves and elsewhere?

23 Does CAEDS need to be re-orientated so

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1 that it deals with the urban situation for Aboriginal
2 people?

3 **TERRY DOXTATOR:** I'd say it's a
4 combination of that, the design as well as attitude of
5 people operationalizing the program. Yes, it has been
6 focused at First Nations.

7 Not only the non-profit status of
8 Friendship Centres was an impediment but also the attitude
9 that because you're off-reserve it's a lost benefit or
10 a lost access right. That kind of attitude --

11 Even though after we've heard that
12 individuals living in urban areas and people after they've
13 created arm's length other bodies for economic purposes,
14 even when that was achieved in areas across the country
15 there were still attitude problems in dealing with
16 Friendship Centres. It was always viewed as taking money
17 away from First Nations or other groups, and if they didn't
18 have the support of particular band councils, VCR's for
19 instance, that was also viewed as an impediment. A
20 Friendship Centres can't issue a VCR.

21 **CO-CHAIR GEORGES ERASMUS:** If
22 Friendship Centres were given free reign to do what they
23 wanted in the economic area so that you were coming up

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1 with even more dollars -- you already say that for every
2 dollar you get from the government you can create three
3 additional dollars in other ways.

4 Obviously with the history of how the
5 government continues to cut funds or whatever, it's a
6 year-by-year process, you want to be more sufficient.

7 If you were to have free reign in
8 relation to economic activity and you had access to program
9 designs so that Friendship Centres could actually have
10 access to it, in addition to what you outlined here like
11 catering, restaurants, office supplies, craft stores, what
12 other things might you get into?

13 **PETER DUBOIS:** Major projects.

14 **CO-CHAIR GEORGES ERASMUS:** Pipeline
15 buildings and dams and mining and --

16 **WAYNE HELGASON:** We have a real interest
17 in waste removal, actually -- no, I'm sorry.

18 The capacity is there and in support of
19 the continued development in the training area of
20 Friendship Centres and the job creation at the small
21 business level a capital equity program -- the
22 infrastructure is there and we feel ready to go. There
23 are as many opportunities that exist as Friendship Centres,

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1 I'm sure, in responding locally to what may work.

2 That's been the history of Friendship
3 Centres. That's why they're still there, that's why they're
4 still expanding, that's why we're sitting here, in a sense
5 very much appreciating the opportunity to speak with you
6 today. I'm cognizant of the time.

7 **CO-CHAIR GEORGES ERASMUS:** Do
8 Friendship Centres deliver a service in connection to
9 people's own financial management, encouraging people to
10 save money, encouraging people to have dollar skills,
11 encouraging people to get credit, women particularly, and
12 so forth?

13 **DARLENE CARDINAL:** I'll use my
14 Friendship Centre in particular.

15 We have a school which is a pilot project
16 from the National Office and through CEC. We are 75 per
17 cent success rate. We're on our third year running.
18 Within that training there's upgrading and life skills
19 and personal training. They are taught how to budget.

20 We also have budget programs offered by
21 other Friendship Centres that I know of. There's literacy
22 training, how to finance a business. If a Friendship
23 Centre does not have that ability, the expertise, we have

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1 a referral. We are considered also as a referral agency,
2 that we know what's happening within our community.

3 They will come into the Friendship
4 Centre and teach these women, these children, even men,
5 how to budget and do finances, to have a marketing plan
6 and strategies to get into business.

7 **CO-CHAIR GEORGES ERASMUS:** We're
8 running out of time. I know everybody would probably have
9 something to add but I'd like to keep the answers short.

10 In relation to running a child-care
11 centre, my understanding is that the reason we don't have
12 as many day-care centres in the country is that they
13 generally need some kind of subsidies so that they can
14 actually operate.

15 What's the normal breakdown of the cost
16 of running a centre in relation to the children?

17 Percentage-wise, how much generally, on a per capita basis
18 -- you have 10 children, 20 children, whatever, 30, 40.

19 How much does the Centre have to be subsidized? Is it
20 for every dollar that a parent provides in you need another
21 dollar from somewhere else to have that centre, to run
22 it? Or 30-70? What's the normal breakdown?

23 **WAYNE HELGASON:** Day-care centres

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1 normally aren't funded. In our experience the province
2 has a day-care program and administers the funding and
3 there is not usually --

4 We've just established an aboriginal
5 day-care in Winnipeg, and we had to raise all of the funds
6 for the actual property itself. They don't fund that.

7 In terms of the breakdown I'm advised
8 it's about 70-30.

9 **CO-CHAIR GEORGES ERASMUS:** How much?

10 **WAYNE HELGASON:** Seventy-thirty, I am
11 advised.

12 **CO-CHAIR GEORGES ERASMUS:** Seventy
13 subsidy? Which is which? How much is the subsidy?

14 **WAYNE HELGASON:** Thirty.

15 **CO-CHAIR GEORGES ERASMUS:** In relation
16 to the federal government's National Native Alcohol and
17 Drug Abuse Program you say that no program funding is
18 available for those living in an urban area. All the money
19 is available to those living on-reserve.

20 What was the reasoning? Is it that once
21 you leave the reserve you don't have an alcohol and drug
22 problem anymore?

23 **WAYNE HELGASON:** I believe that's

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1 similar to many other programs where we've seen reduction
2 in services and more of a concentration -- we have charts
3 and statistics which suggest that there has been an
4 increased allocation to First Nations communities for
5 programs such as this. There's a need there. But it has
6 been to some extent at the expense of or the belief that
7 the province would pick up on those individuals
8 off-reserve.

9 **CO-CHAIR GEORGES ERASMUS:** So that's
10 the federal rationale, that provinces should deliver these
11 kinds of types of programs. **SENATOR ROGER OBONSAWIN:**
12 Just to add to that, basically the reason is that it was
13 a Health and Welfare Canada program, Medical Services
14 Branch. They saw their mandate being a reserve base, and
15 the program was developed for that purpose.

16 There are urban programs that got in
17 before they defined that mandate. I was president of one
18 organization in an urban area that got monies, but we got
19 in under the gun before they really defined their mandate.

20 **CO-CHAIR GEORGES ERASMUS:** In relation
21 to taking over the Department of Secretary of State's
22 national budget for Aboriginal Friendship Centres you
23 proposed that you'd like to administer that program.

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1 I could obviously see the argument that
2 you could probably do a better job in administering the
3 money, but would there be a saving also to government?
4 Would there be additional benefits?

5 What would the benefits be outside of
6 obviously you would control the money, but what would the
7 benefits be? Could you outline them for me, please.

8 What's the rationale. What do we, as
9 a royal commission, use as an argument to the federal
10 government that you should manage that budget outside of
11 the fact that you desire to run it?

12 **TERRY DOXTATOR:** I think the benefit to
13 government, inspiration for more inclusion of the
14 population in governing the country, devolution of the
15 program to groups who have displayed their experience and
16 expertise and operationalizing and functioning programs
17 such as the Aboriginal Friendship Centre program.

18 The accountability mechanism, right to
19 the community itself for the expenditure of those dollars.

20 I hate to say this to my friends from Sec of State because
21 they might be out of a job but reduction in the public
22 service.

23 Those are benefits. The real benefit

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1 is the recognition of the Aboriginal communities in terms
2 of self-governance. The recognition of that and providing
3 the mechanisms to function those rights.

4 **CO-CHAIR GEORGES ERASMUS:** Those are my
5 questions.

6 I agreed that when we were going to use
7 this route I'd leave you an opportunity to fill any holes
8 that you thought we might have left by going through this
9 route. If you could do that now and be cognizant of the
10 fact that we're running into our lunch hour, and we do
11 start at 1 o'clock. But if you have anything that you want
12 to add, please do.

13 **WAYNE HELGASON:** Just to conclude,
14 really, by indicating that we sense an invitation, we make
15 the offer to further discussions with the Royal Commission
16 and are eager to do that if required.

17 We also are willing to expand upon areas
18 of this report given that this is a relatively new
19 initiative. We have the information, we have the
20 database, we have the infrastructure to do even more
21 analysis, and we'd be eager to do that.

22 We know that you appreciate the need for
23 Friendship Centres to have a sense of financial security

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1 from the federal government. We're in changing times and
2 your support in that regard would be very appreciated.

3 We believe that Friendship Centres will
4 play a very practical role in future improvements and the
5 quality of life for urban Aboriginal people through
6 services, through laws, through development of Aboriginal
7 governments facilitating that role.

8 We hope and ask that you accept and
9 endorse these recommendations and that the future that
10 we're all concerned about is one in which your work will
11 not be to no end, but we will chart a course for the future
12 of which all Aboriginal people can play a meaningful role.
13 I very much appreciate the opportunity we've had and wish
14 you well in your very challenging task.

15 In closing I'd like to ask our Elder for
16 a closing prayer and in fact leave you to the rest of your
17 agenda.

18 **CO-CHAIR GEORGES ERASMUS:** We normally
19 have a closing prayer at the end of the day, but either
20 way. If you feel like --

21 **WAYNE HELGASON:** We have a short one.

22 **CO-CHAIR GEORGES ERASMUS:** Fine.

23 **(Closing Prayer)**

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1 **CO-CHAIR GEORGES ERASMUS:** We'll

2 adjourn until maybe 1:15.

3 --- Luncheon recess at 12:26 p.m.

4 --- Upon resuming at 1:25 p.m.

5 **CO-CHAIR GEORGES ERASMUS:** This

6 afternoon we will hear from the Assembly of First Nations,
7 National Chief Ovide Mercredi and a contingent of other
8 representatives.

9 Whenever you're ready, Chief, please
10 begin.

11 **OVIDE MERCREDI, National Chief,**

12 **Assembly of First Nations:** Good afternoon, everybody.

13 Thank you very much, Georges.

14 The process that we would like to take
15 in our submission is to try to maximize the dialogue between
16 ourselves, but before we get there I think it's necessary
17 that we give a brief overview of our submission.

18 What I'm recommending we do is we begin
19 with the report that's going to be made by the Elders,
20 because that's part of our official report that we're going
21 to give you, a document called "Wisdom and Vision, The
22 Teachings of our Elders", which is the product of the
23 special conference we held in Manitoulin Island on June

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1 21-25. We have here the Ojibway Cultural Foundation, the
2 Elders Advisory Council. They will proceed with their
3 report.

4 When they have concluded that report,
5 that leads in directly into our submission, the Assembly
6 of First Nations. We have already given you an advanced
7 copy of our report called "Reclaiming our Nationhood,
8 Strengthening our Heritage".

9 In addition to that we are tabling a
10 report that was done by the First Nations Health Commission
11 in October 1993 on disabilities in the First Nations
12 Communities. We are also giving you reports of previous
13 documents that were produced, perhaps in your time as
14 National Chief, Georges, on "Linguistic Justice for First
15 Nations", also "Towards Rebirth of First Nations
16 Languages", and another document on "Tradition in
17 Education". You may have copies of these already, but
18 we're making them available to you.

19 As I indicated to you earlier, we'll
20 proceed with the Elders. When they have concluded their
21 portion of our submission then we'll go to the old
22 politicians.

23 **MARY LOU FOX, Elder:** (Native Language

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1 - no translation.)

2 We are instructed to speak in our
3 language when we are saying words that are important
4 because it's a spiritual way of speaking.

5 The centre of our being is within the
6 element of language, and it's the dimension in which our
7 existence is most fully accomplished. We do not create
8 a language, but are created within it. So today I ask
9 the Creator for permission to speak in another language.

10 I would like to tell you that this big
11 package of stuff here is from the Ojibway Cultural
12 Foundation, which is located on Manitoulin Island. We
13 included a T-Shirt for your which was the symbol of the
14 gathering that we had this summer, and other things,
15 including some posters which we used to teach Anishnabe
16 Ebebanzoin (PH), which is the Indian way, the values, the
17 philosophy, and so on.

18 The posters are in here and they're by
19 Leiland Bell (PH). I think one on your Committee, Georges
20 Erasmus, is very familiar with the works of this artist.

21 So they're beautiful posters. They make the statement
22 about the tribal epistemology of our people. Some of it
23 is done in the language.

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1 These two documents done by our teachers
2 are for teaching literacy programs but also for teaching
3 language programs. So I just wanted to point those out
4 to you, that package of stuff.

5 I'll speak a little bit later, but I'd
6 like to ask Violet McGregor (Native Language), from Birch
7 Island Reserve, who is President and Chairperson of (Native
8 Language), the Elders of our Communities, who have a lot
9 of knowledge and wisdom.

10 **VIOLET MCGREGOR, Elder:** (Native
11 language). I'm here on behalf of the Elders. What I'm
12 going to say comes from the Elders. It's not from me.

13 The language, they say, is the land, and
14 the land is the language of the Native people. Whatever
15 we do to the land we are doing to the people. If we are
16 misusing, abusing, we are doing that to each and every
17 one of us. Their teaching is to be very careful with the
18 environment, because that is our life.

19 Today we see birch trees, oak trees,
20 maple trees that are no longer producing leaves in the
21 spring. What is wrong with those trees? And animals and
22 birds and fish have disappeared from the land, from the
23 water, from the air. Animals and birds and fish which

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1 is our way of life for all Native people.

2 These Elders would like to see some
3 government, some body of something do something fast. They
4 don't like to see their future generation, their
5 grandchildren, great-grandchildren, not to have anything
6 to live with that was provided by the Creator in the
7 beginning.

8 This land that was given to them was not
9 given to them, it was entrusted in their care. So they
10 are very concerned today how things are. We are part of
11 that destruction that is taking place. We cannot blame
12 governments or other bodies of people. We are doing that
13 ourselves, and we need to learn, especially the young
14 people, we need to go back to the ways of our ancestors,
15 learn the things that we were taught by the Creator, how
16 to hunt, not to abuse hunting and fishing, and not to abuse
17 your herbs and medicines.

18 These are the teachings that are left
19 to us by our ancestors. And we must do something, and we
20 have to do it quickly.

21 When we see all these trees dying, fish
22 dying and birds and animals, that is what's happening to
23 the language because, like I said earlier, the language

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1 and the land are two -- are one in two. So we have to
2 be careful. And when we talk about treaties, land claims,
3 we cannot talk about those by themselves. We have to talk
4 about the language and the land. They are together. You
5 can't separate them.

6 So it's very important that whoever is
7 doing something from this day on to be very careful and
8 to act accordingly. This is the message I was told to
9 bring here, and these Elders are very concerned. We're
10 not claiming the land. The land is ours.

11 And they talk about taxes. It's not us
12 that should be paying taxes. We should be given taxes
13 for the land that was taken away from us in the first place.

14 And the language is very important. We
15 need to educate the younger generation that are holding
16 offices today, to understand the language and the history
17 and culture of our people, because we cannot function with
18 the white society's regulations and whatever you have,
19 because it doesn't work for us. It will never work for
20 us.

21 We have to have our own regulations that
22 we can live with, because we are different people. We
23 are not the same as the white society, and we will never

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1 be. It doesn't matter what we do, we will never be that
2 race of people, because we were given the gift of being
3 different people. We are special people.

4 These are the concerns that the Elders
5 have, so we have to do something. I'll leave it at that.

6 Thank you very much.

7 **ROSE FOX:** Meegwetch (PH).

8 We will ask Jean Shawana, who is from
9 the Cutler (PH) Reserve, to say a few words, who is also
10 part of the Elders Advisory Group, a former teacher,
11 educator, and a very hard worker in her own community.

12 Jean.

13 **JEAN SHAWANA, Elder:** (Native language)

14 I just want to address that I am grateful
15 to be here. My first language is the Ojibway language,
16 and as a child I could not speak the English language until
17 I was sent to school. The very words that I would like
18 to share with you right now -- my grandparents indicated
19 to me "go to that school", and of course I didn't really
20 care to go to school and didn't want to be tied up in going
21 to that school five hours or six hours a day.

22 However, they strongly emphasized, and
23 the very words that they used (Native language). What

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1 they meant was you go to that school, you learn that
2 language so that we can understand, so that you can in
3 turn come and interpret to us what the western system is.
4 Very interesting as throughout the years, and I remembered
5 it and as much as I hated to stay in school and preferred
6 to go on the trapline with my grandparents, but that stuck
7 with me, and became a teacher eventually, into the isolated
8 communities where they already had the language built into
9 their communities.

10 Today, after 20 years, I look at myself
11 and say, looking at the provincial system, and we've gone
12 through that system -- I had to go through the system in
13 order to get an Ontario Teaching Certification in order
14 to be able to get to the communities where I'd like to
15 go.

16 The interesting part of it was that I
17 felt very guilty very often in teaching the children that
18 were already speaking the language and saying to them you
19 must learn how to speak English and be fluent about it.

20 I look at that today, after some 20 years you look in
21 the communities that I've been involved in, and the
22 children no longer speak the language. And there's
23 something that has gone wrong and a lot of problems have

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1 been encountered in the communities, in the isolated
2 communities, in the semi-isolated communities. I've been
3 in the northwestern area.

4 I've always been involved with my dear
5 friend Mary Lou and have always asked for her services
6 as a foundation to get the type of materials that would
7 be fitting for schools. And that has not happened. We
8 always had very, very little money to pursue that.

9 I think when I look back now, now that
10 I am retired -- and I'd like to say I'm retired but I'm
11 not -- that in the government that we are in and the
12 politicians that I follow faithfully and have some hope,
13 and I am hoping that the language would be the most
14 important thing. This is what the Elders are saying. When
15 you've lost that, you've lost your identity.

16 Thank you.

17 **MARY LOU FOX:** Meegwetch.

18 I'll ask Rose Fox, who is sitting next
19 to me, to say a few words, who also just happens to be
20 my mother. Before she speaks I will say that I never really
21 know what she's going to say, so I've got my fingers crossed
22 and my legs crossed.

23 My mother, Rose Fox.

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1 **ROSE FOX, Elder:** (Native language)

2 This is my daughter, Mary Lou, so I don't
3 have to tell you what she said, because you know already.

4 I'm a retired school teacher, an old
5 school teacher, and I'd like to tell you a story about
6 an old school teacher, but this isn't the time and place.

7 My mother was a school teacher. I'm a
8 school teacher, and I told my two daughters, you are going
9 to be school teachers. After you get your teaching
10 certificate, then do as you want to do, but at least you
11 will have a paper.

12 I was very, very fortunate when I grew
13 up, we spoke English in our home all the time, because
14 my father and mother wanted us to earn a living by having
15 some kind of a profession. They didn't want us to do clary
16 work, bark work, or sweetgrass work. That's why I became
17 a school teacher.

18 Then when I was teaching, nothing about
19 Anishnabe (PH). English only. And also when I went to
20 school it was English only. Where I went to school we
21 were forbidden -- I guess you know all that anyway. I
22 don't have to tell you that if we spoke a word in our
23 language we got the strap.

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1 Then on top of the hill were Jesuit
2 priests. They could all speak the Anishnabe language.
3 When we go to church all the hymns and the Homily,
4 everything was in the Anishnabe language. The rest of
5 the mass was in Latin.

6 I hope now that these teachers that are
7 teaching the Anishnabe language will continue it with their
8 children.

9 You wouldn't believe that I had three
10 strokes. That's why I stutter.

11 I won't say any more because there's a
12 lot of people here that want to say something new. But
13 I will say that when the white man came they zapped
14 everything away from us, but there are things that they
15 can't take away from us, and they are our air and our colour.
16 They can't make us white.

17 Our country is as old as time immemorial.
18 Just last year we celebrated the Dominion of Canada, the
19 white man's way of saying their country. So now their
20 country is 126 years old now, whereas ours is since time
21 immemorial.

22 Now I should look at my daughter. She
23 told me once when I was talking here in Ottawa, "mother,

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1 for heaven's sake, don't talk too long. You look at me.
2 When I go like this, you stop your talking."

3 **MARY LOU FOX:** She's got that story
4 wrong. That's what she does to me.

5 (Native language)

6 I'd like to ask Peter Kelly to say a few
7 words about the Anishnabe language.

8 **PETER KELLY:** Meegwetch, Mary Lou.

9 I think what I would have to say about
10 the language is that after having spent many years out
11 of residential school I went back to university and I
12 completed a four-year program in linguistics. I'm working
13 on a Masters in Linguistics now.

14 There are two things that I really should
15 say. One of them has to do with the school systems on
16 the reserve.

17 It has been our experience in our reserve
18 at the beginning of each year we bring in Elders and they
19 will stay for one month, maybe two months, in the
20 classrooms. They eventually begin to not attend classes
21 anymore. The reason for that is this.

22 When our Elders go to the classrooms
23 where English is the predominant language, is the language

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1 of instruction, our Elders find themselves in a situation
2 where they have to learn English grammar to be able to
3 be in step with the teaching methods of the teachers in
4 Ontario. And I'm sure it's like this across Canada.

5 We find that the English grammatical
6 structure is so radically different from the Ojibway and
7 indeed all the Algonquin speaking languages, because the
8 English grammar seems to be based on subject, object, verb.
9 The Ojibway language is different in that we operate from
10 a stem and an atix (PH), a prefix and a suffix. This is
11 how we put things together. This is how the minds of our
12 people operate.

13 So that when we see a situation which
14 has never existed before we can come up with a word
15 immediately to describe that situation. And that is what
16 a good Ojibway speaker would be. It is not something that
17 you would learn. When you see a situation you can describe
18 the situation even though that word might not have been
19 used 300 years ago, so that if a situation occurs today
20 with video games, we would describe that situation
21 immediately. This is the genius of the Anishnabe
22 languages.

23 That's one thing I would want to really

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1 put an emphasis on, that the Elders, the teachers, must
2 not operate from shoe boxes. They must operate with their
3 own classrooms.

4 As it is now our language teachers even
5 at the reserve level go from classroom to classroom with
6 all their teaching aids in a shoebox. In a situation like
7 that the language is going to go. So that has to be changed
8 dramatically.

9 Adequate resources must be given. And
10 I think what that calls for is a discussion with the federal
11 government because it has a responsibility for education
12 under s.91(24), but also the provincial government must
13 be involved in this dialogue because they have a direct
14 responsibility on education under the BNA Act.

15 So when we try to change some systems
16 at the reserve there is a resistance by teachers,
17 anglophone teachers when they come in. All they know is
18 that there is a provincial system in operation and
19 therefore they're very reluctant to change any of their
20 teaching methods.

21 I think that we must get into this kind
22 of a dialogue. I believe that the provinces would have
23 the will to change this as the federal government would

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1 be, and adequate financial resources must be given.

2 The other thing that is really important
3 is that when language begins to disappear it is obviously
4 very difficult to get it back on track again. One of the
5 Elders spoke a little earlier about the land being directly
6 connected with the language.

7 We found that in our reserve when we
8 wanted to teach our youngsters about the water, about the
9 canoe, it could not be done in a classroom. You have to
10 live out there where there is wild rice picking going on,
11 where there are people out there catching fish.

12 If you go to any one of our communities
13 you will find youngsters in diapers, just barely starting
14 to walk and already heading straight for the lake, because
15 they have an inherent feeling that we have to go out there
16 and we have to catch those fish. We've got to catch fish.

17 This is something that has been
18 transmitted from generation to generation so that when
19 an Ojibway child begins to walk, the first thing they want
20 to do is they want to go out there and fish.

21 In saying that, the important part of
22 this is that if the language isn't there, a point in time
23 comes when the child no longer heads for the water to fish.

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1 So it's not so much that the white man is going to take
2 away the Aboriginal rights of our people and the Treaty
3 rights of our people, but because the language is no longer
4 there then that inherent feeling that you've got to go
5 out there and fish is no longer there. So kids, they go
6 out, play in the school yard and they don't pursue those
7 activities.

8 I think this is one of the insidious
9 parts of a government, a society that wants to diminish
10 languages. I cannot overemphasize that.

11 I thank you, Mary Lou, for allowing me
12 to speak on that. Meegwetch.

13 **MARY LOU FOX:** Just a few closing
14 remarks.

15 I'd like to share the words of Dan Pine
16 (Native language), who passed away just a year ago as we
17 speak. He said:

18 "The drum is calling us together, the drum sends out the
19 message that we must come together
20 as a nation with our hearts and our
21 minds as one. We must not lose our
22 language and our culture, because
23 that is our strength and our power.

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1 We have a great responsibility to
2 see that this is in place for our
3 children. Let us think ahead for
4 seven generations.
5 When you want to destroy a people you take away their
6 language.
7 We must take care of this land we live on. We must teach
8 them about fasting so they will
9 know their spirits, teach them
10 about sweat lodges and they will
11 receive great strength.
12 We have a tradition based on a dialogue with culture and
13 we use the medicine wheel, which
14 is called the Sacred Hoop, the
15 Wheel of Life, but our teachings
16 are that the centre of the Medicine
17 Wheel is known as the child's fire,
18 and the child's fire is the symbol
19 of the enlightened child, a holy
20 child, a healthy child who has
21 never experienced suffering, a
22 child who knows love and is one with
23 the power of our ancestors.

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1 The most important teaching about the Medicine Wheel is
2 nothing may be done that will harm
3 the children.

4 So presently all efforts in regards to literacy and to
5 language are focused on the English
6 and French communities and very
7 little on the Aboriginal languages
8 of this country. Research,
9 development and implementation
10 needs to take place in our
11 communities, in our territories
12 and by us based on the oral
13 traditions of our people. Such
14 initiatives would be meaningful
15 and would greatly enhance literacy
16 programs. Such development would
17 be useful to non-Aboriginal people
18 to learn and appreciate the First
19 Nations of this country.

20 We must make our languages come alive and be a dynamic
21 force in our communities. We are
22 still shackled by the changes that
23 bind us. We must develop our own

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1 programs."

2 There's not too much time for this very
3 important issue of language but if you look at the
4 information that we've brought to you, we've included there
5 some of the things that we want to do with the timeframe,
6 with what it's going to cost and so on.

7 I think a lot of these things that we've
8 mentioned, that other First Nations people across Canada
9 are saying the same thing. In fact I know they are, because
10 I meet with the languages and literacy people. So they're
11 saying the same thing, that we need to be bringing our
12 language teachers together, we need to form a national
13 organization for our language teachers.

14 Our Elders need to be meeting with the
15 language teachers because they are the keepers of the
16 history. Some attention needs to be paid to the oral
17 tradition of our people across Canada. Research, training
18 and development needs to take place. Curriculum
19 development, that's been said over and over again. I don't
20 want to spend time on it. But there's a great need.
21 There's a great need for community language programs for
22 adults.

23 I have all these written down and I hope

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1 that the Commission will have time to look at them. I've
2 put in timeframes and I've also put in what something like
3 that is going to cost.

4 In closing I'd like to say (Native
5 language). Meegwetch.

6 **OVIDE MERCREDI:** I don't know if we
7 have anything new to say, Mr. Chairman, but we have a lot
8 to say.

9 We talked this morning a little bit about
10 how we could help the Royal Commission in terms of its
11 final report. We view this initial meeting only as a first
12 step towards that objective, because I don't think we can
13 cover all the recommendations that we made and have a good
14 discussion about them in the time left for the
15 presentation.

16 We would hope that you would give some
17 consideration in your future planning for more focused
18 discussions with the Assembly of First Nations on the
19 contents of our report.

20 We believe that you have some important
21 questions to ask of us and could be best addressed if we
22 took the time to do it over the next few months. But we'll
23 begin the process here.

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1 The format we're going to use this
2 afternoon is that I will make some opening statements,
3 then we'll go into an overview of the Treaty
4 recommendations. That will be done by one of the
5 representatives of the Treaty Council within AFN.

6 From there we'll move to education, only
7 because our representative also has to catch a flight to
8 get home.

9 Then we'll deal with land, and so on.
10 We will give you overviews of these topics as we go from
11 chapter to chapter.

12 I will begin by reading some pertinent
13 parts in the introduction that we have within the report
14 itself.

15 Before I do that I also want to table
16 two other documents that I neglected to mention at the
17 outset. One is a report that was done by the First Nations
18 Health Commission in November of 1993, having to do with
19 the Conference on Diabetes in Native Peoples,
20 "Socio-cultural Approaches in Diabetes Care for Native
21 Peoples".

22 We also have another report here which
23 we feel might be very useful in terms of the work that

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1 you're doing, a report on the health care financing and
2 health status of Registered Indians. This was also a
3 report prepared for the First Nations Health Commission.
4 This report was completed in August 1993.

5 **CO-CHAIR GEORGES ERASMUS:** Excuse me.

6 I think your suggestion for other meetings probably
7 deserves some serious consideration.

8 I hope that you will allow for some
9 questions today, though. We're hoping that we will be
10 able to begin the process with some --

11 **OVIDE MERCREDI:** That's what I thought
12 I said, but I'll make myself clear. We will give you very
13 brief overviews and then we'll begin the dialogue.

14 The point I'm making is this, that given
15 the fact that we've made 148 recommendations, I think a
16 little more time is required so that in your final report
17 we hope we can influence your thinking in the contents
18 of your report. That's the objective that we have.

19 **CO-CHAIR GEORGES ERASMUS:** Maybe I
20 could ask a clarification question.

21 Since you have some people leaving
22 early, are you suggesting that perhaps we ask questions
23 in blocks?

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1 **OVIDE MERCREDI:** There's no requirement
2 here. All I'm saying is that I will make some introductory
3 comments, to be followed by overviews by some of the report,
4 then when we complete that, which we hope will be done
5 very quickly, then we get into the work at hand.

6 The approach we want to take is get into
7 a dialogue, because we can all read the report at our
8 leisure. If that's acceptable to you.

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

10 Please proceed.

11 **OVIDE MERCREDI:** The only introductory
12 comments I want to make have to do with the work that you're
13 involved in as a royal commission.

14 We ourselves and the Assembly recognize
15 that the new election with the new government I think has
16 created new opportunities for the Royal Commission, but
17 also for the Assembly of First Nations. That's an
18 important new factor that has to be taken into account
19 in the work that you do as a Commission, because the Liberal
20 Party have made some commitments, very important promises
21 I'll say, that can go a long way to implementing a lot
22 of the recommendations that are contained in our own
23 report.

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1 Your work as a Commission is not due to
2 be completed until about a year from now. But we all know
3 that we can't wait that long in terms of getting action
4 from the government on the promises and the commitments
5 that they made. So I think that maybe some of the work
6 that you consider needs to be speeded up, something that
7 we're prepared to do with you in terms of interim reports
8 on certain subjects that are pertinent to the government's
9 agenda.

10 For example, you already produced a
11 report on the inherent right of self-government. And all
12 the premiers have indicated support for the idea of having
13 the Royal Commission attend their next meeting to talk
14 about how you can begin to implement the inherent right
15 as an existing right under s.35. And you know that my
16 position then was, and still is, that unless the federal
17 government is involved we will not participate in a purely
18 provincial process.

19 That position is based on history and
20 our understanding in terms of who we relate with as First
21 Nations. That's all it's based on. No other reason.
22 No malice intended.

23 If the new government were to say to the

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1 Premiers we want to be part of this process of implementing
2 the inherent right, I think there's an opportunity there
3 for the Assembly of First Nations and the Royal Commission
4 to talk about how that can be done. That means not waiting
5 for the final report before providing the blueprint in
6 terms of action on the inherent right.

7 Having said that, I think if you look
8 at our report you will see that the contents are geared
9 towards action. We have tried to stay away as much as
10 possible from repeating grievances. We've tried to stay
11 away as much as possible from highlighting once again the
12 social problems or the historical injustices. The report
13 is about change. It's about action.

14 Without being too repetitive about it
15 I just want to conclude my comments by saying to you that
16 your work as a Commission is still very important to the
17 future of First Nations, and that your work potentially
18 has been made easier by the election of a new government.

19 I say potentially because we have to wait and see whether
20 or not they're going to implement their promises.

21 Many of the expectations that we have
22 about the Royal Commission have to do with fundamental
23 reforms but also about practical change. Some of the

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1 fundamental reforms, for instance, is the implementation
2 of treaties, which we'll talk about, about the
3 implementation of the inherent right, which we'll talk
4 about, and about practical things like dealing with the
5 health care and the health needs of the Indian people in
6 their communities, on- and off-reserve, and dealing with
7 the education and the quality of education. Practical
8 things like housing.

9 Things of that nature are part of our
10 report as well, and we have dealt with them, in our view,
11 in a very comprehensive way. The kind of reform that we're
12 advocating is that many of these changes can be brought
13 about through our self-determination, through our
14 decisions, in cooperation with the government -- the
15 federal government and in some cases the provinces.

16 A lot of the work that needs to be done
17 has to do with changing what's wrong with the relationship
18 now. In other words, challenging the dominance, changing
19 the dominance that the Elders were referring to with
20 respect to the Indian Act and the Department of Indian
21 Affairs and so forth.

22 The view that we have, whether you have
23 a treaty or not, is that the source of our rights is the

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1 land and that the reforms that we seek have to be based
2 on the recognition of our rights to land and everything
3 should flow from there, including jurisdiction, which is
4 the inherent right of self-government.

5 The perspective is not uncommon. It's
6 not unusual. You've heard it many times before. In the
7 past two years I'm sure other people other than myself
8 have expressed it in finer language than I'm doing right
9 now.

10 The point I want to make in concluding
11 my comment here is that we have many complex problems,
12 many serious difficulties to address, and we want to
13 address them in a way where there's no more obstacles and
14 no more impediments, nothing to trip us as we walk ahead.
15 That's I think some of the desires also of the current
16 government. At least that's what we read in the Red Book.

17 We hope that the Commission can speed
18 up its work in some areas. One of them has to do with
19 land rights, the idea of reviewing the policy of the
20 extinguishment. You will see that it was one of those
21 commitments that was made to establish an independent
22 mechanism for the purposes of facilitating settlement of
23 land matters involving First Nations and the governments

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1 of Canada. So there's another area where I think the
2 Commission can facilitate change by having its report
3 available for the consideration of the First Nations as
4 well as the new government.

5 Quite apart from that we have talked to
6 you also about the need to do something about treaties,
7 and this will be addressed in greater detail by my
8 colleagues. That's obviously another area for potential
9 reform, because if the Liberal government lives up to the
10 Red Book, will honour the treaties, and they will be looking
11 for answers or some advice on how to proceed. They'll
12 be looking to us but I'm sure they will be looking to you
13 as well.

14 We don't want them to tell us wait until
15 the Royal Commission concludes their report a year from
16 now before we begin to honour the treaties, because we
17 want to hear what they have to say. In other words, we
18 don't want them to use you as an excuse for delay.

19 I believe that in previous submissions
20 that I have made we have made it very clear to you that
21 as the Assembly of First Nations we consider your work
22 very important, and we hope that in your deliberations
23 as Commissioners that your work will be well received by

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1 the Canadian people and the Canadian governments, but also
2 by the First Nations.

3 I realize that in some cases it will be
4 a very difficult balancing act for you as Commissioners,
5 but if you maintain the perspective that we're trying to
6 put forward to you, and that is as explained by the Elders
7 prior to my submission, that we have pre-existing rights,
8 we have a path we want to follow and we need that path
9 for the future, and it should not be stopped or ended by
10 inaction or else action that tells us to abandon what we
11 have, like our languages, like our culture, and so forth.

12 In any event as you know, Georges, if
13 I start talking I can talk for a long time, so I'll stop
14 now.

15 I'm going to invite Chief Tony Mercredi
16 to talk on treaties then when he's finished he will be
17 followed by Dutch Lerat on education, then Chief Jules
18 will deal with land and issues related to that. My other
19 colleagues will address issues on languages and education.
20 We'll end our submission on First Nations and Quebec.
21 Ghislain Picard will do that.

22 When we finish that, unless I missed
23 someone, that's when we'll get involved in the discussions.

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1 **ANTHONY MERCREDI, Grand Chief, Treaty**

2 **8:** Thank you, Ovide.

3 I'd like to thank the Commissioners for
4 providing us with an opportunity to present our briefs
5 on the issue of treaties.

6 I would like to describe how we propose
7 to present at least the aspect of treaties. I will present
8 a brief historical overview and Chief Kinew will give you
9 the recommendations as numbered from 1 to 12. This may
10 take approximately 20 minutes or so.

11 If you will bear with us I would like
12 to read from a text that is not written in the submitted
13 portion of this presentation. I believe that parts of
14 it are in the submission, however I will read from the
15 text so that I don't confuse myself and I don't confuse
16 you in the process because once I get talking without
17 reading I'm worse than Ovide.

18 I'm here to address the treaties
19 overall, the issue of treaties overall. I am from Treaty
20 8 and will ask your indulgence to know from where I come
21 from.

22 The Treaty 8 territory covers northeast
23 British Columbia, northern Alberta, approximately 55 per

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1 cent of the Alberta land mass, a portion of the Northwest
2 Territories north of Alberta and Saskatchewan, and
3 northwest Saskatchewan.

4 There are approximately 50,000 First
5 Nations people in the territory of Treaty 8. The overall
6 land mass of the territory is slightly larger than the
7 province of Alberta. The last estimate of the value of
8 the land and resources in the territory given to one of
9 our chiefs in 1989 was in excess of \$300 billion.

10 This territory was what our grandfathers
11 agreed to share with the growing numbers of settlers in
12 1899, and subsequent adhesions when Treaty 8 was signed
13 with the Crown.

14 In return, we were promised land that
15 would be set aside for our exclusive use, provision of
16 education, health care, rights in the overall territory
17 to hunt, fish, trap and to gather, exemption from taxation,
18 to mention some essentials.

19 The land, our way of life, the trail of
20 broken promises and destructive unilateral policies is
21 what I will address today for all treaties in this country.

22 I want everyone listening to put
23 themselves in our shoes and feel our burning need to have

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1 our treaties honoured for the sake of our people, to respect
2 our grandfathers, and to restore honour to Canada, the
3 holder of the obligations through the Treaty Nations.

4 I want you all to understand that we
5 pursue this matter of right and honour from our cultural
6 context of caring and sharing. We are obliged to care
7 for the land, to the Great Spirit, and see to it that its
8 bounty is shared by all people who are prepared to respect
9 these principles.

10 Our songs, our spirits, and our
11 identities are written on this land and the future of our
12 peoples is tied to it. It is not a possession or a
13 commodity for us. It is the heart of our nations. In
14 our traditional spirituality it is our mother.

15 We are passionate about this land and
16 we want you to understand that passion is not about power
17 and individual wealth. It is reflective of the strong
18 spiritual teachings which our nations share, of respect
19 for Mother Earth and of all creation. It is our life.

20 We are this land, and yet we have been
21 excluded in the most bitter fashion. This is painful for
22 our peoples and it shows in the suffering we have
23 collectively endured for several centuries. Our

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1 traditional homelands have been taken over by society,
2 which has built a nation state that does not include our
3 peoples, our collectivities, and disregards our human
4 right of self-determination.

5 This is an agonizing experience for us
6 because we have been victimized in our own home, in our
7 own lands. No human right deserves to be dispossessed
8 of its past and future heritage. We have come full circle
9 in our ties with Canada. Contemporary First Nations
10 understands and embraces the vision of our ancestors who
11 treated the new settlers as relatives, with whom to share
12 a common commitment to our Great Mother.

13 We insist that all deliberations on the
14 future of our peoples respect the fact that we approach
15 issues of political and social change from a different
16 perspective. Like our ancestors, we regard the right to
17 be different not as an obstacle but as a foundation for
18 our co-existence as distinct peoples.

19 Our struggle for a future is not about
20 power. It is about survival and justice. We have been
21 victims of both power and injustice. We believe that as
22 a consequence of our victimization our future relationship
23 can and must not be based on the abuse of power and the

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1 perpetuation of injustice.

2 As has been established by bona fide
3 research, Royal Commission hearings, et cetera, in dire
4 circumstances the physical, mental, emotional and
5 spiritual health of our peoples has been undermined by
6 policies based on attitudes which have attacked our
7 identity as distinct people and sought to assimilate us
8 into an alien culture and economy.

9 Our lands have been taken illegally and
10 unjustifiably. Our languages and cultures have been
11 ridiculed, undermined and nearly eradicated.

12 We have been regulated and governed
13 unilaterally by the Indian Act for over a century, an
14 oppressive colonial legislation that attempts to tell us
15 who we are as peoples. The law has been used to deny our
16 peoples the freedom of association, the freedom of
17 religion. In short, the freedom as a human race.

18 Our present situation is also reflected
19 in the health of our languages. Language is at the heart
20 of a people's identity. It carries the knowledge, vision
21 and perspective of a people.

22 Few of our many Aboriginal languages
23 have a fair chance of surviving to ensure future

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1 generations will know their mother tongue. Sometimes even
2 we believe that we are on the brink of extinction as
3 distinct peoples. The laws of our diversity, our
4 contribution to the heritage of the world community would
5 be a tragedy for all.

6 Against odds our peoples have
7 miraculously survived oppression and colonialization.
8 We have resisted complete assimilation of our cultural
9 identities, our languages and our traditional governing
10 institutions and economies. We are now in the path of
11 renewal, the healing of our people and our indigenous
12 nations.

13 History by any account shows that
14 consecutive governments have tried to force us to change.

15 Although our identities have been shaped
16 by our encounters with European newcomers to this land
17 we also have shaped and influenced their identities. Yet
18 our contribution to this country has not been recognized.

19 Our peoples' history appear erased in the official version
20 of Canada. This is unacceptable, and this is wrong.

21 The suffering our peoples have
22 experienced in residential schools and through explicit
23 policies of assimilation need to be publicly addressed

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1 in Canada. Only then can the basis for a newer
2 relationship be established.

3 Public acknowledgement of historic
4 wrongs our people have experienced must be made by Canadian
5 governments. An environment and opportunity for healing
6 must be created, not just for First Nations but for all
7 of Canada.

8 Canada must face the brutal truth of its
9 record with First Nations. Churches have recently
10 extended apologies to First Nations. Their example must
11 be followed by governments. However, both churches and
12 governments must go far beyond apologies.

13 When we first met Europeans we offered
14 them our friendship and we concluded agreements or treaties
15 on how we would live together on this land. The basic
16 principle behind those treaties is the principle of
17 co-existence. This is critical to our vision of our
18 relationship with Canada today.

19 We must learn to live side by side
20 without seeking to control and dominate each other. This
21 is the foundation for a newer relationship.

22 Since our earliest relations we have
23 been recognized as distinct peoples, with distinct

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1 languages, cultures, traditions, governing institutions
2 and economies. There must be respect for this difference
3 and acceptance of the fact that we have the human right
4 to self-determination, to nurture the development of our
5 peoples.

6 As distinct nations we don't stand
7 inferior to other societies around the world. Our own
8 unique vision of our relation to this land needs to be
9 recognized and respected as material to the survival of
10 humanity.

11 We are deeply offended at the mention
12 of the myth of two founding nations in Canada. At
13 Confederation in 1867 only representatives of the English
14 and French settlers participated in the founding. We were
15 ignored.

16 We need to attain recognition as
17 distinct nations deserving of respect.

18 When we greeted the newcomers to this
19 land we extended access to our land. We offered food and
20 shelter. We believe in friendship and sharing yet while
21 we offered freely to newcomers our lands and resources
22 were taken. Greed became responsible for the dispossession
23 of our people from their homelands and resulted in poverty.

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1 We did not receive the expected spirit of sharing. Today
2 we exist on reserves.

3 Any new relationship with the people of
4 Canada must also be rooted in the principle of sharing.
5 It is time to end policies and exclusion and rejection
6 of First Nations.

7 We focus in this discussion on our vision
8 for the future. We emphasize where we expect to go. We
9 have based our direction on First Nations customs,
10 traditions and teachings to express how we see the future.

11 Our approach to change, we advocate in
12 the discussion, is holistic in nature. But it would also
13 take extensive constitutional legislative and policy
14 changes and developments. We realize that this is a great
15 challenge.

16 There has been enough agonizing over our
17 situation by all concerned. It is time we dealt with our
18 situation in a comprehensive and extensive fashion
19 together.

20 This discussion addresses particular
21 concerns and contains specific recommendations to ensure
22 that you, as Canadians, will have a full understanding
23 of our aspirations. This message is also directed to all

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1 levels of Canadian governments, to all First Nations
2 governments, to First Nations peoples, and all the people
3 of Canada. The understanding of the general population
4 will lead toward solutions.

5 Before I introduce Chief Kinew I would
6 like to maybe just go through an introduction to his
7 presentation.

8 The presentation will be the on the
9 natural basis of treaties.

10 Treaties were not a one-sided
11 relationship dictated by governments of the original
12 European newcomers to our homelands. They have always
13 been and will always be a relationship based upon basic
14 principles of trust, partnership, and mutual respect
15 captured in the treaties. This is why our treaties are
16 so important to us. They must remain the basis of any
17 new policy direction for the future, as this was always
18 the original intention.

19 Our treaties also reinforces our belief
20 how wrong the Indian Act has been in subjecting our peoples
21 to a system of government which undermines our inherent
22 0 (and our rights flowing from treaty promises.

23 The Indian Act must be seen for what it

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1 is, a gross denial of treaty rights in our relationship
2 with the Crown based on the Crown's duties to us to fulfil
3 its promises.

4 The principles which the treaty-making
5 process demonstrates are simple, yet they are of enormous
6 significance to the achievement of social peace and
7 reconciliation with our peoples in Canada today.

8 When the Crown entered into treaty with
9 our people this was done in a manner based on our spiritual
10 ceremonies and practices of solemnizing agreements. When
11 the treaty was concluded we shared our sacred pipe with
12 the Crown's representatives and we shared other
13 ceremonies, including an exchange of gifts or wampum.

14 The fact that our ceremonies were used
15 tells us that the basis of our relationship with
16 non-Aboriginal governments is one which respects the fact
17 that we are different. It respects the fact that we have
18 our own cultures, political systems, spirituality and that
19 these are not inferior to those of European peoples.

20 It also means that our customs and
21 traditions are significant and ought to be followed and
22 respected by officials of government when dealing with
23 our peoples. The process of treaty-making between First

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1 Nations and European newcomers is the backbone of our
2 relations.

3 This process is important because of the
4 principles which it represents, both historically and for
5 the future, respect for our independence as peoples and
6 a commitment to mutually agreed upon conflict resolution
7 and the highest duty to honour one's worth. In other
8 words, the equality of the First Nations and the Crown
9 as nations was respected in the treaty-making process.

10 These principles have been the
11 foundation of our relationships since earliest contact.

12 These principles are also the basis upon which we want
13 to start building mutual future relationships, a basis
14 which recaptures the true spirit of the treaties and the
15 relationship of respect for our differences and our
16 political autonomy.

17 From this point I would like to give the
18 mike to Grand Chief Kinew. He will walk you through the
19 different elements and recommendations on specific areas
20 of the Treaty, such as the historical context, spirit and
21 intent, portable rights, et cetera.

22 I hope that he won't take as long as I
23 did, but I needed to make a point and I hope that I did.

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1 Thank you.

2 **TOBAONAKWUT KINEW, Grand Chief, Treaty**

3 **3:** Meegwetch.

4 I just want to make a few personal
5 comments.

6 The Department of Indian Affairs calls
7 me Peter Kelly. That's an Irishman's name. What I did
8 in the last several years, I changed my name to my original
9 name. In other words, I had my birth certificate changed.

10 My traditional name is Tobaonakwut
11 Kinew. That was the name given to me by my father.

12 When I went to residential school they
13 changed my name to Peter Kelly. I rejected that name.
14 The reason I reject that name is that's a slave name.
15 I'm not a slave.

16 I think we still have a lot of people
17 in this country that have fallen in love with their masters,
18 have not changed their names. And I'm taking Indian
19 Affairs to court on this, because they've got to pay for
20 this. The reason they've got to pay for this, it's cost
21 me about \$600 to have this name changed. I think that
22 every Aboriginal person, if they wish to do so, could go
23 back to their traditional names without any cost to them.

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1 And I think that's a point that has to be made over and
2 over again.

3 I belong to the Lynx Clan. My first
4 language is Ojibway (Native Language). I couldn't speak
5 a word of English until I was about eight or nine years
6 old.

7 I wanted to make one observation. My
8 daughter, Diane, is at the University of Manitoba Law
9 School. She's in her second year. She tells me one thing.
10 They have a dean at the Law School who is very good in
11 Native law, but Native law is not being taught at the
12 University of Manitoba Law School.

13 Here we have a situation where a number
14 of law students are graduating yearly and don't even know
15 what Native law is. That's not too bad, because that's
16 just one segment. What we're talking about here is case
17 law, and what I want to focus on this afternoon is what
18 I would call immemorial law.

19 The origin of immemorial law is very
20 important, and I believe that this discussion on immemorial
21 law is very germane. As a matter of fact, I think it is
22 required in a presentation like this because I believe
23 that the non-Aboriginal Commissioners must understand what

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1 we're talking about when we're talking about immemorial
2 law, when we're talking about the spirit and intent of
3 the treaty. This is what I intend to deal with.

4 To me immemorial law is different than
5 case law. Case law is a western European tradition
6 following a Roman system, that it is built on case law,
7 it is built on precedent.

8 What has been handed down from
9 generation to generation in the Aboriginal community is
10 really what we're talking about. This is what gave grounds
11 to our people when they negotiated Treaty No. 3. There
12 was about one generation, 25 years perhaps, of discussions
13 that took place before that original treaty was signed.

14 There was a number of ceremonies that
15 took place, and that's what I want to focus on. I want
16 to give a few examples of those ceremonies.

17 I don't think that we can see the
18 treaty-making process as being over. It's still ongoing,
19 it's going to keep going. But where do the people get
20 their direction from when they enter into discussions
21 regarding treaties?

22 If we don't clarify this situation I
23 believe that the non-Aboriginal segment of the society

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1 in Canada, if they don't understand this, then we will
2 continue to have problems. Questions will be asked -- what
3 do they want now? Blockades will be coming up because
4 no one understands what we are saying.

5 I go back several years ago. What I do
6 is the same thing that my father did, is the same thing
7 that my grandfather did. And so on and so on.

8 I had an experience years ago -- five
9 or six years ago -- where I went fasting. Some tragic
10 thing happened to my family and I went fasting. When I
11 fasted about the third or the fourth day I saw an eagle
12 coming from a point that seemed to be suspended from
13 mid-air, and went into the water and was splashing around
14 the water, I presume. Maybe it caught a duck or a fish.
15 But I saw that eagle in the air, which seemed like hours.

16 Because I saw that eagle, after the
17 vision abated somewhat I began to think that this is an
18 experience that my child must see, that my grandchild must
19 see this experience from an Ojibway perspective. In other
20 words, my child and my grandchild and my great-grandchild
21 must say (Native language). That's what the child must
22 say. The child must not say "this is the golden eagle
23 that I see". The child must say (Native language).

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1 That's different.

2 It behooves me as a parent, as a
3 grand-parent, as a great-grand-parent to ensure that my
4 children have the same experience that my grandfather had
5 and my great-grandfather. If this transmission of these
6 visions is allowed to take place then I believe we have
7 in our generation done our job in ensuring that our culture,
8 our way of seeing the world will, go on for at least another
9 generation.

10 To the extent that this is not possible
11 then to that extent our Aboriginal treaty rights will have
12 been diminished, but it will not have been diminished by
13 white people. They will have been diminished because we
14 have not pursued this way of live ourselves as Anishnabe
15 (PH). That's very fundamentally important.

16 The reason these visions are very
17 important, at night Aboriginal people, they wake up in
18 the middle of the night, they have a feeling of being
19 afraid. It may be a nightmare, but we don't know what
20 exactly it is that was disturbing us. So something inside
21 woke us up -- deep down woke us up.

22 These are the arch types that have been
23 transmitted from generation to generation. Science calls

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1 this genetics. We call that (Native language) -- must
2 be allowed to be transmitted to the next generation, to
3 the next generation, which brings me to a point that I
4 really to emphasize because it's very germane to the
5 presentation on treaties.

6 I was called upon to go to a Chippewa
7 Indian Reservation in Wisconsin. That reminds me, this
8 is the reason why I presented that tobacco to Georges
9 Erasmus, because I have been told by Elders that there
10 were times in our history that we must come forth and talk
11 about these traditions, even though Elders say you cannot
12 talk about teachings or traditions. But there is a point
13 in time that comes when we must break that taboo. That's
14 why I'm talking in this manner.

15 I believe that the Royal Commission on
16 Aboriginal Peoples must understand what it is and where
17 it is that we're coming from when we're talking about the
18 spirit and intent of treaties.

19 So there was this young man in the early
20 40s who left the Reservation in Wisconsin and went down
21 to the streets of Detroit. His parents not being able
22 to speak a word of Ojibway, he was brought up with the
23 Blacks and the Whites on the streets of Detroit.

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1 He then joined the Marines and went to
2 Vietnam, he and his buddy, a blond kid. The blond kid
3 was killed in Vietnam but was struck in such a way that
4 his body wouldn't fall. So this young Ojibway man went
5 up and grabbed this body and laid him to rest.

6 As he ran back he looked back at where
7 his buddy was. He saw a bird in flames coming out of the
8 man's head. And he went back and he hid. After he got
9 to where he was hiding he saw that bird flying back into
10 the man's face. Two birds came out of there. And here
11 is what these birds said (Native language). That's what
12 these birds said.

13 When I saw this man he was at the point
14 of a nervous breakdown because he was unable to sleep,
15 because every time he slept he heard these noises, in a
16 guttural sound. He heard these sounds. And they kept
17 waking him up.

18 When I was brought there and we did that
19 ceremony, that young man, after the ceremony, was able
20 to sleep. He received a name. Because the name of those
21 birds were called (Native language), the warrior hawks,
22 that's his name today, Warrior Hawk.

23 That young man, an Ojibway, should have

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1 participated in an eight-day ceremony prior to going to
2 battle, which is what our people did before they went to
3 battle with other Aboriginal nations in North America from
4 way back, time immemorial. They did not do that.
5 Something took place. There was a short circuit in the
6 whole system.

7 I saw that young man several years ago
8 at a Pow-Wow in International Falls. I asked him if he
9 had that dream, and he said several times I had, but not
10 enough that they would wake me up.

11 So, what have we got? We've got a young
12 man here who was totally unable to speak a word of Ojibway
13 and yet have these birds speak to him in Ojibway. Where
14 does that come from? That comes from the transmission
15 of our way of life, from our language, from our way of
16 thinking that is transmitted.

17 It is easy to understand the concept of
18 genetics but somehow we do not allow ourselves to go beyond
19 and see what I'm talking about. And that's what I'm
20 talking about here. So when an Anishnabe says the treaty,
21 according to my grandfathers, that's what he's talking
22 about.

23 Those of us that practice the traditions

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1 these days, we fast in the spring, we fast in the fall.
2 Those of us that go to the Sundance, we are told that
3 for the rest of the 50 weeks that you're going to spend
4 back home -- because you're going to be at the Sundance
5 for two weeks -- you've got to take care of the elders,
6 you've got to take care of the children. And you've got
7 to take care of the land.

8 When we understand this concept then
9 we're in a situation to appreciate why those things
10 happened to Custer, because those people that did battle
11 with Custer had just come from a Sundance. So when a
12 Sundancer makes a commitment to protect the land, to
13 protect the child, to protect the Elder, that's what's
14 going to happen.

15 It is not that we're militant. It is
16 that if we're going to be an Ojibway we make that commitment
17 and we've got to follow through. You can't just go to
18 the Sundance and be pierced and go to the pub and say "I
19 was pierced". You must also say "I will defend that land".

20 It is easy to understand and appreciate
21 what happened to the people at Pearl Harbour, because the
22 same mentality takes place. The spiritual commitment of
23 the Japanese people to defend their land is the same kind

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1 of commitment that the Sundancer has. Those of you out
2 on the Plains that understand the Sundance understand
3 what I'm talking about.

4 When our people signed the Treaty, this
5 is where they were coming from. So when our treaty, Treaty
6 3, was negotiated and signed in 1873 at Northwest Ango
7 (PH) there were 24 shake tents lined up. Now, what is
8 a shake tent? Let me give you an illustration of what
9 a shake tent is.

10 A shake tent is a ceremony in which if
11 you have a physical problem with your health, it can be
12 corrected with medicines. If you have a problem with some
13 psychiatric problems that you have within your system,
14 it can be corrected. But if you have a spiritual problem
15 which western medicine does not recognize, then our people
16 have a way of dealing with spiritual illness, spiritual
17 disease.

18 It is dealt with in the shake tents, and
19 it deals with the same arch types that I was talking about.
20 It deals with the subconscious, it deals with the
21 unconscious.

22 If I say "this is what my grandfather
23 said", it is must be right because I have the same spiritual

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1 tone that my grandfather had. So when I defend the
2 treaties, that's what I'm talking about.

3 In the shake tent ceremony, then, you
4 are brought in to the ceremony and you must explain what
5 you have done. Is there any point in your life that you
6 have done anything wrong to a human being, to an animal,
7 to the winged ones, to the ones in the water? You've got
8 to say those things. If you haven't, then nothing has
9 taken place. Until such time that you do own up that you
10 have done something wrong there will not be any healing
11 or any curing that takes place. So it operates at a very
12 deep, spiritual, subconscious level.

13 When we talk about our traditions a lot
14 of people say that our people did not have a written
15 language. The important thing to remember, when a man
16 had a vision invariably that man or woman came out of the
17 vision quest with a song. Why did that song take place?
18 So that the vision that Anishnabe had is recorded in that
19 song. That's why songs to us are very important. We have
20 individual songs. We go to the Pow-Wow, we sing our songs.

21 So, then, the Medewin (PH) songs were
22 a record of our visions, were a record of our spiritual
23 history. This is what had guided our people before they

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1 negotiated Treaty 3. That's why subsequent treaties had
2 to be renegotiated, because other tribes were not given
3 that opportunity to do the ceremonial part of the
4 treaty-making process that our people had enjoyed.

5 I would ask the Commissioners to examine
6 what I'm talking about in greater detail, because if we
7 have an understanding of what I'm talking about, then I
8 believe we are one step towards the complete full
9 implementation of the treaties according to the way our
10 parents and grandparents understood these things.

11 If they're not implemented this way
12 we're going to continue to have problems, and I would urge
13 the newly installed government to follow what I am
14 suggesting.

15 I believe that the Royal Commission on
16 Aboriginal Peoples must insist, to the extent that they
17 can, recommend that Native law be taught at the law school,
18 not only taught but must be mandatory. The study of the
19 Constitution is mandatory. Contract law is mandatory.
20 Criminal law is mandatory. Native law must be mandatory,
21 because if it is not mandatory only a few people will take
22 it. What happens today, you have any kind of lawyers
23 running around all over the country trying to understand

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1 what it is that we're talking about. And I make that
2 distinction, I'm not talking about case law, I'm talking
3 about immemorial law, I'm talking about Native law in that
4 sense.

5 Having said these things I will then do
6 what my counterpart here asked me to do, and I will read
7 these recommendations.

8 Treaties: We want treaty justice.
9 Treaty making and the nation-to-nation relationship it
10 represents is the basis of all dealing with First Nations
11 and the Crown. We want to have our treaties honoured and
12 respected according to our understanding of the treaties.

13 Where there are uncertainties in our relationships with
14 the Crown, as in the areas of Canadian without treaty
15 agreements, we want to enter into new treaties. The
16 existing treaties and the treaty making process must be
17 seen as the foundation for all policies, political
18 discussions, negotiations and future developments
19 regarding First Nations.

20 Historic Context: Any contemporary
21 policy on treaties between the Crown and First Nations
22 must be placed within the historic context of treaty
23 making. It is proposed that key principles from the

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1 treaty-making process be used as the basis for any new
2 policy on First Nations relations in Canada.

3 These key principles should include
4 respect for First Nations culture and spirituality,
5 respect for the mutuality of the relationship, respect
6 for the equality of peoples, First Nation and Canadian,
7 and a fundamental commitment to the principles of honouring
8 obligations flowing from specific treaties.

9 Inherent Right: Treaties between First
10 Nations and the Crown reinforce the inherent right and
11 responsibility of First Nations to govern their people.

12 Any future policy by the government of Canada must
13 recognize this in a fundamental way. The nation-to-nation
14 relationship between First Nations and the Crown is the
15 basis for such policy. This historic relationship,
16 confirmed in our treaties, must be entrenched in the
17 Constitution of Canada.

18 I want to say something here about
19 "fundamental". Sometimes when we say "fundamental" ,
20 sometimes things are so fundamental that they're not even
21 implemented.

22 Spirit and Intent: First Nations
23 Treaties must be implemented in accordance with the spirit

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1 and intent as understood by First Peoples, especially our
2 Elders, whose knowledge of the treaties is strong. Spirit
3 and intent means more than the English or French text but
4 requires an examination of the written and oral history
5 of the treaty negotiations.

6 No. 4: The Government of Canada must
7 fund a major initiative to record the oral history of First
8 Nations treaties. This would allow First Nations the
9 resources required to gather our history of the treaties
10 and record them in a culturally appropriate way for the
11 purposes of educating community members and for
12 negotiations with governments.

13 The oral history of the Treaty must be
14 accepted in such negotiations or proceedings as valid,
15 and as a basis for developing responses to treaty
16 grievances, including issues of interpretation arising
17 in implementation discussions.

18 Treaty Review: It is essential that the
19 Crown, represented by governments, especially the federal
20 government, engage, in conjunction with Treaty Nations,
21 which so request, in a comprehensive treaty review process
22 to consider the nature of the treaty relationship and
23 problems in regard to interpretation of treaties, and

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1 devise a detailed plan for the implementation of treaty
2 rights.

3 This treaty review process must be
4 structured as the first phase of the implementation
5 process.

6 Office of Treaty Obligation: An Office
7 of Treaty Obligation must be created by the federal
8 government in conjunction with First Nations. All matters
9 stemming from treaties, especially fiduciary obligations,
10 must be administered by this Office. A senior official,
11 responsible for treaty obligations, must report directly
12 to the Federal Cabinet and oversee the operations of the
13 Office. The official must report annually on the review
14 progress and treaty implementations.

15 It may prove to be desirable for similar
16 provincial offices to be established to deal with matters
17 which have been transferred to provincial jurisdiction
18 and are critical to treaty justice.

19 Treaty Commissioner: The Federal
20 Government must appoint a Treaty Commissioner for each
21 treaty area. The responsibility of the Treaty
22 Commissioner will be to act as an intermediary between
23 government and First Nations and facilitate the honourable

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1 and just resolution of treaty disputes through negotiated
2 and diplomatic means.

3 The Treaty Commissioner will be
4 appointed following discussions with First Nations as to
5 the most appropriate representative and the nature and
6 extent of the responsibilities of the Commissioner. Each
7 Treaty Commissioner will report annually on the progress
8 in resolving treaty grievances and on obstacles to treaty
9 implementation.

10 8: The Federal Government must stop the
11 trend toward off-loading obligations either to provincial
12 government or First Nations. In the areas of social
13 assistance, education and health, the federal government
14 has acted in a manner inconsistent with treaty obligations
15 and must again assume responsibility for treaty First
16 Nations.

17 The federal government must provide
18 sufficient resources which will enable the Treaty First
19 Nations to maintain regular communication networks
20 respecting treaty issues.

21 Portable Rights: Treaty rights are
22 fully portable and First Nations citizens must not be
23 restricted to the enjoyment of their treaty rights on the

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1 basis of residence on reserve land. The government must
2 ensure that all policies and legislation affecting First
3 Nations reflect the fact that a treaty promise is binding.
4 No restrictions must be placed on treaty rights without
5 the consent of First Nations.

6 Treaty Tribunal: A Treaty Tribunal or
7 tribunals must be established by the federal government
8 in conjunction with Treaty First Nations in order to
9 resolve disputes arising from treaties, including treaty
10 implementation issues. The Tribunal should have a broad
11 mandate and should be staffed by First Nations and
12 government representatives and deal with treaty issues
13 which require formal resolution.

14 Remedies for Breaches: It is important
15 that violations or breaches of specific terms of treaties,
16 or the treaty relationship, be remedied. Appropriate
17 remedies could range from legislative changes to monetary
18 and land compensation.

19 A full range of remedies should be
20 available for compensation for treaty breaches. The
21 Treaty Commissioner must be given the mandate to review
22 the suitability of any appropriate remedy for treaty
23 violation.

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1 Resources for Public Education: It is
2 necessary to provide sufficient resources for First
3 Nations to launch public education campaigns on all issues
4 related to First Nations in schools and communities. This
5 should be done on both the national and regional level.

6 The products of the campaign must be made
7 available as widely as possible, including to new
8 immigrants and those wishing to emigrate to Canada.

9 (Native Language)

10 Ladies and gentlemen, I want to thank
11 you for the opportunity of listening to my mother's
12 language and to my father's language, my grandparents'
13 language. It is important that I speak in this manner,
14 and in accordance with that I want to thank the Elders
15 for allowing me a few words. I want to thank all my
16 brothers and sisters for hearing me out, and when I talked
17 about these traditions.

18 And I want to thank the National Chief
19 for allowing me to speak, and I want to thank my brother
20 Georges for allowing us to speak today with you.

21 (Native language) Thank you very much.

22 **E. (DUTCH) LERAT, Regional Chief,**

23 **Saskatchewan:** Good afternoon, respected Elders,

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1 Commissioners, First Nations Government Leaders,
2 officials and observers.

3 If Chief Kinew thinks it's rough growing
4 up with an Irish name, he should try one with Dutch and
5 French.

6 I am pleased today to participate in the
7 comprehensive presentation of the Assembly of First
8 Nations to the Royal Commission. I know that the materials
9 we are presenting today will be taken seriously by all,
10 and I trust that you will find substance and practical
11 methods of implementing our inherent right to
12 self-government in what we are presenting to you today.

13 The remarks I am making today build on
14 the spirit of the principles and agreements reached during
15 the constitutional reform process last year with respect
16 to our First Nations government, powers and rights.

17 I am pleased to see that the Royal
18 Commission has already made a set of interim
19 recommendations to the federal government in August of
20 this past year.

21 I am now quoting directly from the
22 interim report. While the impetus for any move to
23 self-government should come from Aboriginal peoples, the

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1 federal government could ease the passage to
2 self-government by amending or supplementing restrictive
3 legislation. For example, it might be useful if the federal
4 government would generate legislation laying down an
5 optional framework for the orderly transition to the
6 exercise of inherent governmental powers so long as it
7 is clearly understood that the source of the right is
8 inherent and not delegated.

9 The clauses might also create machinery
10 for the negotiations of self-government agreements or
11 treaties. These agreements might then be embodied in
12 parallel legislation enacted by all parties, including
13 the Aboriginal group acting under its inherent authority.

14 This is the kind of language we like to
15 hear coming from members of the Royal Commission.

16 My presentation today will be in two
17 parts. I will be addressing First Nations education,
18 specifically to review with you the recommendations and
19 background rationale which are in the comprehensive report
20 to the Royal Commission on Aboriginal Peoples by the
21 Assembly of First Nations. You all have copies of this
22 submission. It is entitled "Recovering our Heritage".

23 Secondly, I will supplement the

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1 information you have been provided by the Assembly of First
2 Nations with some additional materials and information
3 based on the work we are doing in the Federation of
4 Saskatchewan Indian Nations regarding the Treaty rights
5 to education.

6 These initiatives are examples of the
7 AFSIN' implementation of the recommendations contained
8 in traditions and education towards a vision of our future.
9

10 Let me start by turning to the materials
11 you have in "Recovering our Heritage" document. I refer
12 to the section on Education, which begins on page 47, I
13 believe.

14 The introduction to this section makes
15 several fundamental points, which I now wish to read into
16 the official record. They are that every First Nations
17 student is entitled to a cultural environment that respects
18 and reinforces the history and traditions of all Aboriginal
19 peoples, access to educational technologies, information
20 systems and training on their effective use, and access
21 to a lifelong effective educational system to enable
22 students to reach their full potential and then pass that
23 on to others.

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1 Every First Nation student is entitled
2 to a safe learning environment that challenges students
3 to contribute to their communities, and of course the right
4 to inherit a world that is environmentally sound and free
5 from hostilities.

6 The document now proceeds to describe
7 the appalling performance of the Crown towards First
8 Nations education. I want to be positive in my
9 presentation today, so I do not intend to dwell too much
10 on the history.

11 I want to continue on a positive note
12 by referring you to the net results, a major national study
13 conducted by the AFN in 1988 on education which is entitled
14 "Tradition and Education: Towards a Vision of our Future".

15 The primary conclusion of this research
16 were:

17 (1) education is an inherent right which
18 must be respected by all levels of government. In
19 particular First Nations government must assure that
20 children, teachers of their children and community members
21 understand fully that the concepts of self-government and
22 self-sufficiency are related;

23 (2) that the First Nations will

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1 determine the extent of the need for resources and
2 allocation of resources to the educational programs and
3 services required in their communities;

4 (3) First Nations expect the federal
5 government to recognize and support First Nations
6 education authorities and other designated authorities
7 as the final legal authority over the jurisdiction and
8 management of First Nations schools;

9 (4) self-government, we realize, is the
10 cornerstone to our survival as a people. This means First
11 Nations must exercise their inherent right to govern and
12 make decisions affecting their own lives and the affairs
13 of their own lands and resources, with all the duties and
14 responsibilities of governing bodies;

15 (5) First Nations provided their own
16 form of education long before the Europeans came to our
17 country. The traditions of our people include the fact
18 that women and elders transmit the cultural language and
19 skills necessary for children to grow up and survive in
20 their environment.

21 This report, as I said, was completed
22 in 1988 and led directly to the subsequent report by the
23 federal government called the McPherson Report which was

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1 released in September 1991. The McPherson report clearly
2 recognizes that the federal government is obligated to
3 enter into serious discussions and negotiations with the
4 First Nations "about the process and substance of major
5 reforms in the field of Indian education".

6 From our point of view the preferred
7 mechanism for moving forward in First Nations education
8 is constitutional amendment, dealing with the fundamental
9 relationship between the Government of Canada and First
10 Nations.

11 This leads me to the first
12 recommendation in the AFN report, which is presented as
13 Recommendation No. 78 on page 92, where it states:
14 "Recognition of First Nations' rights to self-government
15 must be entrenched in the
16 Constitution and it must encompass
17 the right of Aboriginal peoples as
18 the first peoples to govern the
19 land, promote their languages,
20 cultures, traditions and
21 educational practices."

22 First Nations fully reject the
23 administration devolution of the federal programs and

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1 administrative practices to the First Nations. First
2 Nations demand that the federal government fully recognize
3 its obligation to finance First Nations education and deal
4 with the First Nations on a nation-to-nation basis.

5 The second recommendation, which is 79,
6 on page 93 of the AFN document, is:

7 "Our aim is to make education relevant to the philosophy
8 and needs of First Nations peoples.

9 We want education to give our
10 children a strong sense of identity
11 and confidence in their personal
12 worth and ability. We believe in
13 education as a preparation for
14 total living, as a means of free
15 choice of where to live and work,
16 and as a means of enabling us to
17 participate fully in our social,
18 political and educational
19 advancement."

20 Our document further addresses the issue
21 of jurisdiction. The federal, provincial and territorial
22 governments must vacate their legislative and
23 administrative occupation of jurisdiction over First

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1 Nations education and the federal government should retain
2 its role as a resourcing source only.

3 In the AFN research document entitled
4 "Tradition and Education" there are numerous
5 recommendations for direct control of education by First
6 Nations. Our next recommendation is therefore as
7 presented on page 93, Recommendation No. 80, which reads:
8 "Implementation of the recommendations in Tradition and
9 Education must proceed.

10 Consensus on and movement towards
11 a transition to meaningful First
12 Nations jurisdiction over
13 education must take place
14 immediately."

15 In our opinion the best way to accomplish
16 this is as described in Recommendation No. 81 on page 94,
17 which reads:

18 "Negotiations must take place immediately to establish
19 an independent body, such as a
20 National Aboriginal Education
21 Council, to assume responsibility
22 for policy planning, coordination
23 and transfer of jurisdiction

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1 acceptable to First Nations as
2 defined in Tradition and Education
3 and the 1972 Indian Control of
4 Indian Education policy paper."

5 The federal government must recognize
6 and provide the means for First Nations to implement the
7 recommendations contained therein as to create a national
8 framework for First Nations jurisdiction over education
9 and provide a mechanism for developing processes, criteria
10 and regulations for administrative and evaluation of a
11 First Nations education system.

12 This process must also lead to the
13 development of a First Nations Education Act which will
14 clearly identify the mechanisms and the resources required
15 to develop a First Nations educational infrastructure.

16 This concludes the presentation on
17 education as outlined in our brief to you. I trust you
18 recognized the importance and significance of the issues.

19

20 I now turn to the second part of my
21 presentation.

22 In the summer of 1989 the FSIN entered
23 into a bilateral agreement with the federal government

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1 which established the Office of the Treaty Commissioner.

2 The first two mandates that we mutually identified as
3 priorities to the fulfilment of our treaty land entitlement
4 and secondly the obligation of the federal government in
5 the treaty rights to education area.

6 We weren't renegotiating treaty right
7 to education. We asked the Treaty Commissioner to
8 research and find exactly what the obligations were of
9 the federal government.

10 With regard to the treaty rights to
11 education we have concluded extensive research which will
12 in the future be presented in a comprehensive master
13 position paper which will detail the scope and nature of
14 First Nations educational treaty rights and First Nations
15 control of education. The master position will also
16 present our position on the obligation of the Crown to
17 honour our treaty rights, and we will present a forward
18 plan for implementation of First Nations education.

19 I believe the research materials I will
20 be describing to you will help you to reach an informed
21 and collective decision.

22 We started the process by working very
23 closely with our Elders and with our First Nations

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1 education council as well as professional educators and
2 education authorities, and of course our own First Nations
3 controlled colleges.

4 In Saskatchewan we operate two fully
5 autonomous advanced educational institutions which are
6 colleges of higher learning. They are the Saskatchewan
7 Indian Federated College, which is a degree granting
8 institution, and the Saskatchewan Indian Institute of
9 Technologies, which focuses on advanced education in skill
10 and trades training.

11 Both of these institutions are extremely
12 successful and are graduating a significant number of First
13 Nations professional people annually.

14 A set of political principles and a set
15 of educational principles to govern our leadership and
16 research projects were established. They are our treaty
17 position on education. I have provided you with a copy
18 of them for the record.

19 Another document I have to present to
20 you is one which we have called the Treaty Audit. The
21 internationally recognized firm of Coopers Lybrand, in
22 joint venture with the First Nations Consultant Ltd.,
23 prepared this document entitled "An Assessment of the

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1 Benefits Received and Foregone by Indian First Nations
2 as a result of Treaty Signed between the Crown and First
3 Nations of Saskatchewan". I have provided a copy of the
4 detailed document and an executive summary for each of
5 you.

6 You will see as you read through it that
7 it is a historical economic study that puts a monetary
8 value on the benefits received from each of the two parties
9 who benefited most by signing treaty. The Treaty Audit
10 examines revenue and wealth generated by industries, by
11 agriculture, by renewable and non-renewable resources and
12 other revenues generated by the federal and provincial
13 governments.

14 It also demonstrates that the Crown has
15 received an overwhelming proportion of benefits and wealth
16 flowing from treaty, and that they have no moral or economic
17 argument on which to base any attempts to limit our treaty
18 rights or our resourcing of education.

19 The Treaty Audit concludes beyond a
20 shadow of a doubt that First Nations are entitled to a
21 greater share of the national wealth.

22 In September 1992 we conducted three
23 days of formal hearings and presented a number of our

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1 interim findings on the treaty to education to a panel
2 of independent experts. The presentations were
3 comprehensive and included much of the legal historical
4 and Elders' oral testimony we have developed for the
5 purpose of clearly establishing our First Nations
6 positions on the treaty rights to education.

7 I have provided copies of the
8 transcripts from those hearings to be referred to in your
9 deliberations. These transcripts define our treaty
10 rights to education clearly, and it was our pleasure to
11 have Madame Wilson sit in as one of the jurors in this
12 three-day deliberation.

13 We have also interviewed, interpreted
14 and transcribed the testimony of over 60 Elders to support
15 our understanding of the spirit and intent of the
16 treaty-making process. Not what it means in today's legal
17 terms but in the spirit and intent that our forefathers
18 negotiated those treaties.

19 Some of the testimony has been drafted
20 into sworn affidavits, and I have provided you with a sample
21 of the kind of testimony we are taking from our Elders.

22 It is important that we incorporate the Elders' oral
23 record on such things as our traditional education systems

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1 and on the spirit and intent of the treaties which were
2 negotiated.

3 We also tabled a document, "The Legal
4 Status of Treaties in Relation to the Right to Education",
5 which provides an analysis over the legal and
6 constitutional basis of our inherent right to
7 self-government and of the Crown's obligations to the
8 treaty rights to education. This work was carried out
9 by recognized and respected legal advisers to First Nations
10 who have for many years been addressing First Nations
11 issues.

12 This research establishes the scope of
13 the obligations and fiduciary trust responsibilities of
14 the Crown to the treaty rights to education. Our research
15 proves that our treaties are legally enforceable and that
16 we now need a process between First Nations and the Crown
17 to fully implement them.

18 Another aspect of our work on the treaty
19 rights to education focuses on historical and archival
20 research. We have developed a historical perspective on
21 the views of First Nations negotiators during the
22 treaty-making process and have examined literally
23 thousands of archival documents.

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1 It is the submission of First Nations
2 that our existing educational systems were supposed to
3 have remained intact, not to be destroyed or replaced by
4 another system.

5 The Crown undertook to enhance the
6 education of First Nations citizens by supplementing
7 educational offerings and provided resources sufficient
8 to enable our citizens to acquire the tools necessary for
9 total living.

10 Next, let me turn to the area of
11 jurisdiction.

12 We as First Nations want control over
13 the shape, scope, and the nature of our educational
14 systems. In Canada there is currently a reevaluation of
15 the educational system which is being offered to Canadians
16 currently. I want to recommend that the federal
17 government clearly legislate their responsibilities to
18 First Nations education and to our treaty rights as part
19 of their obligations under s.91(2) of the Constitution
20 Act, 1867, as affirmed in s.35 of the Constitution Act,
21 1982. This would eliminate the claim that the provincial
22 governments are using, by virtue of s.93 of the
23 Constitution Act, 1982, to control First Nations'

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1 education.

2 As First Nations we have not been
3 standing still waiting for provinces to design and
4 implement First Nations's jurisdiction regarding
5 education. We have developed a body of codified First
6 Nations law with regard to education, and all of our First
7 Nations are in the process of enforcing and implementing
8 these.

9 Federal and provincial legislation
10 which recognizes the jurisdiction of our laws that have
11 established is now required. I refer you to a copy of
12 the samples of First Nations educational law and policy
13 that we have developed in Saskatchewan. Our First
14 Nations' laws include such documents as the FSIN Convention
15 and the Convention Act, which is our supreme constitution
16 in Saskatchewan, our FSIN Education Act. We have the three
17 colleges which operate under their own Colleges acts, and
18 of course last but not least we have an Official Languages
19 Act, which is incorporated into our developments.

20 We have also focused on the benefits to
21 the federal government and to society generally of looking
22 at providing sufficient education resources to the First
23 Nations as a future investment.

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1 We recognize that a well educated and
2 productive First Nations group of citizens is in the best
3 interest of everyone in this country. To that end I want
4 to refer you to a document entitled "First Nations
5 Education as an Investment", which concludes that
6 resources spent in social welfare and the cost associated
7 with the abnormal percentage of First Nations people in
8 the justice system could be much better spent by supporting
9 our educational initiatives.

10 Finally, I want to make one additional
11 comment. It may be convenient, but it is totally
12 unacceptable that the Crown obligations to the First
13 Nations should be limited or diminished because of the
14 vast wealth and resources we First Nations shared with
15 the governments of the Crown have been mismanaged.

16 We expect to receive full value for the
17 treaty guarantees committed by the Crown and our equitable
18 share of the national wealth as our inherent right as a
19 self-governing order of government in this country.

20 I want to conclude by thanking the
21 Commission members and everyone present for the
22 opportunity and the attention given me today. And I am
23 hopeful that I will see all of these recommendations or

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1 most of them in your final report to the federal government.

2 I thank you for your time.

3 **CHIEF CLARENCE T. JULES, Kamloops First**

4 **Nation:** Good afternoon, Elders, fellow chiefs, National

5 Chief, Commissioners, observers. My name is Chief Jules.

6 I am Chief of the Shuswaps of Kamloops and the interior

7 of British Columbia, and I'm here to address land and

8 resources, environment, and taxation.

9 I have worked and have had the honour

10 and privilege of working in those areas over the last number

11 of years. I've been on my council since 1974, served as

12 a Council member for ten years, and have been presently

13 in the 9th year of my term as Chief.

14 I would also like to talk briefly about

15 our veterans. All of you know that next week, on November

16 11th, we will be honouring those individuals that fought

17 and died for our people. I strongly believe that if it

18 wasn't for the Aboriginal veterans that fought and died

19 in the Board War, the First World War and the Second World

20 War, that the modern development wouldn't have occurred

21 as quickly as it might have otherwise happened.

22 I also would like to relate a story about

23 Ike Willard, who was my grandmother's brother. Ike and

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1 his sisters lived in a little community southeast of
2 Kamloops called Westwold (PH). They were born and raised
3 in -- Shuswaps used to live in the wintertime in underground
4 homes, and we lived up in that area. My family lived there.

5 Ike went to fight in the First World War
6 and came back. He was gassed and always lived in a lot
7 of pain after returning from the First World War. He used
8 to tell my dad a story. He used to say when he went to
9 fight for this country he had land, and when he came back
10 he had none, because when he came back from fighting in
11 the First World War and went home to Westwold he could
12 no longer live there.

13 That is the plight of many of our
14 veterans. They've lived virtually unrecognized in this
15 country, and that has to change. And it's up to us to
16 ensure that that recognition is given.

17 As far as the land and resources, I
18 chaired a Chief's Committee on Claims from 1990 and just
19 recently stepped down. We were dealing with a very
20 important issue for Aboriginal people across the country.

21 I believe it's the most crucial question that has to be
22 resolved, because without an adequate land base
23 self-government will always be a dream. Economic

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1 viability will always be a dream if we don't have an
2 adequate landbase. The fundamental issues surrounding
3 those have to be resolved so that we can move on with other
4 very pressing matters.

5 Again, in my community of Shuswap
6 people, we were beginning to be settled on reservations
7 in the 1860's and a lot of the reasons for us being settled
8 on reserves around that time was because the Shuswaps and
9 Okanagans had decided to form a confederacy and were
10 actually contemplating going to war with the then British
11 colony of British Columbia. To sort of stave off that
12 possibility Governor Douglas approached individual Chiefs
13 and set aside reserve lands, and we call those reserve
14 lands Douglas Reserves.

15 Soon after Tretch (PH) entered the
16 scene. Joseph Tretch is a fellow who came up from the
17 United States. He had an attitude to Aboriginal people
18 that basically he used to say that Aboriginal people,
19 Indian people, were no better than dogs. That was his
20 attitude to us. He sent people up to my community and
21 it is quite humorous because we ultimately ended up in
22 a court case in 1989 about a golf course development in
23 the middle of our reserve. Chief Louis called that piece

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1 of property the "hole in the middle of the table."

2 But Tretch started to reduce our reserve
3 lands and started to give them out to non-Indian interests
4 pre-empting 320 acres. In Shuswap country reserves were
5 established on the basis of anywhere from one acre to 10
6 acres per family. Tretch sent this fellow up to meet with
7 our people and he brought gifts, he brought tobacco and
8 other trinkets and he left reporting to Joseph Tretch that
9 they were a happy bunch of Indians so therefore we had
10 surrendered our interests in this land back to the colonial
11 Crown.

12 In 1988 and 1989, there were some
13 developers that came and approached us and wanted to do
14 a development. We entertained them, talked to them and
15 eventually they settled on buying this piece of property
16 in the middle of our homelands. They came back to us and
17 said, "Manny, I'm prepared to sell you this land I just
18 bought" and he had bought it for \$600,000. He said, "I'll
19 sell you this land for five million dollars. You give
20 me a 50-year lease, you do a golf course development and
21 I will manage it for you."

22 So we called our Elders together and we
23 decided that we'd better keep this guy talking. He came

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1 back later on and the next thing it was 3.8 million dollars.

2 We told this developer that -- his name was Bill Bilton
3 -- we said, "we'll offer you \$700,000 and you don't have
4 to get involved in the litigation or anything with us."

5 He brought up a CAT, a bunch of tires and he was going
6 to start clear-cutting or cutting out all of the brush
7 and doing his development.

8 We called in the RCMP to witness what
9 was going to happen because myself and my council went
10 to that piece of property. You have to recognize that
11 this piece of property is right in the middle of our lands.

12 All around us is our land, clearly. Bill Bilton came
13 up and said, "Manny, are you going to let me do my work?"

14 We said, "No, we are here to protect our lands." He said,
15 "I'm going to charge you guys with trespassing." So we
16 ended up going to court and we said we were there to protect
17 our underlying interests to our land.

18 So in our community this question of land
19 and resources is the most important question facing us.

20 I know that it is the same thing across the country and
21 I've had again a privilege to travel across the country,
22 as many of you have, visiting various communities and
23 hearing similar stories. Just the other day, I was up

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1 in Sept-Iles. Same thing. The city wanted these people
2 as far away from their city as possible. So they took
3 away land. They tried the same thing in my homelands.

4 With environment, it's a very important
5 issue for us, not only in the preservation of good clean
6 earth and good clean air. We have to only remember
7 Menemata (PH) Disease, Grassy Narrows, how important and
8 how we, as First Nations, are always the first to be
9 affected by the environment, and how we have to assert
10 jurisdiction again over our traditional lands because that
11 is the only way we will be able to control hazards that
12 will affect us.

13 I recently travelled to the southwest
14 in the United States and one of the Apache tribes has got
15 some very strict environmental laws that apply not only
16 on their reservations but it's got extra-territorial
17 jurisdiction and their jurisdiction is more stringent than
18 the state. And that is what we have to look at in terms
19 of environmental protection.

20 An other area that I have worked on
21 extensively since 1985 has been taxation. Taxation is
22 a very scary issue for First Nation people. I know that
23 in my travels across the country when I talk about tax

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1 people immediately think this guy is out to try to tax
2 me. That is the first question and that is the first
3 question I was asked by my own people.

4 My reaction is and always has been that
5 you cannot tax the poorest of the poor. I had helped locate
6 funds for a professor by the name of Tom Courchene to do
7 a study looking at First Nations as an eleventh province
8 and some interesting results happened. Virtually the same
9 amount of dollars is spent on Aboriginal people and
10 non-Aboriginal people in this country, roughly about
11 \$10,000 per capita.

12 One of the weaknesses of the study is
13 that Courchêne couldn't understand the inadequacies in
14 terms of infrastructure, housing, water and sewage, issues
15 that we have to live with on a daily basis in our homes
16 and in our communities.

17 One of the other things that the
18 Department of Finance had done recently is looked at
19 whether or not it would be even viable to collect tax off
20 of First Nations. When they did their own study they found
21 that it would cost more to administrate the collection
22 of taxes than the taxes they would get from First Nations
23 people. This is from people that 70, 80 per cent earn

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1 less than the poverty line, \$15,000. Most of our people
2 probably earn, I don't know, \$5,000 or something, something
3 utterly ridiculous and grossly sick.

4 I also had an opportunity quite a number
5 of times to think about taxation. Taxation, I strongly
6 believe, is a fundamental government power and it is one
7 that First Nations have got to inevitably pursue. This
8 one fellow, he was a tax commissioner for this tribe in
9 the United States, Wind River, Wyoming, and a lot of times
10 when we look south of the border, there is a lot of
11 similarities, but at the same time there is a lot of
12 differences. Just as an example, when you look at the
13 Navaho reservations, 16 million acres, revenue of one
14 billion dollars a year, you know, that is hard to equate
15 to the north of the Canadian border.

16 Anyway, this fellow, his name is Wes
17 Martel and he was giving a speech at the University of
18 British Columbia, a tax conference, an international tax
19 conference that we participated in. He was talking about
20 taxation as one of the last buffalo and that the new arrows
21 that we have got are education, taxation jurisdiction,
22 self-government and those types of things. As he finished
23 his speech which was always, you know, very uplifting,

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1 one of my councillors came up to me afterwards and said,
2 "God, that guy just about made me want to pay tax."

3 So I will get into reading from the
4 submission entitled "Reclaiming our Nationhood and
5 Strengthening our Heritage". There are a couple of
6 quotes. I remember our Head Chief, when approached some
7 years ago about surrendering his reserve, replied in this
8 way. He bent down, plucked a handful of grass and handing
9 it over said, "This you can use." Then bending down with
10 his right hand, he picked a handful of earth and pressed
11 it to his heart and said, "This is mine and will always
12 be mine for the children of the future."

13 First Nations want First Nations land
14 rights and jurisdiction recognized. The Government of
15 Canada must recognize that First Nations are a legitimate
16 governments which need full authority and control over
17 their lands and resource base. All levels of government
18 must recognize and respect First Nations land rights
19 whether based on inherent Aboriginal rights or Treaty
20 rights.

21 The Federal Government must ensure that
22 First Nations ownership, jurisdiction and access or any
23 other interest in lands, resources and water be implemented

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1 in a manner most beneficial to First Nations.

2 First Nations want an adequate landbase
3 not limited to reserve lands. Federal and provincial
4 governments must ensure that First Nations have an adequate
5 landbase and that First Nations' rights with respect to
6 lands, water and resources will not be limited to reserve
7 lands.

8 First Nations want outstanding claims
9 and lands and resource issues to be resolved. First
10 Nations interests in all matters relating to land and
11 resource issues must be determined only with full
12 involvement of First Nations through effective
13 inter-governmental mechanisms. Unilateral federal or
14 provincial determination of these issues is not acceptable
15 to First Nations.

16 The Government of Canada and First
17 Nations must jointly develop, empower and establish an
18 independent mechanism to confirm claims against the
19 Federal Government as well as manage and facilitate
20 negotiations between First Nations and the Federal
21 Government.

22 The Federal Government must implement
23 a new approach to negotiating agreements dealing with

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1 Aboriginal title and as the existing comprehensive process
2 is not a truly modern treaty making process and is contrary
3 to Section 35 of the Constitution.

4 There are a couple of other issues that
5 have to be addressed as well, and that is the whole issue
6 of the Federal Government's policy of extinguishment.
7 We have to ensure that the extinguishment policy is taken
8 out completely and that our title is never extinguished
9 and that it's never on the table.

10 The other issue is that of dealing with
11 loans. I think that that issue has to be fundamentally
12 addressed as well. Litigation, Aboriginal and Treaty
13 rights are constitutionally recognized and therefore
14 should be ruled upon by courts competent in this particular
15 area of jurisdiction and expertise.

16 The Federal Government must change
17 existing laws to eliminate Crown reliance on technical
18 defense such as Crown immunity from suit, active state,
19 statutes of limitations and the doctrines of Laches (PH)
20 and Estoppel and Acquiescence, which were never intended
21 to deprive First Nations of legal rights and remedies.

22 First Nations want to freely exercise
23 their hunting, fishing, trapping and gathering rights.

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1 The inherent Aboriginal and Treaty rights of First Nations
2 to hunting, fishing, trapping and gathering must take
3 precedence over other third party interests.

4 First Nations must have access to
5 traditional territories in order that First Nations
6 peoples may freely exercise their rights and jurisdictions
7 with respect to hunting, fishing, trapping and gathering
8 resources.

9 First Nation rights with respect to
10 hunting, fishing, trapping and gathering cannot be limited
11 to subsistence purposes. The exercise of these rights
12 must be interpreted in a contemporary context which
13 necessarily includes commercial activities as these are
14 essential to the substance of a viable economy.

15 Environment: We want a world in which
16 we, as First Nations, enjoy and exercise the rights which
17 the Creator has given us, and benefit from the prosperity
18 of this land.

19 We want control of our destiny and
20 a peaceful co-existence with Canadian society. In order
21 for this to happen, First Nations must have an equitable
22 share of lands, resources and jurisdiction, and fiscal
23 capability to fulfil their responsibilities as

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1 self-determining peoples.

2 The Federal Government must establish
3 a financial support program for tribal councils, regional
4 organizations and individual First Nations to develop and
5 strengthen existing capacities of environmental
6 protection and resource management in the areas of
7 environmental assessment, forestry, water and fisheries.

8 I know firsthand about these issues.
9 I've got 80,000 gallons of PCB contaminated oil in my
10 community.

11 International Nation states, including
12 Canada, must recognize Treaty and Aboriginal rights to
13 territories and Aboriginal uses of the land for hunting,
14 trapping, fishing and gathering, and take urgent steps
15 to respect and implement these rights.

16 First Nations must document traditional
17 knowledge and practices to ensure the detailed
18 understanding of the environment that has been accumulated
19 for thousands of years is not lost and re-institute it
20 into the community. First Nations must identify and
21 demarcate their traditional territories and promote the
22 assertion and the recognition of their rights, much like
23 the wolf and the coyote.

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1 First Nations and the Federal Government
2 must develop a strategy to ensure that the application
3 of environmental laws on First Nations lands are not
4 inconsistent with the process of devolution and
5 self-government. The Federal Government must ensure that
6 resources tied to programs and services are transferred
7 to First Nations.

8 A comprehensive review must be
9 undertaken by the Federal and provincial governments to
10 amend existing policies and regulations which are deemed
11 by First Nations as inconsistent with Aboriginal and Treaty
12 rights. This review must be predicated on principles
13 which would ensure an early, effective, comprehensive and
14 culturally appropriate consultation process with impacted
15 communities.

16 The Federal Government must support and
17 resource the establishment of a National First Nations
18 Advisory Council with appropriate authority to ensure
19 federal legislative, regulatory and policy initiatives
20 are complementary to First Nations concerns, aspirations
21 and Treaty and Aboriginal rights.

22 When you think about the recent Old Man
23 Dam court case where the Federal Government has got not

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1 only the constitutional power but the legislative
2 authority to prevent developments that have a direct impact
3 on First Nations, I would like to challenge the Federal
4 Government in extending those powers directly to First
5 Nations.

6 The Federal Government must support and
7 finance the establishment of a national First Nations Water
8 Commission which will examine and develop policies and
9 carry out action and research in the areas of water access,
10 control, jurisdiction and management issues and establish
11 a research clearinghouse.

12 The Federal Government must review the
13 current federal water policy in light of the Guerin and
14 Sioui decisions, to affect change and ensure consistency
15 in accordance with federal fiduciary responsibilities to
16 First Nations.

17 Environmental monitoring: The Federal
18 Government must establish a financial support program for
19 First Nations organizations to monitor environmental
20 issues and impacts as a result of proposed or ongoing
21 developmental activities. This would include the effects
22 on traditional lands and communities and ensure the
23 financial capacity to take mitigation action, restore and

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1 clean-up contaminated sites and effectively participate
2 in federal, provincial and municipal regulatory processes.

3 Traditional knowledge: The Federal
4 Government must support and finance the establishment of
5 indigenous knowledge and management centres of excellence,
6 to share information and assist other First Nations
7 communities in developing their own systems and foster
8 wide appreciation of Aboriginal knowledge.

9 Taxation: "In the old days we had a
10 tradition of caring and sharing. If a person was sick
11 or injured, the Chief would delegate others to hunt for
12 him and provide fire wood. We redistributed our wealth
13 for the good of all, and that is what any good system of
14 taxation is supposed to do," an Elder, Ernie Crowe from
15 Piapot, Saskatchewan.

16 We want a world where First Nations on
17 and off reserve are immune from all forms of federal,
18 provincial and territorial taxation.

19 We want a world in which First Nations
20 have the exclusive jurisdiction to raise revenue through
21 taxation.

22 We want a world where resource revenue
23 sharing on traditional territories is the jurisdiction

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1 of First Nations.

2 We want a world where First Nations
3 citizens are not subject to conflicting
4 federal/provincial/territorial taxation regimes.

5 Tax immunity: First Nations, their
6 institutions and Crown corporations must be immune from
7 the payment of federal, provincial or municipal tax.

8 First Nations must be able to utilize
9 their taxation powers in order to attract business and
10 to retain businesses on First Nations Territories in order
11 to accelerate economic development and employment in their
12 communities.

13 The Federal, provincial and territorial
14 governments must equitably share with First Nations
15 revenues which are derived from natural resources in their
16 traditional territories.

17 First Nations must negotiate
18 extradition from federal, provincial and territorial
19 taxation regimes. There must be a memorandum of
20 understanding for outstanding issues. We must maintain
21 the status quo in the short term. There must be a policy
22 review of tax systems in the medium term and negotiations
23 with governments must facilitate and support First Nations

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1 negotiations with Federal and territorial governments to
2 arrive at equitable solutions in resolving issues
3 pertaining to jurisdiction over taxation.

4 In the long-term the Federal Government
5 must make a commitment to constitutionally recognize and
6 accept taxation jurisdiction of First Nations as part of
7 the inherent right of self-government.

8 In closing, I would just like to say that
9 these are very fundamental issues of importance as are
10 all the others that are outlined in this paper presented
11 by the Assembly of First Nations for the Commission to
12 review and hopefully we won't end up, when this is given
13 to Chrétien, with another paper that is the colour of this
14 paper.

15 Thank you very much.

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

17 I wonder if we might suggest that the
18 next presenter be Ghislain Picard. We had assumed that
19 we would be ending around this time and some Commissioners
20 are leaving soon, René Dussault being one of them. So
21 I think he would really like to hear the section on Quebec
22 before he leaves.

23 **GHISLAIN PICARD, Regional Chief,**

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1 **Quebec/Labrador:** (Native language - no translation)

2 Maybe just to give everyone a little
3 break I will do my presentation in French.

4 Je vous remercie beaucoup de l'occasion
5 qui m'est donné aujourd'hui de vous adresser la parole,
6 évidemment pour parler de la partie du mémoire de
7 l'Assemblée des Premières nations en ce qui concerne les
8 questions touchant les Premières nations du Québec.

9 Évidemment, comme vous le savez, on a
10 déjà eu l'occasion dans des audiences antérieures de vous
11 présenter la question, de vous la soumettre. On a déjà
12 eu l'occasion d'en discuter, mais prenez note qu'à chaque
13 fois que l'occasion se présentera nous répéterons les mêmes
14 choses.

15 Je suis sûr qu'en affirmant telles
16 choses mon opinion est partagée par l'ensemble des
17 Premières nations au niveau du Québec.

18 Depuis plusieurs années maintenant je
19 parcours le pays un peu partout. J'ai eu l'occasion plus
20 d'une fois d'entendre parler des langues autochtones.
21 Plusieurs références vous ont été faites tout à l'heure
22 en ce qui concerne la situation de ces langues-là et le
23 danger auquel certaines langues font face aussi. Mais

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1 cette situation-là n'empêche pas le fait qu'au travers
2 des voyages que j'ai effectués j'ai souvent eu l'occasion
3 d'entendre d'autres dialectes, mais des dialectes qui se
4 rapprochaient beaucoup, beaucoup du mien, que ce soit
5 l'Ojibway, que ce soit le Cri, que ce soit de la
6 Saskatchewan, que ce soit du Manitoba ou même de l'Alberta.

7 Mais malgré tout ça il arrive souvent
8 que comme Premières Nations du Québec on se sentent
9 isolées. On se sent isolé du cercle des Premières nations
10 de l'ensemble du Canada. Évidemment je réfère ici au
11 climat politique qui existe dans le pays et plus
12 spécifiquement au Québec et dont nous sommes victimes en
13 tant que Premières Nations.

14 Si vous faites le tour des communautés
15 autochtones dans le Québec et que vous posez la question
16 à savoir ce que les gens pensent de l'actuel débat
17 concernant la souveraineté du Québec ou de la souveraineté
18 éventuelle du Québec, la plupart des gens vous diront
19 probablement que ça ne les concerne pas, que c'est des
20 problèmes entre le peuple francophone et le peuple
21 anglophone. De plus en plus nos dirigeants, nos leaders,
22 pensent avec raison que c'est effectivement le cas. Sauf
23 que là où nous en tant que Premières nations on se sent

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1 directement concerné c'est qu'au travers du débat
2 politique, au-delà du débat linguistique, il y a toute
3 la question territoriale. Chef Jules nous en faisait état
4 tout à l'heure.

5 Évidemment le courant politique au
6 Québec depuis les 30 dernières années a beaucoup évolué.
7 D'un rêve que constituait la souveraineté du Québec il
8 y a peut-être 25, 30 ans ou même avant, tout semble porter
9 à croire que ça progresse de façon rapide et que ça pourrait
10 peut-être devenir une réalité bientôt. Comme la plupart
11 de nos gens dans nos communautés diraient, effectivement,
12 c'est pas vraiment notre problème et que nous, en tant
13 que Premières Nations du Québec, on se pose beaucoup de
14 questions en ce qui concerne les attitudes présentes au
15 niveau de l'ensemble québécois.

16 Je pense que brièvement la question que
17 je soulève à chaque fois que l'occasion m'est donnée de
18 le faire c'est que dans tout le débat jamais on a considéré
19 ce que nous, en tant que Premières Nations, on pensait,
20 où on se situait ou même si on avait un choix à faire dans
21 tout ce débat-là. Jusqu'à maintenant toutes les opinions
22 souverainistes qui sont émises, toutes les politiques qui
23 ont pu être écrites, prétendent que le Québec a droit à

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1 sa souveraineté, ce qui n'est pas nié, et qu'une fois cette
2 souveraineté-là accomplisse, à ce moment-là on pourra
3 régler la question autochtone.

4 Et ça, c'est une approche qui sera
5 toujours refusée par les Premières nations du Québec.
6 Évidemment la question constitue à elle-même un chapitre
7 dans le présent mémoire qui vous est soumis et il y a un
8 but précis à cela. C'est que depuis des années, à tous
9 les niveaux, à toutes les instances, nous avons essayé
10 de soulever ces problèmes-là et souvent nous avons essayé
11 de démontrer combien il était légitime que nous soyons
12 préoccupés, inquiets de la situation politique qui prévaut
13 au Québec.

14 Les instances que nous avons approchées
15 au cours des dernières années, à part les niveaux
16 internationaux, c'est évidemment aussi les instances des
17 Premières Nations dans l'ensemble du Canada. À chaque
18 fois, à chaque assemblée, à chaque réunion, dès que
19 l'opportunité se présentait, nous avons soumis ce
20 problème-là et nous sommes heureux de savoir que l'appui
21 existe dans la grandeur du pays pour les dossiers avec
22 lesquels nous sommes confrontés.

23 J'en dirai pas plus. Je sais que

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1 l'horaire est serrée mais j'espère aussi que ces
2 problèmes-là, comme on l'a souvent répété, comme on le
3 répétera encore souvent, seront abordés par la Commission.
4 Peut-être en terminant je ferais une lecture rapide des
5 recommandations qui touchent les Premières nations du
6 Québec.

7 Alors cette partie-là, je vais la faire
8 en anglais.

9 145. The Government of Canada must
10 recognize that all First Nations of Canada are peoples
11 under international law and that, as peoples, we have the
12 right to self-determination.

13 146. The Government of Quebec must
14 recognize the right of all peoples, including the First
15 Nations of Quebec, to self-determination.

16 147. The First Nations of Quebec must
17 be assured that the political future of Quebec will not
18 be decided without prior consultation and negotiation with
19 them.

20 148. The Government of Quebec must
21 acknowledge that it cannot unilaterally maintain or
22 suspend or in any way modify the status of treaties to
23 which it is party.

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1 149. The Government of Quebec must
2 express its commitment to respect the rights of First
3 Nations to and on their territories.

4 150. The Government of Canada must
5 ensure that in the event Quebec decides to become a
6 sovereign state, the right to self-determination of the
7 First Nations in Quebec will be protected and its exercise
8 guaranteed.

9 151. The Government of Canada must give
10 the First Nations in Quebec full assurance that as part
11 of its fiduciary duty it will ensure that First Nations
12 of Quebec are given the opportunity to exercise their right
13 of option in the event of Quebec's accession to
14 sovereignty.

15 152. In order to oppose the denial of
16 the Government of Quebec of fundamental Aboriginal and
17 Treaty rights, First Nations in Quebec must develop a
18 strategy to assert their rights both in the political forum
19 and in the courts.

20 153. The Federal Government must
21 honour its fiduciary obligations towards First Nations
22 in Quebec and intervene on their behalf both in the courts
23 and the political arena as against the Government of

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1 Quebec's refusal to recognize the legal and historical
2 basis for First Nations rights.

3 154. The Government of Canada must
4 acknowledge the existence of an ongoing Treaty process
5 and Treaty relationship in Quebec and commit itself to
6 this relationship for the future.

7 155. The Government of Quebec must
8 review its position on the existence of Aboriginal rights
9 in the old colony of Quebec and publicly acknowledge that
10 such rights exist in the province.

11 156. The Government of Quebec and First
12 Nations in the province must enter into an agreement
13 formalizing their nation-to-nation relationship and
14 acknowledging the legal and historical basis for First
15 Nations rights to land and jurisdiction in the province.

16 Merci beaucoup. (Native language)

17 **CO-CHAIR GEORGES ERASMUS:** Thank you
18 very much.

19 I wonder if we should take a small break
20 before we continue. I'm glad you people are not
21 long-winded. It's has been a while. We will take a very
22 short break before we continue.

23 --- A short recess at 4:06 p.m.

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1 --- Upon resuming at 4:25 p.m.

2 **CO-CHAIR GEORGES ERASMUS:** I would like
3 to ask everybody to take their seats so that we can
4 conclude.

5 What I would suggest if you agree, Chief
6 Mercredi, is perhaps we could get into some brief
7 exchanges. We don't have a lot. We've had a very long
8 week and we have another long week in front of us.

9 I understand that the Assembly has
10 actually gone through our questions that we had suggested
11 to you and come up with responses. Perhaps you could
12 forward that to us some time. You may want to do some
13 more work on it. But for the time being, if this afternoon
14 we could just have a few questions that I have based on
15 originally reading the material that I have.

16 I read your material with some interest.
17 In relation to education I noticed that -- by the way,
18 I have a question for every little yellow tab, sometimes
19 three or four, so I'm not going to go through all of them
20 -- in relation to education I noticed you were talking
21 about an Education Act. Then you went on to some other
22 suggestions.

23 One of my questions was whether or not

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1 the Education Act would also deal with things like -- you're
2 talking about setting up some bodies here -- a National
3 Aboriginal Education Council, to establish an independent
4 body, negotiations should take place.

5 You have a number of education items.

6 One is implementing the 1988 study and then a number of
7 other items. I was wondering if you were thinking of
8 grouping these things all together and including them in
9 the Education Act or were they going to be separately
10 implemented?

11 **OVIDE MERCREDI:** I think, Mr. Chairman,
12 that when we begin to establish these institutions that
13 will replace the Department of Indian Affairs, some of
14 them would have to have a legislative base, but not all.
15 Some of the associations would have to be based on the
16 idea of voluntary organization.

17 I suggest that this particular
18 institution, an Aboriginal Education Council, would be
19 made up of a representative body of First Nations that
20 is not really part of a statutory instrument, but it's
21 there as an opportunity for our people to share information
22 and to collectively work together in advancing whatever
23 the goals are with respect to education.

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1 It would be very similar, if not
2 identical to the suggestion that was made by the Elders,
3 a monitoring tool for languages and literacy. Not
4 everything that we seek must be legislated. A lot of the
5 rebuilding that we do has to be based on voluntary action
6 and that leads to the creation of voluntary associations,
7 organizations. The Aboriginal Education Council would
8 be one of those institutions that would fit the latter
9 category as opposed to having a statutory base.

10 **CO-CHAIR GEORGES ERASMUS:** I'm assuming
11 that every time we are talking about legislation it's not
12 delegated authority we are talking about. We are talking
13 about federal legislation that is based on the fact that
14 Aboriginal people have the inherent right.

15 **OVIDE MERCREDI:** Yes. One of the
16 things that I think I should make very clear here is that
17 when we make references to legislation we are not talking
18 about delegated power or delegated authority. We are more
19 concerned about ensuring that -- because the way in which
20 government works in terms of expenditures, public
21 expenditures, that they, themselves, empower themselves
22 to do the things that need to be done in terms of their
23 obligations to First Nations.

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1 So instead of an Indian Act, for example,
2 that deals with limits of Indian government, you might
3 have a statute that defines the federal obligations in
4 relation to any government, but it would have nothing to
5 do with power per se, how the Federal Government would
6 exercise power or delegate power to us. It would be more
7 in the field of empowering themselves, giving themselves
8 a mandate to be able to fulfil their responsibilities,
9 I think, in much the same way they now do with international
10 treaties, that most international treaties, not all, will
11 be implemented by legislation.

12 **CO-CHAIR GEORGES ERASMUS:** In relation
13 to justice, you have quite an extensive section on that
14 part. I was wondering if one could read from what you
15 are suggesting here that you are talking about both
16 modifying the present system. That seems to be the case
17 from point number 67, "We want a world where the current
18 justice system is reformed in line with the many Aboriginal
19 justice inquiry recommendations to that effect."

20 So I am assuming that there, at least,
21 you are talking about modifying the present justice system.
22 Then when you look at some of the other recommendations
23 in relation to justice, you seem also to be providing for

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1 the possibility of separate or parallel First Nations
2 justice systems.

3 So is the intent to do both, to both
4 modify what is there now and to allow the evolution of
5 Aboriginal justice system so that you actually can arrive
6 at parallel ones or separate ones if that is the desire?
7 Is that the general principles you are trying to work
8 with?

9 **OVIDE MERCREDI:** I can't find the
10 recommendations, Mr. Chairman, so --

11 **CO-CHAIR GEORGES ERASMUS:** It's 64, 65,
12 66, 67.

13 **OVIDE MERCREDI:** Yes, but I think when
14 we made our appearance on that panel that you had on justice
15 --

16 **CO-CHAIR GEORGES ERASMUS:** Right, the
17 round-table.

18 **OVIDE MERCREDI:** Yes. We said at that
19 time that our preference was to proceed in terms of a
20 parallel system of justice, but we didn't see that as being
21 exclusionary in the sense of we don't see the need to reform
22 the existing system because the fact of the matter is such
23 that it would take some time to replace it with a separate

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1 system of justice that is run by our people and that in
2 the interim as we move towards that goal there is some
3 practical things that need to be done.

4 For example, people will still be going
5 to court, so interpreter services are necessary. We still
6 need to do sentencing in a different way and we have to
7 involve our people in the process.

8 I think the approach we are taking here
9 is a little more holistic. It is not one road only. It's
10 pursuing our path, whatever that means in terms of
11 Aboriginal justice in the long term, but also working with
12 the current system of justice to make improvements in the
13 existing system. Because that is happening in reality
14 now. Like many of our communities are involved in some
15 measures with the current system. Either Elders are being
16 consulted more regularly by judges or some other
17 alternative efforts are being made by the judicial system.

18 I think that in the real world, even with
19 the inherent right to self-government, many of our people
20 will still be in contact with the dominant society and
21 its institutions and one of them will be the administration
22 of justice. So there is still a need to make that a little
23 more flexible and I think to change it, to make that better

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1 too.

2 That's the approach I believe we took
3 in terms of the recommendations here in the area of justice
4 and perhaps what we could do in the future is make it a
5 little more clear in terms of at what point the parallel
6 system comes in and that kind of relationship.

7 **CO-CHAIR GEORGES ERASMUS:** Still
8 staying with justice for a minute, you talk about an
9 Aboriginal Justice Institute being created, as was
10 recommended by the Law Reform Commission, to do things
11 like conduct research, evaluate government proposals,
12 assist Aboriginal communities where requested in
13 developing testing optional models for justice systems,
14 etc.

15 How do you want this created? It's 67.
16 Do you want this to be created through legislation?

17 **OVIDE MERCREDI:** Who wrote this
18 recommendation? Where is that person? I need him right
19 here right now.

20 I think some of the recommendations
21 ought to be fleshed out some more because I notice in the
22 questions that you gave to us that by standing by
23 themselves, they don't really tell us how to proceed.

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1 They are just a recommendation.

2 I think on this one we need to do some
3 more work and rather than responding to you, yes or no,
4 I would rather just leave it and then it could be one of
5 the questions that I will respond to in writing to you.

6 **CO-CHAIR GEORGES ERASMUS:** Sure.

7 We may have to do that with a number of
8 these, but let me try a few more for the time being.

9 Fifty-six, you are talking about the
10 effect of the residential schools and the responsibility
11 of both the Government of Canada and the churches.

12 You talk about how apology is fine, but
13 that's a first step. You say that "the apology must be
14 coupled with efforts to make amends and compensation for
15 the people who were victimized."

16 It's not clear from reading this whether
17 we are talking about individuals getting compensation or
18 if there should be compensation to the families or
19 community or if rather than bothering to single out each
20 one that went through residential schools and there was
21 damage you'd create some kind of fund perhaps to reclaim
22 language. What kind of compensation are we talking about
23 here?

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1 **OVIDE MERCREDI:** I think we are looking
2 at -- at least my understanding of the issue would be that
3 we are looking at both individual compensation and
4 collective. Collective in the sense that there has to
5 be some resources for the healing that needs to take place
6 in the community and there has to be an admission of
7 responsibility by the churches and the governments in
8 relation to that because if you just deal with monetary
9 compensation, you are not really dealing with the wound
10 that is there. To us that is not the full solution, but
11 it's part of it.

12 I believe that if you see what happened
13 with Mount Cashel, it's really based on the idea of personal
14 compensation, but our communities are somewhat different.
15 Many of these people live in the same community and they
16 are not urbanized in the sense that as victims they don't
17 affect people, but in the smaller community, whatever you
18 carry because of that experience, it is going to be felt
19 by others.

20 So for that reason I think we should look
21 at the idea of resources for the community and you can
22 call that compensation or call it whatever you like, but
23 I think that's the context.

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1 **CO-CHAIR GEORGES ERASMUS:** Thirty-five
2 and 36 -- sorry, go ahead.

3 **TOBAONAKWUT KINEW:** I would like to give
4 an illustration not directly involved with the church.

5 My reserve, this summer, which is the
6 Ojibways of Onegamig (PH), signed an agreement with Ontario
7 Hydro. The problem stemmed with Ontario Hydro. Part of
8 our land was crossed over by high-powered electrical wires,
9 transmission lines, and the wires went directly over our
10 traditional sacred lodges. There is only one thing that
11 would compel our people to discontinue the use of those
12 lodges and that would be what we call Animaki (PH), which
13 is a thunderbird. If the thunderbirds strike these
14 traditional grounds it would be a reason for our people
15 to stop using these traditional grounds.

16 That was part of the compensation
17 acknowledged by Ontario Hydro this summer. What they did,
18 they of course issued a public apology, but they are
19 assisting our reserve now in the rebuilding of those
20 lodges. As well, they are providing for the next 30 years
21 a fund which will allow our people to do research to gain
22 back those practices that were lost.

23 That's a model that was accepted by

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1 Ontario Hydro to the extent that they are going to build
2 these lodges, resourcing in terms of personnel, in terms
3 of research and so on. So it has been done. It must go
4 beyond the apology. This is not directed to education,
5 but it has been done.

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

7 I have some questions in relation to 35
8 and 36. They have to do with treaties and health.

9 The first one -- we say, "Governments
10 in Canada and First Nations must negotiate an end to the
11 overlapping jurisdiction and resulting gaps in service
12 delivery, clear jurisdiction."

13 Then we say, "The Federal Government
14 must recognize the Treaty right to quality health care
15 and details must be negotiated with First Nations."

16 You could read this a number of ways,
17 but one of the ways I could read this is that in 35, we
18 are talking about in clearing up jurisdiction it must be
19 clear that Aboriginal people have the inherent right to
20 govern themselves and it includes health. So you would
21 take over all health.

22 Then at the bottom you would have the
23 Federal Government must recognize the Treaty right to

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1 quality health care. I'm just wondering how the two come
2 together, where the fiduciary relationship comes in and
3 where the Treaty right to health comes in. If somebody
4 could handle those two things for me.

5 **TONY MERCREDI:** I can best explain that
6 through a process that we are presently developing with
7 the Federal Government with respect to health issues.

8 We -- when I say "we", I'm talking about
9 we in Treaty 8 in western Canada -- we are in the process
10 of, for example, developing an MOU with Health and Welfare
11 Canada to create one health zone, for example, within
12 Treaty 8. At the same time, we have already established
13 an MOU with the province of Alberta. That MOU, for
14 example, is basically to establish a working relationship
15 with that particular jurisdiction, and this is without
16 prejudice. It will not derogate or abrogate our treaties
17 in any area.

18 We are also establishing sub-agreements
19 to that MOU, particularly in the area of health. The
20 province has some responsibility with respect to mental
21 health. So you put that in a nutshell, I think here you
22 have an understanding with respect to health generally,
23 an understanding between two governments, the Federal and

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1 First Nations.

2 With respect to when there is a situation
3 where, for example, you have a Treaty region that is only
4 located within one jurisdiction such as Treaty 7, for
5 example, you would only need to establish an understanding
6 between that particular First Nations and the Federal
7 Government as well as the province.

8 I don't know whether that answers your
9 question, but that is just the best example I can use.
10 That proposed MOU or agreement within Treaty 8, we are
11 going to be settling or agreeing to prior to December of
12 this year. I think in the new year we will start the
13 process of looking at all issues with respect to health.
14 Health and Welfare and Indian Affairs are quite ready
15 to sign that agreement.

16 **CO-CHAIR GEORGES ERASMUS:** Page 40,
17 recommendations 30 and 31 and 32, you talk about a number
18 of different kinds of institutes and different bodies.
19 First you have a First Nations Water Advisory Council.
20 I was wondering who sits on this, who does it advise and
21 who appoints the people on there, what kind of authority
22 does it have. Is this something again that is going to
23 be created by legislation?

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1 Then on the next page you talk about a
2 First Nations Water Commission. I was wondering if it
3 was related to that. You talk about a First Nations Water
4 Management Institute. It is not clear again who operates
5 this or what it actually does.

6 **MARY LOU FOX:** I'm sorry to backtrack,
7 but I just perhaps would like to make a few comments about
8 the area of health and that's one of the important areas
9 that Elders have identified, but they are very concerned
10 about traditional healing.

11 It is very difficult for our people to
12 be able to visit traditional healers or have traditional
13 healers come to our communities. But more and more people,
14 you know, are asking for that kind of healing.

15 Secondly, one of the areas of great
16 concern in health is that the incidence of diabetes in
17 our communities, that it is reaching epidemic proportions.
18 There are a couple of things with that that usually is
19 the type-2 diabetes that our people suffer with and it
20 is usually the older people. So there is the whole thing
21 of elderly, older people being in the hospital with
22 diabetes or related complications and the problem of
23 language, that most of these people are more comfortable

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1 or only speak their own language.

2 I had the occasion of visiting such an
3 Elder whose legs were purple up to his knees because he
4 had diabetes. The doctor came in and he said, "I'm sorry,
5 Angus, but I have to inform you that your pancreas is no
6 longer functioning and your blood glucose tolerance level
7 is such and such and that you are going to have to go on
8 insulin." When the doctor left, Angus turned to me and
9 said, (Native Language) -- "what did the doctor say?".
10 He didn't have a clue what the doctor said. It is sad
11 to say that he died a few months after that.

12 Again, there is that whole issue of
13 language and I know that diabetes is just one thing.

14 Also again, this group of people that
15 we are talking about over 50 years of age are the ones
16 who really want to see traditional healers and there is
17 not that opportunity for them to go there or for them to
18 come to us.

19 Also a great lack of delivery services
20 in our community. Now again, I'm from Manitoulin, perhaps
21 it's not that way in other places, but we do not have the
22 services for say, our diabetics, and they have to go to
23 Sudbury or they have to go to Toronto. If something

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1 happens to your foot, it's very difficult to see a doctor
2 because they only come to Manitoulin maybe once every six
3 weeks.

4 So there is a great lack of delivery of
5 services, and I'm speaking only in regards to diabetics
6 because that is what I am familiar with. But we are
7 concerned about traditional healing.

8 **CO-CHAIR GEORGES ERASMUS:** Perhaps
9 rather than answering the kinds of questions I have now
10 -- you can see some of the questions we have. The ideas
11 of creating these kinds of agencies it is not clear and
12 the first reading, without some additional information,
13 whether you want something like legislation to create the
14 body and then how the people will be appointed on it.
15 Perhaps some additional work could be undertaken just to
16 answer some of those kinds of basic things. Some are
17 obvious, but we don't want to necessarily assume.

18 For instance, your First Nations Water
19 Management Institute, obviously it would be an institute
20 for training and research and technical advice, more than
21 likely operated and controlled by Aboriginal people, but
22 it is not clear by just reading this the way it is.

23 Maybe we can just leave that with you

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1 rather than going through all that right now.

2 Do the Commissioners have any questions
3 they want to ask now?

4 Bertha.

5 **COMMISSIONER BERTHA WILSON:** Yes, I
6 wanted to ask a very general question.

7 We have heard so much, as we have gone
8 through the communities, from the different groups about
9 their Treaty rights and so on, and I realize that there
10 are involved questions of interpretation, of whether a
11 school in every community means that you are entitled in
12 1993 to a complete education, including university and
13 so on, and the same sort of thing with the medicine chest
14 issue, how should that really be interpreted, what should
15 be the scope of the health services that should be provided
16 under these Treaties.

17 I guess what I am asking myself is I don't
18 see anybody arguing that they should have equality of
19 services with non-Aboriginal people. I don't see anybody
20 saying that the test for the services that they should
21 be entitled to, regardless of whether they are Status,
22 non-Status, Métis or Treaty people, should be same access
23 to services whether it's health or education or anything

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1 else that other Canadians have.

2 I am puzzled about that and I'm wondering
3 why that is not being advanced, because it seems to be
4 an obvious starting point. Why wouldn't all Canadians
5 have equal access to all these services? I mean, whether
6 or not a Treaty right, the particular language in one Treaty
7 entitles you to a university education or in another
8 Treaty, maybe it doesn't entitle you to a university
9 education. What is really the point of arguing that?
10 Should the argument not be we are Canadians, we are entitled
11 to the same access to services in every area as every other
12 Canadian is entitled to?

13 I don't hear that argument being made
14 and I'm kind of puzzled as to why.

15 **TONY MERCREDI:** I guess I can only speak
16 for my region, my Treaty region, because you mentioned
17 the focus of Treaty rights, Aboriginal rights.

18 I think these kinds of questions vary
19 from different locations. For example, with respect to
20 health, our argument in Alberta, within Treaty 8, within
21 the province of Alberta, is even though we are First Nations
22 Treaty Indians having certain rights, we are also
23 considered Albertans, at least within the context of

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1 Canadian society, where there are different groups of
2 peoples living.

3 My community is situated in an isolated
4 community with very poor access to service, particularly
5 the services that are being provided by a provincial
6 government such as mental health and so forth. Our
7 argument -- and we have gotten to the point where we have
8 convinced the provincial government that they do have a
9 fiduciary responsibility to us as peoples, as peoples of
10 Alberta, as peoples belonging to First Nations and thus,
11 they are responding.

12 I think that was also evident about a
13 month ago where our Premier signed an MOU with Treaty 7
14 thus forcing the Federal Government to also do its share.
15

16 Whether that answers your question, I
17 don't know, but I also feel that I think it's up to
18 individual First Nations or Treaty regions to indicate
19 that yes, even though they have Treaty rights, these are
20 not the only rights that they are entitled to. They are
21 entitled to all services that are provided whether they
22 be provided by provincial governments or municipal
23 governments or the Federal Government. So I think that's

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1 indeed a very good question that I think we need to look
2 at a little more closely.

3 As we get into different processes, when
4 we start what we call the implementation, the Treaty
5 implementation process, I know that in Treaty 8 we are
6 presently just completing what we call a Treaty review.
7 We are now getting into the Treaty implementation and
8 when we get into that Treaty implementation we have no
9 choice but to look at the different services that are
10 available to us under Treaty, under fiduciary
11 responsibility, but we are also looking at the different
12 services that are provided not only by the provincial
13 governments but by municipal governments such as the GNWT.
14 In Treaty 8, we regard the GNWT as a municipal government,
15 not a government as we know it to be such as the Federal
16 Government or the provincial government.

17 Thank you.

18 **COMMISSIONER BERTHA WILSON:** It seems
19 to me it simplifies things considerably if one takes the
20 approach that Aboriginal people should have the same access
21 as other Canadians, because we have heard so much about
22 this ongoing debate about whether services should be
23 delivered on a status-blind basis or on a status-driven

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1 basis.

2 It is obvious to me that this is a
3 divisive kind of issue. As soon as you get different
4 groups saying, well, I want my rights and I don't want
5 to be involved in a Status-blind delivery system if it
6 means that I'm going to lose something by that.

7 So I see this as a kind of divisive thing
8 that is developing among the different groups with respect
9 to the delivery of services and it seems to me that if
10 what the Native people were saying was we are Canadians,
11 we are entitled to the same kind of access to health
12 services, education, housing and so on as all other
13 Canadians are entitled to, then it does away with what
14 I see as a rather awkward situation that appears to be
15 developing and one, of course, that we have to address
16 in our report.

17 I've just been a little puzzled because
18 I see the potential for something rather unfortunate
19 developing as we hear different groups in making their
20 submission on this issue of status-blind or status-driven
21 in urban areas. It's a very thorny, obviously a difficult
22 issue and need it be I guess is my question. Need it be
23 if one takes the approach that we are Canadian citizens,

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1 why aren't we entitled to the same services that everybody
2 else gets, all of us, whether we are Métis, Inuit or
3 whatever?

4 So I'm puzzled at why the Native people
5 are going this route that is obviously difficult and that
6 has some potential to drive groups apart instead of
7 bringing them together. Obviously it is something we have
8 to address in our report when we are talking about services
9 to be delivered to Native people in urban areas. I would
10 appreciate at some point, not necessarily today, your
11 thoughts on that.

12 **CLARENCE T. JULES:** I'd like to address
13 that briefly.

14 One of the things that I think that the
15 Commission members have to really take heart to is the
16 fact that Aboriginal people hold Treaties as sacred
17 documents.

18 **COMMISSIONER BERTHA WILSON:** I realize
19 that.

20 **CLARENCE T. JULES:** And a fundamental
21 basis of a relationship based on nation-to-nation
22 discussions. As I mentioned in my brief on taxation, when
23 Tom Courchene had done a study nationally and they found

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1 that roughly the same amount of dollars is spent on you
2 and I, for example, and it still doesn't address the state
3 of poverty in our communities.

4 In order to balance the situation, it
5 isn't just simply going after what ordinary Canadians have
6 access to in order to balance the scales of justice. It
7 has to be weighted in our favour a little bit until those
8 scales are indeed balanced.

9 When you look at the horrendous
10 situations in our communities, the lack of sanitary
11 facilities, hospitals, access, all of those issues that
12 you are talking about, the reason that it happens is because
13 -- and you're seeing it in Saskatchewan right now. A lot
14 of smaller hospitals are being closed down because of
15 budget cutbacks, because of restraint programs, because
16 of federal/provincial transfers are taking its toll.

17 Our concerns aren't addressed at those
18 critical discussions where we've been left out of the
19 equation. When the Federal and provincial governments
20 sit down to talk about federal health transfers we are
21 not there, and we have to be at the table, not just talking
22 about health issues, but talking about all of the
23 federal/provincial transfers, the flow of dollars from

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1 the Federal Government to the provinces.

2 The concept that Tom Courchene was
3 trying to develop was First Nations as an eleventh
4 province. That didn't work, because he didn't understand
5 all of the fundamental issues that aren't addressed.

6 **COMMISSIONER BERTHA WILSON:** Yes, I
7 understand the position that Treaty people take with
8 respect to their Treaties. I'm simply wondering whether
9 they've asked themselves whether they wouldn't be entitled
10 to more simply as a human rights issue. It could well
11 be that there is a human rights issue. What is provided
12 for in the Treaties fall short of what they would be
13 entitled to if they were taking the position that they
14 should be on a par with non-Native Canadians.

15 That's the point I'm trying to make.
16 I'm wondering whether a human rights approach to some of
17 these issues doesn't get them further along the road than
18 the insistence on their Treaty rights. It's not that one
19 is ignoring their Treaty rights. One is simply saying
20 in 1993 they don't go far enough, and why should we be
21 stuck with them if they don't go as far as a matter of
22 plain human rights we are entitled to more?

23 That's really what I'm raising. It's

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1 where these fixed Treaty rights fit in the context of a
2 general human rights approach, particularly if a general
3 human rights approach would provide greater benefit to
4 the Native people than even the most liberal interpretation
5 of their Treaties.

6 **OVIDE MERCREDI:** Yesterday I was in
7 Calgary, in a talk show. One young man called to complain
8 about the treaties and the treaty rights to education.
9 He was referring to the evasiveness about collective rights
10 enjoyed by some and not by everybody else. This is an
11 example.

12 He said: I have a friend, a very good
13 friend, an Indian friend and his wife. I have them over
14 at my house sometimes, and we're very good friends. But
15 he gets his education free. Not only that, but he doesn't
16 have to pay tax when he fills up with gas on the reserve.

17 I said to him "Have you told your friend
18 this?" "Oh, yes," he said, "I've told him that, that I
19 disagree with that". And I said, "is he still your
20 friend?"

21 The point I'm making is this, that we
22 have rights, just like you do in the dominant society.
23 Ours are not enshrined in the Constitution to the extent

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1 they should be, but we look at the British North America
2 Act and we see your government enshrined and we say to
3 ourselves "why should they have it? why shouldn't we?".

4 It's not as simple as saying we all are
5 members of the dominant society, we all choose to be members
6 of the dominant society. Many people made decisions they
7 don't want to be, and they want to pursue their own separate
8 path, including many people in the province of Quebec,
9 because of the right of self-determination.

10 This question you're raising is a
11 fundamental one because it's really about philosophy, and
12 it's really a question that decides what kind of country
13 we're going to have. If we agree with you that all our
14 issues are human rights issues, that means we have to forget
15 our collective identity. We have to abandon our history,
16 our heritage. The submission we gave to you about
17 reclaiming our nationhood should be burned.

18 The fact of the matter is this, that our
19 people have a different perspective in terms of their
20 station in Canada. The only reason why the treaty rights
21 are not in power with the public services that you speak
22 of is because the government does not recognize them as
23 being of the same quality and the same standard, but it

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1 doesn't mean that they're right.

2 Our people say the treaties are for a
3 full health care system, a full education system. But
4 the government doesn't recognize that.

5 The fact that they don't recognize it
6 is not a compelling reason for us to abandon the treaty
7 just so that we can enjoy the same level of rights as other
8 Canadians, because what's important to us is that historic
9 relationship. The source of our rights is not as enshrined
10 by an Act of Parliament like the legislation respecting
11 health. The source of our rights is our own history, our
12 own culture. And we want to maintain that to the future.

13 If we give up on the treaties or even
14 if we make the admission that treaties don't have the same
15 standard and quality as health care that would be available
16 to us as a human right it would mean surrender in its
17 absolute sense.

18 The perspective that we try to convey
19 in terms of our approach for the future is to maintain
20 this collective sense of community as First Nations as
21 distinct people. That's why we sometimes feel a little
22 bitter when we see that the Canadian Constitution protects
23 the French language and the English language, two languages

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1 of two races, but it doesn't do anything about protecting
2 the languages of the people that were here first.

3 So I say to myself, do they have a better
4 human right than I have in international law to their
5 culture and their language? My answer is no. But the
6 fact remains that if we abandon everything that is unique
7 about us just to belong I don't know what we will benefit
8 from that because, you see, individual rights don't benefit
9 the people I represent. The human rights legislation
10 that's there in terms of provincial law and federal law
11 doesn't mean it gets translated as improving the quality
12 of life of the people that I represent.

13 So just simply saying to us that we're
14 all Canadians does not magically solve the problem. And
15 for us to take the route the Blacks did in the United States
16 I think would be a mistake because they sought individual
17 equality and they did not get it. They still do not have
18 it. Maybe they got rid of slavery and stuff of that kind,
19 segregation, but they did not find their freedom by trying
20 to belong to a nation state by pursuing their individual
21 rights.

22 For us, we have the option to do both,
23 to seek respect for our individual rights as Canadians,

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1 but also to seek our collective rights as Aboriginal
2 people, because what is the guarantee that the health care
3 services will be there for us on the basis of human rights?
4 There is none. But at least the Treaty, we can use that
5 to access the reserves, even if they're deficient and not
6 of the same standard, but at least we have a document we
7 can rely on to substantiate our argument that we're
8 entitled to that service.

9 If we just rely on individual rights as
10 a foundation for these services what will happen if the
11 Reform Party becomes the government of Canada? Where will
12 the universality be in terms of these health services?
13 What impact will that kind of a government have on the
14 quality of health care for anybody? For that matter, when
15 it comes to us the first shall be last. This is the way
16 we live in Canada.

17 When it comes to public services we are
18 treated in that way. If a government comes forward in
19 the future that says to all Canadians there's no more
20 universality, the first will be worst. You see? That's
21 why we have to rely on our treaty in aboriginal rights
22 as another source of security for us, a guarantee that
23 we can extract in a larger society based on the commitment

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1 that they made to us.

2 That's a philosophical argument, and the
3 issue you raise requires that. The answer, from my
4 perspective and the people that I represent, is not that
5 we refuse to be Canadians. It's just that sometimes being
6 Canadian does not materialize in anything beneficial to
7 us. It really does not mean very much to say we are
8 Canadians.

9 That's why we try to recover what we've
10 lost. That's why we're trying to recover the language,
11 the culture, the economy, everything that is uniquely ours,
12 because we think maybe that is our salvation. Maybe it
13 isn't, but at the present time we think it is.

14 As long as we have that philosophy then
15 for the time being, for the foreseeable future, ten decades
16 from now maybe somebody else will say to you, to people
17 that follow us, we don't need to recognize collective
18 rights of groups anymore because we have become more
19 civilized.

20 The point is we're not there yet.
21 Civilization has not reached the ideal that you hoped it
22 would, that I hoped it would, that we hoped it would.
23 And that's the reality.

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1 If you talk to the elders as we do, they
2 would be appalled if we were to say to the Commission forget
3 the treaties, let's make sure we have health care, education
4 on the same basis as other Canadians, because that would
5 destroy any hope that they have right now in maintaining
6 continuity with our heritage.

7 A lot of our content here is still based
8 on that notion that we still have a right to survive as
9 a race of people.

10 **COMMISSIONER BERTHA WILSON:** And you
11 see that as incompatible, I take it. I don't, you see.
12 I think you can have everything you have as an Aboriginal
13 people and retain your identity, retain your treaty rights
14 and all the other things that are obviously precious and
15 important, but to the extent they provide you with less
16 than is available to other Canadians then I see no
17 incompatibility in saying but we are also Canadian citizens
18 and we want that extra level of benefits that others have.

19 I don't see the two things as
20 incompatible, but of course if you do then I agree with
21 you one would go the route that you are advocating. That's
22 perfectly understandable, but I guess the overriding issue
23 is are these two things incompatible or can you have the

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1 best of both worlds, everything that you want to have as
2 a Native people in Canada, but to the extent that that
3 does not bring you up to the standard of services of other
4 Canadians, then why am I not entitled also to those extra
5 services because I am also a Canadian citizen, assuming
6 that one is looking at one's self as a Canadian citizen?

7 **OVIDE MERCREDI:** I understand your
8 argument. I mean, I accept the conclusion of it, that
9 we should all have the same quality of services, the same
10 standard of life. The point I'm making is this, we don't
11 have to give up what we have to get that.

12 **COMMISSIONER BERTHA WILSON:** No, you
13 don't.

14 **OVIDE MERCREDI:** And you agree with me.

15 But at the same time the incompatibility is our treatment
16 today. The incompatibility is our treatment in the past.

17 There's nothing to give us a sense of
18 security that we can obtain the standards of life if we
19 do it on the basis of human rights or equal rights to other
20 Canadians, because I don't see it happening now.

21 **COMMISSIONER BERTHA WILSON:** But are we
22 not talking about a new relationship? Is what the
23 Commission is supposed to be coming forward with, the

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1 governments, the concept of what the new relationship
2 should look like?

3 **OVIDE MERCREDI:** We are talking about
4 that. Absolutely. But we're saying it should be based
5 on first principles, how we met the first encounter, the
6 principles that guided our journey together 500 years ago,
7 300 years ago, and as late as 126 years ago. We're talking
8 about that kind of a relationship.

9 From our perspective, and this is
10 something that I know Canadians have a hard time
11 understanding, and this is probably one of the most common
12 questions that I'm asked in my travels as National Chief,
13 by joining Canada purely as a citizen it does not guarantee
14 equality of opportunity or equal treatment. It does not.

15 **COMMISSIONER BERTHA WILSON:** It
16 certainly has not in the past, I agree.

17 **OVIDE MERCREDI:** So the recommendations
18 that you make to Parliament or to governments are not going
19 to translate to a better society overnight.

20 So, you see, I think as much as maybe
21 you have this ideal of Canada as a good society, and it
22 probably is for the majority of Canadians, that when it
23 comes to us as First Nations we don't always see it as

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1 a good society. You've heard the complaints and the
2 grievances, the list of grievances, the injustices.
3 You've heard them all.

4 When you have a psychology as a people,
5 a psychology of grievance, you don't give up very quickly
6 what makes you different. You hang on to that because
7 you think that's your salvation.

8 My last point to you is this, that if
9 there is no incompatibility with my treaty rights and the
10 services otherwise available to Canadians for health and
11 education, then why can't they survive? Why should we
12 just have to give them up if there's no incompatibility?
13 Why can't they stay there? Why should they be the source
14 of division if all I'm getting is what other Canadians
15 get?

16 The point in fact here is that the
17 treaties guarantee us more than what Canadians get in terms
18 of free education. That's why they're upset, because they
19 don't have free education from the society they belong
20 to. But our people negotiated free education for our
21 people 125 years ago, if not earlier. And they saw the
22 need for that. So they secured that right for us in
23 exchange for land and resources.

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1 Why should we feel sort of guilty for
2 our treaty rights? Why should we abandon that, just to
3 be the same as other Canadians?

4 **COMMISSIONER BERTHA WILSON:** I don't
5 think you should.

6 **OVIDE MERCREDI:** If all Canadians had
7 free education they wouldn't argue about the treaty right.
8 The problem is not that the treaty exists, the problem
9 is that in your society your governments do not give free
10 education to your citizens. But at least in ours, our
11 ancestors saw the need for one and they secured it through
12 the treaty. So why should we give that up for a lesser
13 right?

14 If we give up the treaty right to free
15 education it means I have to get a loan to be a Canadian.
16 Why would anybody in their right mind do that?

17 **CO-CHAIR GEORGES ERASMUS:** Could I go
18 to another point?

19 Do you want to make one point? Go ahead,
20 Chief Kinew.

21 **TOBAONAKWUT KINEW:** I think there is a
22 very fundamental point we're missing here.

23 I'm wondering why the Commission has not

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1 had hearings, say, at Thunder Bay Hospital, what used to
2 be called the asylum, because I think we made a conclusion
3 that people in there are incapable of speaking for
4 themselves.

5 The point I'm making here is that I know
6 of one young man today who was thrown out of a public school
7 because this boy was disruptive in class. He heard voices,
8 so therefore when he was brought in to the school
9 psychologist he was placed in a different area.

10 A point in time came in his life where
11 he had to either be released because being 16 years old
12 he had to be released. The psychiatrist came into the
13 reserve and wanted a permanent commitment to this child.
14 The Chief was asked to sign an Order. So the Chief, being
15 traditional, went to the Elders. The Elders said, before
16 you sign that agreement, before you sign that Order, why
17 don't you let us have some time with that boy? So they
18 did.

19 It turns out that this boy was going to
20 be a very powerful medicine man. And that's what was
21 happening to this young man. They placed this young man
22 in the sweat lodges, in ceremonies, in sundances. This
23 young man today is okay. That's a gift that was given

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1 to him.

2 That's something that the dominant
3 society cannot comprehend at all. Yet we don't know how
4 many of our people are in those institutions to this very
5 day.

6 So when we talk about health it has to
7 come from treaties, because Treaty 3 is the one that tells
8 me that I am of the Ojibway Nation. At that time when
9 the fur traders came into my region the only reason why
10 those fur traders did not all die off was because of the
11 Medawin (PH), which is a medicine society. We nourished
12 those people. If it wasn't for us those people would have
13 been exterminated by disease that they brought on to
14 themselves. We looked after those people.

15 The Nation looked after them. We're
16 still a nation. We haven't relinquished anything that
17 I see in any document where we have relinquished our
18 nationhood. Therefore, we are the Nation. We have these
19 treaty rights. We have the health issues.

20 The only reason why we're not in par with
21 the Canadian society at this point is because society
22 doesn't allow us to be at par as far as health issues are
23 concerned. And we must maintain the concept of

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1 nationhood.

2 **CO-CHAIR GEORGES ERASMUS:** Just one
3 other area we could maybe begin to deal with.

4 The Assembly talks about phasing out the
5 Indian Act. I'm wondering how you see that being replaced.
6 Do you see it being replaced nation by nation by a process
7 where their treaties are recognized or else they enter
8 into some kind of self-government negotiation, or do you
9 see possibly something like federal legislation that was
10 perhaps recommended by Penner but based on the inherent
11 right?

12 We now have a federal government that
13 during the election at least was suggesting that in our
14 little red book they could enact on the basis that section
15 35 already had the inherent right.

16 I'm wondering if the Assembly has had
17 an opportunity to discuss whether or not legislation based
18 on the fact that the inherent right is in the Constitution
19 could replace the Indian Act.

20 Any thoughts in that area?

21 **OVIDE MERCREDI:** We don't see 91(24) of
22 the Constitution as a foundation for the recognition of
23 the inherent right. Obviously we don't look to the Penner

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1 solution to the inherent right.

2 **CO-CHAIR GEORGES ERASMUS:** The only
3 reason I mentioned Penner was just that in addition to
4 an amendment to the Constitution he was suggesting
5 legislation. His legislation was less than what could
6 be achieved today because we now have a government that
7 says they will work on the basis that section 35 is the
8 Constitution so rather than legislation being based on
9 91(24), if the legislation was based on section 35, that
10 the inherent right is there.

11 What I'm thinking of is since we hear
12 you clearly saying here that sometime there should be an
13 explicit amendment to the Constitution recognizing the
14 inherent right, but it looks like for the immediate near
15 future, in the next couple of years, three or four years,
16 who knows, the constitutional amendment process is
17 probably secondary to things like economic development
18 and so forth. So it might be a little ways down the road.

19 I'm wondering if something that might
20 fit in as a medium Act would be federal legislation based
21 on section 35, the inherent right.

22 **OVIDE MERCREDI:** We don't see that,
23 Georges. What we see is a continuation of the treaty

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1 relationship.

2 The inherent right to self-government
3 can be implemented through the existing treaties, because
4 the position of the chiefs with those treaties is that
5 their sovereignty was recognized and acknowledged by the
6 fact that treaty exists and that the issues of jurisdiction
7 should flow from that relationship.

8 When people start talking about
9 honouring the treaties in terms of their spirit and intent
10 as understood by the Indians, when they get down to the
11 Treaty 8 group or the Treaty 6 or the Treaty 5 group they
12 will find that these chiefs believe that their inherent
13 right is already assured by that treaty. So the
14 implementation has to be through that process, the treaty
15 process.

16 But when you look at British Columbia
17 or the province of Quebec, the Northwest Territories or
18 the Yukon, where there are no treaties with respect to
19 land and resources, then it's possible if the federal
20 government amends their extinguishment policies and their
21 reluctance to deal with self-government in these
22 negotiations for land, to also deal with the inherent right
23 in the context of those negotiations for land and

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1 resources.

2 So there is a vehicle there already
3 within the Constitution as it is, section 35 that says
4 existing treaty rights. That's the vehicle.

5 The other one is the amendment I talked
6 about, future land claims agreements being treaty rights.
7 You know the foundation for that argument. We did this
8 in your term as National Chief.

9 Our position is that if we must, to make
10 it absolutely clear and therefore beyond litigation in
11 terms of its existence, we use the Constitution for the
12 explicit recognition. We take the view that ultimately
13 it may be necessary, even if we do it on the basis of the
14 existing treaties or new treaties.

15 The approach we prefer at the present
16 time is to proceed on the basis of the treaty relationship.
17 We hope that with the new government we can enter into
18 some kind of a national process, a bilateral process, so
19 that we can begin to look at how we are in fact going to
20 implement not only the treaties but the inherent right
21 to self-government as well.

22 It may entail, just to conclude my
23 comments, some constitutional amendment further down the

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1 road.

2 **CO-CHAIR GEORGES ERASMUS:** Let me try
3 and take another tack, then.

4 What I'm trying to look for is something
5 that's faster than going treaty by treaty, because that
6 could take a long time.

7 If the legislation route is not the
8 preferred route, what about a national treaty between the
9 federal government and First Nations that would interpret
10 section 35 as far as the inherent right goes? Is that
11 a possibility?

12 **OVIDE MERCREDI:** No, it's not.
13 It's not because it's not a good idea. It's not a
14 possibility because of our current ideas of who we are.

15 For example, I don't think any of our
16 First Nations want a national treaty. I know for a fact
17 they don't. But they do want the implementation of their
18 treaties. And some, like the Nishgas or the Koshelas (PH)
19 People, they want to negotiate new treaties for their
20 Nation.

21 I think trying to find a global solution
22 is out of the question because somehow that also results
23 in the idea that we all have to be the same, and our people

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1 don't want all to be the same. That's the problem with
2 the idea of a national solution.

3 **CO-CHAIR GEORGES ERASMUS:** I wasn't
4 trying to find a solution where everyone would be the same.
5 I was trying to find a vehicle that was broad enough that
6 everyone could use it in the meantime while they were
7 working on their own situation, something that alleviates
8 the problems that people are trying to look through. That's
9 part of the reason that people are being motivated to look
10 at alternatives to the Indian Act, alternative
11 legislation, and so forth.

12 I'm just trying to find an acceptable
13 medium term vehicle that people could live with because
14 it doesn't harm their principles and it's based on the
15 inherent right, and it still allows for people then to
16 go treaty by treaty and come up with their own final
17 agreements.

18 We're wrestling with -- we know the
19 Indian Act should be removed over time. How do we do it?
20 What's the first step? What's the second step? What
21 can we do to assist people quickly so that we have some
22 room to breathe?

23 To tell people that they should

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1 negotiate their treaty, they should sit down with the
2 government and find a way to implement their treaty treaty
3 by treaty, if it's anything like the land claims process
4 then it's going to be a long, long time.

5 I could see it taking quite a bit of time,
6 so I'm just trying to find something that is a way in which
7 everyone can immediately get more control over their
8 lives.

9 Tony.

10 **TONY MERCREDI:** When our treaty was
11 signed in 1899 there were commissioners that had travelled
12 throughout our territory, our region, and a promise was
13 made by these commissioners, these representatives of the
14 Crown. And they made a promise that they would come back
15 from time to time to review the agreement that they had
16 just completed with us -- 1899.

17 Almost a hundred years later we have a
18 Royal Commission on Aboriginal Peoples doing something
19 similar. But it is not looking at treaties specifically.
20 For example, looking at Treaty 3 as a separate treaty and
21 Treaty 8 as a separate treaty.

22 Here we have a government that has
23 instructed its commissioners to put all these Indian

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1 people, these Treaty Indians, in one group and we will
2 look at you similarly, we will look at you as a collective
3 rather than as individuals.

4 I realize that this Commission has been
5 going to different communities, different locations, which
6 brings back the question that you raised with respect to
7 standards, access to services. My question to you would
8 be, by whose standards? Your standards? Do you recognize
9 our standards as First Nations? Those kinds of issues
10 come to mind.

11 With respect to a vehicle, what kind of
12 a vehicle could be used in order to address or to alleviate
13 a lot of the problems that we're facing as First Nations
14 with respect to services and treaty rights and so forth?

15 I think that the government first of all
16 should honour its obligations and come back and visit us
17 in our communities, come back and visit us as a treaty
18 region, revisit the treaty obligations. And if there are
19 none or some of it not being honoured, then honour it.

20 That's the best answer I can give you
21 from my perspective as Leader of Treaty 8.

22 Thank you.

23 **CO-CHAIR GEORGES ERASMUS:** We're well

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1 aware that there are many treaties in the country, Chief
2 Mercredi. You're well aware that the treaty you talked
3 about, Treaty 8, is the same treaty I come from.

4 That's not the problem. We're not
5 bothered by the fact there are many treaties. What I was
6 trying to find out here was whether or not there was a
7 way in which we could do something collective for everyone.

8 We're honestly wrestling with a way in
9 which if we're going to do something for people across
10 the board, it's obvious as repugnant as it is to many people
11 in the country that they're dealing with delegated
12 authority. They're still sitting down looking at ways
13 in which they could get more control over their money,
14 their lands, on and on.

15 The issue of what to replace the Indian
16 Act is something that is very real. Unfortunately we just
17 can't put it off to another people. We have to deal with
18 it.

19 It's not going to be enough for us to
20 recommend to Canada that over time it should be replaced.

21 We have to come up with the options on how it's going
22 to be done, if it is really going to be done.

23 While we haven't made up our minds on

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1 how to do it, and the last thing we would recommend is
2 to group all the treaty people together and act as if
3 there's only one treaty, we are beginning to wrestle with
4 what are the steps, how do you move. It's just the
5 beginning of the discussion. We will have other
6 discussions.

7 If you can put your mind to that for us
8 so we can have some other discussions on that it would
9 be very useful because we heard a lot of concerns out there
10 about the Indian Act. It was condemned from one end of
11 the country to the other, but also at the same time we
12 heard a lot of fears.

13 I think people are prepared to live with
14 the end of the Indian Act but they want something that
15 protects what they already have. They don't want to lose
16 anything by the Indian Act being replaced.

17 We know very clearly that when we make
18 the recommendations in this area, when we're saying take
19 this away, there has to be something there to replace it.
20 That's what we're wrestling with. We haven't come down
21 hard one way or another.

22 The last thing we're trying to do is say
23 all the treaties are the same and everybody should be rolled

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1 up together.

2 I think we're convinced in relation to
3 treaties that there has to be a treaty by treaty approach,
4 but I'm just wondering if there was something that could
5 have been done. For instance, the Charlottetown Accord
6 would not have solved all the issues in the world but it
7 would have put this huge framework out there.

8 I'm just wondering if there's something
9 in the meantime that we could replace that with.

10 **OVIDE MERCREDI:** What we have agreed to
11 do at the last confederacy meeting was for the Assembly
12 of First Nations to enter into a bilateral process with
13 the federal government that would contain the agenda for
14 reform that involves the commitments in our agenda as well.
15 One of those items would be the Indian Act.

16 The questions about what we replace it
17 with would be part of the agenda within that process.
18 So we're looking at examining alternatives to it, what
19 we would replace it with through a political process where
20 people would be involved.

21 I think the answer is forthcoming, but
22 it has to be done in a way in which people have an input
23 into the demise and the replacement of the statute that

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1 has affected our lives for many years.

2 We're also doing the same with respect
3 to treaties and the inherent right, how they will be
4 implemented. If the federal government is responsive to
5 our calls for a bilateral process then that will set the
6 agenda and the timeframe and the plan of action for the
7 next few years, and through that will emerge how the
8 treaties are honoured, how the inherent right is
9 implemented, how the Indian Act is replaced, and by what.

10 I think these issues that you're raising
11 are very important. Somehow they can't be dealt with in
12 a vacuum. It's not something we can solve by a piece of
13 paper or a concept. It's something that we have to deal
14 with through discussion, political negotiations with the
15 federal government, and some consensus with them on how
16 we're going to move ahead on these important issues that
17 we have to sit down with them on.

18 My comments earlier in relation to the
19 Royal Commission is that you can facilitate that process
20 in terms of consensus-building by becoming proactive in
21 terms of timely reports to feed to the government in a
22 few months, because we're going to be moving quickly too
23 on the idea of extinguishment. That will certainly be

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1 part of that bilateral process. The studies that you've
2 done in that area will become critical in terms of the
3 thinking of the government I would imagine, but also
4 probably assist us in terms of providing the arguments
5 to make the changes necessary.

6 I think that's my final comment for
7 today.

8 **CO-CHAIR GEORGES ERASMUS:** This might
9 be a good time to respond to some of those comments you
10 made earlier when we started the afternoon about interim
11 reports.

12 Commissioners have agreed to work on
13 interim reports. One of them that we have been working
14 on is the issue of extinguishment and alternatives. It's
15 an area that is very, very important, and it's complex.

16 We're looking at different ways in which we should be
17 approaching that. We hope to do something on that area
18 as soon as we can, but it might still be a number of months
19 away. Nevertheless we are pushing on the gas on that one.

20 We do want to do something quickly on it.

21 We have a number of other areas where
22 we are looking at interim reports. Looking through the
23 Red Book it looked like there were some areas that the

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1 federal government might ask us to also get involved in.
2 Some areas that we're working on and some areas that we're
3 not.

4 We might have to, as you suggested
5 earlier, alter some of our plans.

6 We're generally open to the notion of
7 interim reports, but we realize there has to be a limit
8 to how many we're going to be doing, otherwise it will
9 start to get in the way of our final report, and we hope
10 to be finished that within about a 12-month, 13-month
11 period.

12 I think those are the questions on our
13 side.

14 **CLARENCE T. JULES:** Georges, I have a
15 quick comment on your question.

16 **CO-CHAIR GEORGES ERASMUS:** Sure.

17 **CLARENCE T. JULES:** I think it's a very
18 important question and I know that it's one that causes
19 a lot of concern right across the country in many different
20 ways.

21 I first want to premise my answer on the
22 basis that I certainly agree with Ovide's statement that
23 we have to fundamentally have explicit recognition in the

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1 fundamental law of this land, the Constitution, and also
2 that there has to be a fair and just settlement to the
3 land question that's plaguing us and has plagued for many,
4 many generations.

5 The whole question of where do we go in
6 terms of -- the long term is established, and I think that
7 there's a broad base of support for that.

8 The dilemma that First Nations have got
9 across the country is we know where we want to go
10 ultimately, but how do we get there?

11 I know that in my community we've debated
12 this long and hard. When the Charlottetown debate
13 happened Ovide was there and he was asked a question by
14 one of my Elders, a former Chief. He said, why don't we
15 look at amending the Indian Act before we get to something
16 that requires without question a leap of faith, because
17 there isn't any --

18 What we were asking people to do, not
19 only our own people but Canadians, is to take a leap of
20 faith into something that really wasn't formed during the
21 Charlottetown, and it was a philosophical approach, trust
22 us in terms of how we're going to deal with these issues.

23 I've lived through a few constitutional

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1 discussions and have supported those discussions. But
2 I also promoted an amendment to the Indian Act, Bill C-115.
3 The reason that my community had agreed to that approach
4 was because we had problems that related directly to my
5 community. The provincial government and the federal
6 government were collecting taxes in municipalities but
7 weren't required to provide us any services. And I see
8 that right across Canada.

9 I remember very clearly the debate that
10 took place in Toronto at the Royal York Hotel. That was
11 the question that was on the table: Are we going to, as
12 First Nations, accommodate a constitutional approach and
13 a legislative approach? Can they be both dealt with at
14 the same time?

15 When that resolution came on the floor
16 there wasn't any debate, because somebody had stood up
17 and said is there a quorum? So the debate ended.
18 Everybody left and went home. So the debate, I feel, isn't
19 resolved.

20 The approach has to be dealt with very
21 carefully because, as you mentioned, there are a number
22 of communities that have approached alternative
23 legislative approaches.

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1 If that happens without a coordinated
2 approach I feel by the Assembly, what we will end up with
3 is a mishmash of different pieces of legislation that are
4 going to have to be dealt with again after a constitutional
5 entrenchment and recognition.

6 I feel that there's going to have to be
7 really a national vision as to how that could be approached
8 if at all we approach it. I know that I'm very concerned
9 about a number of sections because I have to deal with
10 a lot of those sections of the Indian Act.

11 I didn't support the approach in the
12 Chartered Lands Act because that took us away from the
13 fiduciary responsibility, but I do know that those issues
14 have to be dealt with. Even when you look at section 88,
15 which says that provincial laws of general application
16 apply on what little lands we've got, that means that if
17 we don't have something in place provincial laws can come
18 on.

19 So when some non-Indian comes on to my
20 home, he carries with him all of those provincial laws
21 to the exclusion of our jurisdiction at this stage.

22 I would certainly be open to coordinated
23 approaches on a national basis, because I think that's

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1 important. And I know that when I did that whole exercise
2 in 1985 to 1988 there was a broad based consensus within
3 the Assembly at that time. There were 120 communities
4 who signed Band Council resolutions, there were unanimous
5 resolutions at the Assembly.

6 My approach was making sure that the
7 Assembly was involved. I didn't invent something and then
8 come after the deal was cooked. I made sure that the steps
9 were done in accordance with the Assembly approach at the
10 time. It was quite a job to do. One of the things I used
11 to like to say is that when I started that I was over six
12 feet tall.

13 **CO-CHAIR GEORGES ERASMUS:** Perhaps we
14 could close on that comment.

15 I'd like to thank you for having spent
16 the afternoon with us and your brief introductions before
17 we got into the dialogue.

18 It's been very useful. We obviously
19 need more discussion. Before we're finished we certainly
20 will.

21 This closes this first week of hearings.
22 We will continue on for the next couple of weeks. Next
23 week there will be another opportunity for us to do other

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1 things but the following week we will be back in hearings
2 again here. We will have three teams travelling. One
3 team will be here in Ottawa holding hearings, another team
4 will be in Quebec, in Montreal, and finally we will have
5 a third team travelling across the country, holding
6 hearings in Vancouver and Winnipeg and Toronto. Then
7 we'll have one small team left for a later week in Montreal.

8 I'd like to thank all those people who
9 presented this afternoon. It was extremely useful.

10 I'd like to ask Mary Lou Fox if she could
11 close the day and the week for us with a prayer.

12 **(Closing Prayer)**

13 --- Whereupon the hearing adjourned at 5:57 p.m.