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PUBLIC HEARINGS

Discussion Paper 1

Framing the Issues



Royal Commission
on
Aboriginal
Peoples

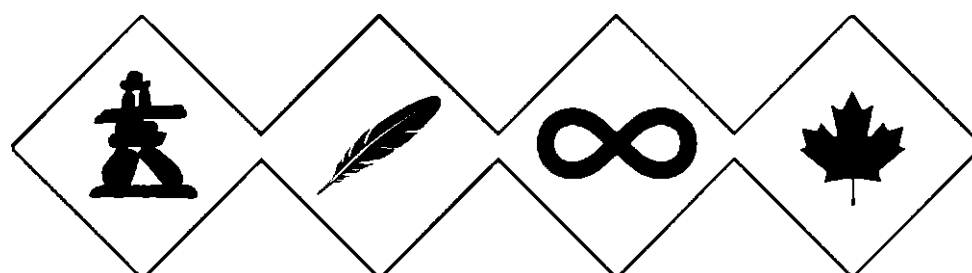
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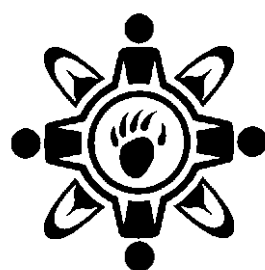
Framing the Issues

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**Royal Commission
on
Aboriginal
Peoples**



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The Royal Commission on Aboriginal Peoples

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René Dussault, j.c.a.

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Preface

 We wish to thank all of those who appeared before the Royal Commission on Aboriginal Peoples in the first round of our public consultations. This document highlights the results of those hearings and is meant to stimulate and focus discussion for the second round, beginning on October 27, 1992.

Following extensive public debate and lengthy negotiations among Aboriginal leaders and federal, provincial and territorial governments, an agreement was reached on August 28, 1992, which is now the subject of a broad public consultation across the country. The provisions of the agreement relating to Aboriginal peoples are fundamental. They would affirm the inherent right of Aboriginal peoples to self-government within Canada and recognize Aboriginal government as one of three orders of government – federal, provincial and Aboriginal.

If constitutional amendments are put in place which give effect to this agreement, the process of change, which is already under way, will be accelerated. These amendments would enhance efforts to rebuild relations between Aboriginal and non-Aboriginal people in Canada on a solid foundation. Our political institutions and laws would change in more profound ways, as would policies and programs in such fields as education, land and resources, and justice. All Aboriginal people would be

touched by these changes, whether they live in the North, in urban centres, on reserves, or in fly-in communities.

Given its broad mandate and its composition, the work of the Royal Commission on Aboriginal Peoples becomes even more timely. Through its research program and its public hearings, the Commission is uniquely placed to make practical recommendations that will bring lasting improvements to the daily lives of Aboriginal people across the country, and to help breathe life into the proposed constitutional amendments.

However, revamping laws and institutions and designing new or renewed forms of government will not be sufficient to achieve a lasting reconciliation. Changes must go beyond government structures and reach into the consciousness of all Canadians, altering the way we relate to one another as Aboriginal and non-Aboriginal persons. This will require public education and here, too, the Royal Commission has an important contribution to make.

We know from our public hearings that the door is now open, and we must take advantage of the opportunity to build a new relationship. If reconciliation is to be achieved, the full engagement of both sides is essential. For this reason, we urge all to participate, and we look forward to benefiting from everyone's knowledge and experience.



René Dussault, j.c.a.
Co-Chair



Georges Erasmus
Co-Chair

Introduction

On April 21, 1992, the Royal Commission on Aboriginal Peoples launched its first round of public hearings in Winnipeg, Manitoba. Over the next ten weeks, travelling in three teams, Commissioners visited 36 locations, held 44 days of public hearings, and heard from some 850 individuals and organizations, both Aboriginal and non-Aboriginal. The hearings took Commissioners from St. John's, Newfoundland to Victoria, British Columbia, and from Eskasoni, Nova Scotia, to Inuvik, Northwest Territories. Hearings were held in friendship centres, community halls, band council offices, traditional long houses, schools, penitentiaries, women's shelters, and hockey rinks, as well as in hotels and conference centres. A list of the communities visited is provided in Appendix 1.

Throughout this period, the Commission operated in the context of vigorous public discussion on the role of Aboriginal people in the Canadian constitutional structure. The Commission issued a commentary last winter, just before the renewal of formal negotiations on constitutional reform, in which the right of Aboriginal self-government was addressed. The commentary sought to explore the meaning of an inherent right of Aboriginal self-government, and the principles that should be reflected in any constitutional amendment that

recognized it. The principles set out in the commentary were endorsed by the Special Joint Committee of the Senate and House of Commons on a Renewed Canada, chaired by Senator Gerald Beaudoin and Member of Parliament Dorothy Dobbie. The Royal Commission is actively exploring other aspects of Aboriginal self-government in anticipation of the inclusion in the Constitution of provisions affecting Aboriginal people as agreed by First Ministers on August 28, 1992. One of the roles of the Commission is to examine how these proposed constitutional amendments might work in practice.

The first round of public hearings was very much a 'listening phase' for Commissioners, who heard a wide range of views on Aboriginal issues. The speakers came from different backgrounds and cultures and spoke of differing experiences, interests, needs and desires. Most agreed on the need for a dramatic change in the relationship between Aboriginal and non-Aboriginal people. The second and subsequent rounds of consultations will benefit from the views of groups funded through the Intervenor Participation Program, which was established to assist in the preparation, consultation and delivery of briefs to the Commission. The Commission's own research studies will begin to feed into the process at approximately the same time.

Purpose of the Discussion Paper

The purpose of the discussion paper is to summarize what the Commission has heard during its hearings to date and to present examples of fundamental and specific questions that the Commission would like to have addressed more fully during the second round of hearings. This second round of hearings will be held between October and December 1992 in approximately 30 locations across Canada.

Part One of this document sets out the major concerns based on what individuals and groups said at the hearings. A fuller summary of what was said appears in *An Overview of the First Round of Hearings of the Royal Commission on Aboriginal Peoples*, which is being published at

The Commission hopes to stimulate a fresh and enlightened dialogue between Aboriginal and non-Aboriginal people, a dialogue that will lead to practical recommendations that are broadly acceptable to all Canadians.

the same time as this paper. The purpose here, therefore, is limited to identifying the issues that were raised with some frequency and illustrating these in the words used by the presenters.

Part Two of the discussion document gives examples of some basic issues and poses questions that Commissioners want to explore as the Commission enters what might be termed the 'dialogue phase' of its hearings. With the second round of hearings and the wide distri-

bution of this paper, the Commission hopes to stimulate a fresh and enlightened dialogue between Aboriginal and non-Aboriginal people, a dialogue that will lead to practical recommendations that are broadly acceptable to all Canadians. The questions we raise now are a beginning. Some are very specific. Others are more general. They are not the only issues or necessarily the most important ones. Readers are invited to reflect on these questions, to frame their own questions, and to communicate their views to the Commission.

The Commission's Approach

In summarizing what has been heard to date and identifying some key questions for the second round of hearings, the Commission has grouped issues under four major headings or theme areas: Social/Cultural, Governance, Land and Economy, and The North. The sixteen areas of the Commission's mandate are considered under these headings. We recognize that some issues, like treaties or education, do not fit neatly into one category; these issues are therefore discussed in several places as appropriate. For example, treaties appear in Land and Economy as well as in the discussion of Governance. Education is addressed in the Social/Cultural section but also in relation to treaties and to participation in the economy.

In addition to the four major theme areas, we have identified particular sectors of the Aboriginal population whose perspectives will be highlighted regularly throughout the paper: Aboriginal people living in urban settings, women, and youth. In the hearings, Aboriginal women and urban Aboriginal people presented their perspectives on a wide range of issues. Aboriginal youth were not as often represented, and non-Aboriginal youth were not heard at all. The Commission is looking at ways to correct this imbalance in future hearings. A

special effort was made to involve elders, and their contributions were influential in framing the discussions in many locations.

Given the importance of history to understanding how relations between Aboriginal and non-Aboriginal people have evolved over time, the Commission is highlighting historical perspectives. If we are to rebuild relations and look to the future, we must explore our past and see how it has conditioned the present.

At the core of our work will be an exploration of what a new relationship might look like, what values and principles it might be built upon, and what institutions and structures might be adapted or created to put it in place. We will need to examine the practical measures that would need to be taken to give life to these principles in the day-to-day experience of all people in Canada.

Culture, Identity and Language

A common thread ran through the Aboriginal presentations. At every hearing, Aboriginal presenters spoke of the pre-eminent value that they place on sustaining their culture, identity and language. Historical experiences that undermined cultural values were recounted with grief and anger. Poverty, racism and insensitive government policies were decried as threats to Aboriginal identity and threats to human dignity. Aboriginal people in the hearings consistently voiced the hope and the expectation that a re-valuing of their cultures can provide the basis for designing institutions and services that will revitalize their communities, as well as provide the foundation for a new or renewed relationship with other Canadians. In reviewing comments in particular theme areas, as we do in the following section, we are brought back again and again to this fundamental concern for cultural development.

If we are to rebuild relations and look to the future, we must explore our past and see how it has conditioned the present.

Part One

What We Heard

Aboriginal and non-Aboriginal speakers at the first round of public hearings and special consultations gave voice repeatedly to hope: hope that Aboriginal culture and identity in all its diversity would be safeguarded; hope that Aboriginal history would be told with honesty and respect; hope that policies and legislation rooted in the racist attitudes of the past would be abolished; hope that treaties would be respected and their terms implemented; hope that the Métis would gain the recognition long denied them as a unique people with historical rights; hope of Inuit elders for a recognition of their love of their

Looking cautiously to the future and the prospects for action on recommendations still to come, Elijah Harper said at the launch of hearings in Winnipeg, “I hope this is the last Commission.”

land, their government, and their young people; hope that inequalities would be rectified and divisions healed within the Aboriginal community and between Aboriginal and non-Aboriginal people. Looking cautiously to the

future and the prospects for action on recommendations still to come, Elijah Harper said at the launch of hearings in Winnipeg, “I hope this is the last Commission.”

The expressions of hope were usually preceded by references to pain or threats of further loss. Young people spoke of their fears that the links with their past would be further weakened and broken:

I have a grandfather who is 80 years old and I have been growing up with him for my 18 years. I cannot speak my language, although I try. But I love him more than anything, and there's communication there, you know, where you can feel the love between us and I can rub his hand and we know we understand each other.

But there is something missing in our lives when we can't listen to the stories that they have to tell, or explain how you are feeling about something.

I'm scared of losing the tools to work with, losing my grandfather who can teach me the language. All his 80 years he's been a trapper and his knowledge I won't be able to learn, except through the touch and the love, that's all.

*June 10, Moose Factory, Ontario,
Christina Delaney*

Mary Guilbeault, an urban community worker with long experience, spoke with compassion

and anger about the poverty, exclusion and loss of culture which have been experienced by her people. She spoke frankly of what will be required to create a different future:

It all boils down to this: we have had our share of pain. We are now reaching out for equality, fairness, quality of life and, most importantly, justice. The time has arrived to start a new direction, a new hope for our people.

*April 22, Winnipeg, Manitoba,
Mary Guilbeault*

The role of non-Aboriginal people in achieving reconciliation was presented in optimistic terms by Mayor Bruce Unfried of The Pas, Manitoba:

To me, Canadians are a fair-minded people. They want to correct injustices and they want to become involved in a reconciliation process. Closer to home, this community had to go through a long and very, very difficult period of self-examination [with the airing of the film *Conspiracy of Silence*]. I think we can use that in one of two ways. We can use it to dig in our heels. We can deny racism and discrimination. Or we can look at it straight on and say we have to be a part of the change that is occurring.

*May 19, The Pas, Manitoba,
Bruce Unfried*

In the following pages, the pain and hope woven through the recorded testimony of persons appearing before the Commission are set out in some detail. We begin with comments relating to the Social/Cultural theme area.

Canadians are a fair-minded people. They want to correct injustices and they want to become involved in a reconciliation process.

Social/Cultural Affairs



At Winnipeg and Kispiox, B.C., pre-school language immersion programs provide a grounding in culture and language for Ojibway and Gitksan children.

The Commission heard many moving presentations expressing the deeply rooted sense that Aboriginal peoples are of this land, with history and languages and understandings that are uniquely their own. Their statements about education, health and justice as well as the grief that many communicated about their experience with residential schools, all revolve around their determination to sustain that sense of identity. They wish to see their culture reflected in the institutions that serve their daily needs and to ensure that their children have the opportunity to know and value who they are and where they come from as Aboriginal persons.

Presenters shared with Commissioners what they saw as the basis of identity; for example, knowledge of their origins, ability to express that knowledge in an Aboriginal language, analysis of oppression that undermines self-worth, and confidence in the dignity of oral tradition. As we will do throughout Part One, we present here some words of Aboriginal people declaring who they are:

In our philosophy, we believe that Sim'o'git Lax'ha, God in other terms, put us on this part of the earth and we are a part of the earth. That is our thinking. The values that our people believe in are trust, honour, respect, humility, sharing, and maybe one or two that I have forgotten.

*June 16, Kispiox, B.C.,
Art Wilson*

Our well-being and identity grows by living the life of our own language and culture. The thing is not to try and fit into somebody else's world. It is to make one's own world. And that's what language does, both for the individual and the community.

*May 7, Eskasoni, N.S.,
Marie Ann Battiste*

The history of relations between the Métis Nation and the Canadian government has been a disturbing and unsettling one. The oppression of our Nation in the aftermath of the 1885 resistance led to a forced denial of our identity and sense of nationhood. The pride and dignity of our identity became subject to systematic racism and assimilation.

*May 20, Port Alberni, B.C.,
Dave Barron*

I have no written speech. Everything that I have said I have been carrying in my heart, because I have seen it. I have experienced it.

*June 8, Moose Factory, Ontario,
Mary Lou Iahtail*

Education

Throughout the hearings the call for Aboriginal control of education was heard from every direction. There was a clear consensus that control over policy, curriculum, and support services is necessary to create an educational experience that reinforces the positive identity of Aboriginal students and enables them to succeed academically. Cultural education was not seen as an alternative to academic and technical education, but rather as a necessary basis for self-esteem, which in turn enables children to learn and become contributors to their own communities and the larger society.

Many Aboriginal students are educated in the regular school system outside their home communities. Where this requires separation from

The failed dreams of youth have an impact on the morale of the whole community.

family and community support, the stress often leads to early withdrawal from school. Johnny Epoo, an Inuk from Inukjuak in northern Quebec, reflected in powerful terms the views of many presenters who saw inadequate education services feeding into a cycle of dropping unemployment, poverty and despair. The failed dreams of youth in turn have an impact on the morale of the whole community:

Our children that are going to school in communities go up to a certain grade. When they go to junior high school they have to move down south because our education system is very limited. Before they actually grow up they have to leave their parents, but they cannot survive in the big cities, so they just end up coming back to their own people.

They get very lonely in the bigger cities. It is a very different type of life. They come back to the communities and they are not hunters any more because they were not properly trained by their elders.

I feel that education should be one of the Commission priorities because the younger people a lot times, from lack of recreation and employment end up committing suicide. A lot of our younger people are losing their pride and they are starting to go for welfare. These young people are being trained how to be poor and it hurts mentally. But their elders are the ones getting hurt, watching their youth go down.

*April 21, Winnipeg, Manitoba,
Johnny Epoo*

Others expressed a need to develop recreation facilities for young people. Leonard Matthew said in Waswanipi:

We have seen some of our youth commit suicide, we have seen a gradual increase in our youth taking drugs and alcohol and also child abuse, sexual harassment We need to prevent all these, we need adequate funding. We also need recreation facilities.

*June 9, Waswanipi, Quebec,
Leonard Matthew*

The response proposed by many presenters was to make education available in Aboriginal communities up to the end of secondary school. Where integrated schooling is still necessary or preferred, presenters underlined the importance of being able to influence what is taught. Students pointed out that they learned nothing in school about the accomplishments and achievements of their own people. In New Brunswick Commissioners heard that Aboriginal students were unable to counter negative stereotypes because they lacked the information to do so:

They have been totally educated about the rest of the world, about Europe and about Canada, but nothing has been developed to teach them about Micmac people living on the Richibucto River for so many years. Our children are not taught about our past, so when they arrive in town to go to school and somebody makes a remark about Indians, when they receive criticism because of some negative media treatment, they don't feel too good about themselves. They just disappear into the woodwork and they will not go back to school.

*May 20, Big Cove, N.B.,
Stephen Augustine*

Presentations from Métis people cited the low levels of education which prevail among many of their people, in part because the federal government has denied access to the educational

support available to other Aboriginal people. We heard that provincial governments have been indifferent to the needs of the Métis regarding access to education. Lack of recognition of Métis heritage in provincial institutions continues to place Métis students in a vulnerable situation:

We want our children to understand and appreciate their heritage. We, as parents and role models in our communities, convey the pride of our Métis Nation to our young. Our youth must be reinforced with this belief from other institutions, schools, cultural centres, libraries, and so on.

*April 22, Winnipeg, Manitoba,
Pat Harper*

Even where schools are established in Aboriginal communities under Aboriginal control, serious problems persist, related to funding levels, recruitment and retention of teachers, and adequacy of school facilities. Concerns

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were expressed in many places about the quality of education provided in Aboriginal community schools, based on the differences in achievement levels that became evident when students transferred to provincial schools. Presenters reported that students who transferred often found themselves put back one or two grades or labelled "learning disabled".

In some regions, setting a priority on recruitment of Aboriginal teachers was proposed. In areas where teacher training initiatives have had some success, presenters warned that Aboriginal teachers trained in the methods and curriculum of non-Aboriginal education systems will be poorly equipped to introduce the culturally-based education that communities want.

Commitment of resources to Aboriginal language education was proposed often. The threat that Aboriginal languages may disappear was a source of widespread concern, a threat that presenters saw as a direct result of residential school and educational policies that tried to stamp out Aboriginal identities. The needs identified covered many areas: recognition of elders and fluent speakers as having a valued role in education, funding for hiring language teachers, availability of Aboriginal language courses as an option in place of French as a second language. The frustration described by those working to create language curriculum in some cases came close to desperation:

We struggled along for seven years trying to develop language curriculum, but there isn't any funding out there. If we went to Indian Affairs, they said go to the Secretary of State or go to the Saskatchewan Indian Cultural Centre. Then, if we went to one of them, they would refer us back to the one who just previously sent us. It costs a lot of money to develop curriculum, and the funding that has been allocated here in Saskatchewan is not adequate for even one Band.

*May 26, Wabpeton, Saskatchewan,
Darlene Spiedel*

While publicly financed education systems tend to be resistant to the kinds of changes sought by Aboriginal people, the Commission did hear and see evidence of successful experi-

ments. At Winnipeg and Kispiox, B.C., pre-school language immersion programs were described. These programs provide a grounding in culture and language for Ojibway and Gitksan children respectively. Students at Children of the Earth High School, also in Winnipeg, used poetry and drama as well as speech to communicate the meaning of culture-based education in their lives. Presenters at Port Alberni, B.C., told how negotiations for a tuition agreement between the Nuuchahnulth Tribal Council and School District 70 on Vancouver Island became the instrument for achieving co-operation, which has resulted in both Aboriginal and non-Aboriginal students in the district learning Aboriginal culture and language.

Concerns about post-secondary education were similar to those expressed with respect to the elementary and secondary levels: lack of influence by the Aboriginal community, inadequate student support services, inappropriate curriculum, racist attitudes in the environment. The most prominent complaint, however, was limited access to post-secondary education because of funding cuts. One presenter asked how the social conditions of Aboriginal people could be changed if education for professional and managerial roles is restricted to a small elite.

At the Winnipeg hearing, Phil Fontaine, Grand Chief of the Assembly of Manitoba

I have no written speech.
Everything that I have said I
have been carrying in my
heart, because I have seen it. I
have experienced it.

Chiefs pointed to restrictions on post-secondary education funding as just one example of the violation of treaty rights:

In return for all the land which our people are willing to share we expected certain guarantees, guarantees that translated into rights. Very few of these rights have been honoured. When government decided two years ago that the right to an education did not include the right to post-secondary education the officials argued to us that the text of the Treaties makes no reference to universities and community colleges. Well, when Treaties were signed here in Manitoba in 1871, I don't think any universities existed in this part of the country. So, how could these people that negotiated and executed these agreements make provision for attendance at the University of Manitoba?

*April 22, Winnipeg, Manitoba,
Phil Fontaine*

Because of the high dropout rate of Aboriginal youth from secondary school, it was considered essential that re-entry opportunities for adult students be broadened. It was proposed that assistance with housing and child care should be readily available for those with family responsibilities.

Health

Like education, health is an area where institutions and services designed outside the community touch on the everyday lives of Aboriginal people. As appreciation of culture and traditions has gained ground in recent years, health services have become the focus of efforts to bring those institutions and services more into line with Aboriginal ways.

The holistic understanding of health, which sees all aspects of physical, mental, emotional

The holistic understanding of health sees all aspects of physical, mental, emotional and spiritual well-being intertwined within the person and also with the health of the environment.

and spiritual well-being intertwined within the person and also with the health of the environment, was described by Simon Lucas at the Port Alberni hearing:

The sea and its resources is the heart and soul of our people. Sea resources have sustained our people since time began for us. It has direct impact with our emotions. The health of the ocean means a healthy emotion. It has direct impact on our mental state. A healthy ocean means a healthy state of mind for us. Our physical well-being - the health of the ocean means the assurance that my body is going to stay healthy. That is important for people to understand. My spirituality, the spirituality of our forefathers, was tied directly to the ocean. The health of the ocean means that my spiritual well-being is going to stay intact.

*May 20, Port Alberni, B.C.,
Simon Lucas*

While Aboriginal people are looking to their traditional teachings for an understanding of health and how to sustain it, they also recognize that immediate threats to personal and community health are pressing in on them. Poor health among Aboriginal people is directly related to poverty and low morale. Fetal and

infant death rates were cited as an indicator of underlying risk factors:

Fetal and infant death among First Nations' babies was nearly twice the national average reported since 1987. The social and economic factors of poor housing, lack of sewage disposal and potable water, and poor access to health services were considered factors in the higher rate. As well, the poor health of the mother, inadequate nutrition, and lack of pre-natal care, as well as the adverse effects of drugs and alcohol also contributed. These factors show how health and social and economic conditions are related.

*May 26, Wabpeton, Saskatchewan,
Tom Iron*

Substance abuse and addictions are widespread, affecting young children and taking new and dangerous forms with the introduction of hard drugs to communities. HIV and AIDS were seen by some as having the same destructive

Violence, directed particularly against women, was seen as part of a cluster of mental health and social issues that must be examined together.

potential as the flu epidemics that swept through Aboriginal communities in the past. It was pointed out in the Toronto hearing that there are no high-risk people, only high-risk behaviours, and marginalized Aboriginal people in urban settings are known to engage in high-risk behaviour. Because of the movement of Aboriginal people between urban settings and rural home communities, the risk should concern all Aboriginal people and health providers.

Although women share the health concerns common to all Aboriginal people, issues of particular importance to women presenters were reproductive health services, including support for giving birth within or close to home communities; sexually transmitted diseases; substance abuse and its treatment; and mental health services. However, the dominant theme in women's presentations, repeated and reinforced in communities across the country, was family violence.

Violence, directed particularly against women, was seen as part of a cluster of mental health and social issues that must be examined together. Commissioners heard from women who knew first-hand of the fear, powerlessness and degradation experienced by women trapped in abusive situations. They heard of the reluctance of women to seek medical attention for physical and mental injury and of the unresponsiveness of authorities, whether police, band councils, or government-funded agencies when individuals or groups sought help in taking action against abuse. They heard of the particular difficulties faced by women in the North because of a lack of local shelters or protective services and the immense barriers of distance and transportation preventing access to urban-based facilities.

Women and men, speaking of the roots of family violence, placed the situation in a historical and political context:

Inability of people to determine their destiny based on their own cultural beliefs has stifled Aboriginal culture, creating a sense of confusion and loss of many of the traditional values which were predicated on respect and dignity of the individual.... The abusive relationship is a power relationship, one where the abuser seeks to control the partner due to lack of control he or she faces everywhere else in life. Fear, lack of education and lack of knowledge of their

We have to concentrate on the healing of the whole family, not just one individual. In the area of abuse, the victim and the offender, and all of the family members affected by this situation of abuse, must be healed. For that we need money to train our own people to do the healing, to do the counselling.

rights on the part of the abused allows the cycle to continue.

*June 26, Toronto, Ontario,
Catherine Brooks*

A historical analysis may explain the roots of violence, but it does not excuse the behaviour. Women asked for the protection of law and the support of community services. They sought a holistic response that would promote counselling of abusers and healing of children whose own lives are likely to be distorted by their experiences:

We have to concentrate on the healing of the whole family, not just one individual. In the area of abuse, the victim and the offender, and all of the family members affected by this situation of abuse, must be healed. For that we need money to train our own people to do the healing, to do the counselling.

*May 26, Fort Simpson, N.W.T.,
Rosa Wright*

Some women, frustrated by what they saw as denial of the problem within leadership circles, demanded that family violence be confronted

as a political issue for the entire community. In such cases Aboriginal leaders are required to act.

They must accept that the abuse and exploitation of women and children is a political issue, of equal importance to achieving recognition of an inherent right to govern ourselves.

*April 23, Winnipeg, Manitoba,
Marilyn Fontaine*

Violence in the lives of Aboriginal people is not confined to male assaults on women. It often takes the form of violence turned inward. Presenters spoke of "punishing ourselves through alcohol and drugs, suicide and violence" and seeing "so many throw-away people" who meet death by misadventure as well as by their own hands. An addictions worker in northern Saskatchewan told the Commission:

Here in the north we have one of the highest suicide rates and nobody is doing anything about it. Just last year our neighbouring community was devastated by more than a score of such deaths. You didn't hear this on the national news. In the 1980s in my own community of Cumberland House, eighteen young people committed suicide in a single year. If these stats were duplicated in a dominant society, we would declare a national emergency and mobilize all our resources.

*May 28, La Ronge, Saskatchewan,
Winston McKay*

Aboriginal people proposed that regaining control of their lives was a way of combatting the hopelessness that leads to suicide:

Let us decide what we want taught in our schools. Let us decide how to manage the salmon fishery and the caribou and the forests. Let us set up our own structure where we can help our people to stay out of prison, or can teach our young people that sniffing gasoline is not the answer, suicide

is not the answer, a structure of government that's built on our own traditions, where elders are brought back into their rightful place as the real leaders and given the respect that they deserve.

*June 17, Sheshatshit, Labrador,
Kirk Lethbridge*

The Commission heard that for treaty nations, the right to services to support health is yet another treaty right that is being violated. It was argued that although a "medicine chest" clause was included only in Treaty Six, a similar right to health care was guaranteed through negotiations and promises made at the time of other treaties.

Lack of access to medical care in remote communities, absence of facilities for care of elders

Administrative responsibility does not bring with it recognition of Aboriginal jurisdiction in the health field.

Aboriginal people maintain that administrative transfer of an inadequate service system will not achieve the basic changes necessary to implement holistic approaches to health promotion or raise the level of Aboriginal health to Canadian standards.

in surroundings familiar to them, and the failure of health services to respond to past recommendations on the needs of Aboriginal persons with disabilities all came in for criticism. While improving federally-sponsored health services

was an issue for some, the Métis had a more fundamental concern: the total absence of services in some communities. Métis Senator Edward Head, speaking at the Winnipeg hearing, reported on the results of a Manitoba survey in which he took part; the survey revealed situations where there were no services, either for physical or mental health needs. He cited this as evidence of the need for a "level playing field" to ensure, among other things, equal access to health care for all Aboriginal people.

Health and Welfare Canada received mixed reviews for its efforts to devolve responsibility for the delivery of health services to First Nations' control. There was some agreement that this move was a good beginning. However, devolution of administrative responsibility does not bring with it recognition of Aboriginal jurisdiction in the health field. Aboriginal people maintain that administrative transfer of an inadequate service system will not achieve the basic changes necessary to implement holistic approaches to health promotion or raise the level of Aboriginal health to Canadian standards.

Increasing the involvement of Aboriginal people in professional and other decision-making roles was proposed as a means of improving the appropriateness of public health services. While training of more Aboriginal physicians and nurses was seen as necessary in the long term, training of community health workers was presented as an achievable goal that is being neglected in the short term, despite the advice of previous commissions and studies:

While the community health nurses are hard working and provide an excellent service, they are all non-Native in the Yukon. The Community Health Representative (usually an Aboriginal woman from the community) is a key and indispensable facilitator for delivery of effective health care in Aboriginal communities. Still they

Simple delivery of services is not enough. A holistic approach which encompasses emotional, mental, physical, spiritual, social, cultural and sexual aspects needs to be developed.

continue to be far too few in number, despite previous commissions and studies which have strongly advised that the training and numbers of CHRs be increased.

*May 27, Teslin, Yukon,
Chris Durocher.*

Some promising initiatives to increase the supply of health personnel were described, such as specialized training for Aboriginal nurses in northern Manitoba, training that includes Aboriginal medicine, Aboriginal studies, extra tutoring supports, and the primary care skills necessary in northern communities.

Critics of the current health care system often recommended that more was needed than simply increasing the volume of services available. They recommended community responsibility for health care so that systems could be developed to build on Aboriginal traditions of personal responsibility and preventive health:

Simple delivery of services is not enough. A holistic approach which encompasses emotional, mental, physical, spiritual, social, cultural and sexual aspects needs to be developed. Historically and culturally we as Aboriginal people are one with nature and its elements. It only makes sense to take a community-based approach to health care.

*May 19, The Pas, Manitoba,
Francis Flett*

Justice

Presenters consistently linked specific issues of crime and punishment to the broad injustices experienced historically by Aboriginal peoples: displacement from lands and failure of governments to live up to treaty obligations. It was pointed out that assaults on Aboriginal cultures and identities, often with the silent consent of the high courts, continue into the present:

I would only say that when you study the history between Indian and non-Indian people in this territory, in Nuuchah-Nulth territory, it is one continuous history of abuse of our people. And it is so continuous that it continued right up to about a month ago, in terms of the Meares Island court case. I saw our people being abused by white lawyers from government in terms of what they are and their history and their culture. And the law firm's position is that they need to do that to win legally. Well, if that is what this world has come to, that you need to abuse people in order to win a court case, then what is the point of having a justice system?

*May 20, Port Alberni, B.C.,
George Watts*

Analysis of justice issues presented in hearings echoed the testimony and conclusions of recent inquiries such as the Donald Marshall inquiry in Nova Scotia (1989) and the Aboriginal Justice Inquiry in Manitoba (1991). Presenters cited the culturally inappropriate applications of laws that ignore Aboriginal norms of behaviour and approaches to problem solving:

Traditionally we utilized teachings rather than punishment. This is straight from our elders, because they caution us, "Why do you send your children to the room when they misbehave? What is in that room that will teach them something? Why do you not sit down and talk to them, counsel them?"

*May 20, Port Alberni, B.C.,
Earl Smith*

The discriminatory treatment of Aboriginal persons by police and prison staff was reported, as was the resistance to change on the part of such institutions.

Although the justice system came under criticism, it was also acknowledged that Aboriginal persons coming before the courts might be anti-social, even in the eyes of their peers and communities. The link was consistently made between foster care placement and behaviour that brings young people into conflict with the law. At the Saskatchewan penitentiary in Prince Albert, inmates reported on a survey they conducted among their members, revealing that 95 per cent of them had previous experience in the child welfare system. Placement in group homes, foster homes, youth centres and residential schools was seen to lead to separation and alienation from the Aboriginal community, discrimination in society at large, and loss of identity. The result was the emergence of angry, anti-social young adults. This was a common outcome, even without the frequent experience of physical, sexual and mental abuse that many of them experienced while in the care of the state.

The children of Aboriginal women in prison are especially at risk of becoming permanent wards of child welfare agencies. Women reported losing all contact with their children subsequent to being sentenced. Loss of parental rights was often considered a worse punishment than the sentence handed down for a particular offence.

Redirecting youth who are at risk of becoming offenders clearly can not be achieved through change in the justice system alone. Inmates in correctional institutions pleaded on behalf of children whose lives might still be salvaged. They urged that every measure be taken to keep Aboriginal families together, because their

own experience led them to see family breakup as the first step on a path leading to prison.

Calls for improving the treatment of Aboriginal people within the dominant justice system were heard primarily from inmates of correctional facilities. Recommendations focused on access to spiritual counselling, more rehabilitative and educational services in institutions, and cross-cultural training of staff.

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Training of Aboriginal justice personnel was seen as an asset to both Aboriginal and general services. To counteract the permanent destruction of family life that now occurs with imprisonment, inmates advised that families of offenders should be allowed greater participation in programs offered in the prisons. The introduction of healing lodges in which families could be together, particularly in preparation for release and re-entry to the community, was typical of the suggestions put forward for improving the system.

In line with the recommendations of previous inquiries and studies, many presenters supported the creation of a parallel Aboriginal-controlled justice system. Tony Mandamin, an Aboriginal lawyer practising in Alberta, reviewed the failure of the criminal justice system to deal appropriately or effectively with

Aboriginal offenders. He also recounted the attempts to reform the current system, beginning with the justice conference held in Edmonton in 1975, and the limited effects of the recommendations regularly put forward. He cited Aboriginal undertakings in Alberta treaties to

...maintain peace and good order between each other and between themselves and other tribes of Indians, and between themselves and others of her Majesty's subjects, whether Indians or Whites, now inhabiting or hereafter to inhabit the ceded tracts [of land].

*June 11, Edmonton, Alberta,
Tony Mandamin*

In the view of Mandamin and others, the authority to exercise jurisdiction in the field of justice already exists, and the time has come to abandon piecemeal efforts to bring about change and move instead toward different structures under Aboriginal control.

The shape that such structures might take was spelled out in presentations at Port Alberni and Kispiox, B.C., although presenters from various regions emphasized that organizational forms based on tradition would differ from nation to nation. For example:

The Aboriginal justice program exists to help Gitksan and Wet'suwet'en houses and clans take responsibility for their members' anti-social behaviour. In particular it is designed to provide information on the content and practice of Gitksan and Wet'suwet'en law, to provide information on each individual's kinship connections, to assist house chiefs and members resolve legal issues through their hereditary system, and to facilitate the interaction of Aboriginal legal processes with those of the western system.

*June 16, Kispiox, B.C.,
Joan Ryan*

In some presentations there appeared to be an assumption that meshing of Aboriginal systems with those of the surrounding society would evolve with experience:

One initiative relates to the establishment of the Mi'Kmaq regional police force which would operate throughout Cape Breton Island where five of our communities are located. Our ultimate goal is that this force would be empowered by the Mi'Kmaq authority and have jurisdiction off reserve and in urban areas where Mi'Kmaq citizens are involved.

*May 6, Eskasoni, N.S.,
Alex Christmas*

A note of caution about parallel justice systems was sounded by the Native Women's Association of Canada:

It is evident that there is a movement by Native men to assume control over the administration of criminal justice. This is no consolation to the Native female victims of crime. Why? Lenient and inappropriate sentencing and the lack of deterrence in a new punishment scheme could increase violence against Native women rather than stop it.

*June 26, Toronto, Ontario,
Sharon McIvor*

Residential Schools

Absorbing Aboriginal people into Canadian society and erasing Aboriginal identity were openly stated objectives of government policy for many generations. Education has been a principal instrument of this policy. While many Aboriginal people wanted access to formal education they did not consent to the often brutal policy of residential schooling. Under this policy Aboriginal children were forcibly separated from their families not only for the duration of the school year but also, in some cases, for periods of years. They were punished for

speaking their languages and they were often physically or sexually abused.

In recent years, Indian residential schools have become identified with the worst features of oppressive policy. They have become a lightning rod, attracting expressions of past grievance. Presentations at hearings focused on the attacks on language and identity, the harsh treatment experienced, and the long-lasting effects of those experiences.

When you went to residential school you were classified as a heathen and they systematically stripped you of your language, your customs, your traditions, your hopes, and your aspirations, along with any chance of you trying to figure out what your life is all about.

*May 19, Kingsclear, N.B.,
Wallace Labillois*

A lot of people who are coming up front and saying why they're abusing alcohol is because they can't handle the abuse that they've taken sexually. I was one of the lucky ones in the residential school, but the boy who slept next to me wasn't very fortunate. I saw him being sexually abused. As a result, he died violently. He couldn't handle it when he became of age.

*June 10, Hobbema, Alberta,
Wilson Okeymaw*

Not all former students regard their residential school experience negatively. Some presenters reported that they valued the chance to obtain the education offered and that there were caring staff working in a cruel system.

Residential school experience was often cited as the origin of a variety of ills, including loss of parenting skills in Aboriginal families, negative attitudes toward educational institutions, drug abuse and family violence, together labelled "residential school syndrome". However, some presenters suggested that the impact of the res-

idential school experience touched everyone. At Stoney Creek the Commissioners heard:

We are all a product of the residential school syndrome, and that is a technical way of saying we lost our language, we lost our culture, we lost our parenting skills.

*June 18, Stoney Creek, B.C.,
Tom George*

Presenters called for acknowledgement by government and churches of the wrongs that were done, so that the experience of Aboriginal people becomes part of the public record. They recommended support of a process to allow persons still bearing wounds from their experiences to disclose their hurt and resources to support the healing process. Others suggested financial compensation to former residential school students.

Presenters at the hearings set a clear priority on having education, health and justice as well other social services brought under Aboriginal control, with the goal of having them reflect and reinforce Aboriginal cultures and identities. Regaining control, in their view, will make it possible to initiate a healing process and restore the wholeness that has been damaged by oppressive policies such as residential schools. In parallel with these views, the desire to gain access to education at all levels, and to a full range of professional health services, was evident. In some cases the difficulties of achieving these goals in small and geographically separated communities was noted. The role of self-government in achieving improved social and spiritual well-being was usually stated as a general expectation rather than in the context of specific strategies. Thus the structures within which the goals may be achieved remain to be defined.

Governance



Many people spoke of self-government as a vehicle to restore Aboriginal identities and cultures, to heal communities and to revitalize traditional governing structures.

In each of the communities visited, Commissioners heard testimony on both the relationship between Aboriginal peoples and non-Aboriginal governments and the past, present and future of Aboriginal self-government. These two strands of testimony were closely interwoven, as presenters linked past government policies to current social, economic and political problems in their communities. Many people spoke of self-government as a vehicle to restore Aboriginal identities and cultures, to heal communities and to revitalize traditional governing structures.

Elijah Harper told the Commission during the launch of round one of the public hearings in Winnipeg,

Self-government is not [something] that can be given by any government, but rather ... flows from our Creator. Self-government ... is taking control and managing our own affairs, being able to determine our own future and destiny ... able to establish our own institutions, language, culture, health, education ... and providing economic development and social development in our reserves. It has never been up to the governments to give self-government. It has never been theirs to give.

*April 23, Winnipeg, Manitoba,
Elijah Harper*

The Commission heard similar views expressed in the North. Saali Peter of Iqaluit, Northwest Territories saw self-government as a powerful tool to restore identity:

The Inuit were once a proud and independent people who provided all their economic and spiritual needs, successfully educated their children, and cared for the elderly, the weak and the unfortunate. But thanks to the paternalism of government policy and money, only a minority can now claim to be truly proud and independent.

We have demanded the restoration of our right to determine and fulfil our own future, since that is what self-government is all about ...

*May 26, Iqaluit, N.W.T.,
Saali Peter*

Relations Between Aboriginal Peoples and Canadian Governments

Treaty Rights

The importance of treaty rights was strongly stated across Canada. For most First Nations peoples, treaties form the basis of the relationship between Aboriginal and non-Aboriginal people in Canada. They establish relations of peace and friendship and define reciprocal obligations between governments. They create or affirm military and trade alliances and agreements to share the land and resources. They cover such topics as hunting, fishing, gathering and trapping rights, schools and medicine, tools and equipment, and annual payments to the members of treaty nation signatories. Commissioners were told that, in many instances, existing treaty rights are not being honoured and fulfilled. Historic treaties made with the Crown have been ignored and their legitimacy denied. They have often been limited or diminished by federal and provincial laws. Treaty nations have called for a review of all federal and provincial laws impinging on

treaty rights and have proposed a bilateral process between treaty nations and the Crown to interpret, define and implement treaties based on their original "spirit and intent".

Grand Chief Phil Fontaine, addressing the Commission in Winnipeg, said that every treaty nation has experienced violations of their treaty rights in one form or another, since Treaties were signed. He spoke of the recent move by the federal government to transfer responsibility to the provinces for Treaty Indians off reserves:

The federal government very recently took the position that our citizens that are off-reserve are the responsibility of the provincial government. Our view is that the rights that we have as the beneficiaries of Treaty Agreements that our ancestors signed, mean that these rights are portable. They are not limited to the reserves that our people are resident on.

*April 22, Winnipeg, Manitoba,
Phil Fontaine*

In other cases, Commissioners heard that some treaties are not recognized as having legal force, and in some situations people have been excluded from treaty negotiations, but continue to struggle to gain their rights. Aboriginal groups such as the Lubicon Cree of northern Alberta and people of mixed blood in the area of Moose Factory, Ontario, were left out of the treaty process altogether. Wilbert McLeod, representing people of mixed ancestry, described his efforts on behalf of his people to claim land:

I represent the Moose Factory Claimant Group. Our grandparents were arbitrarily excluded from Treaty No. 9 in 1905 by the Treaty Commissioners. Back at the turn of the century, it was recognized that people of mixed European and Aboriginal ancestry could either be recognized as "Métis" and receive scrip, or as "Indians" and be included in Treaty.

*June 9, Moose Factory, Ontario,
Wilbert McLeod*

Treaties form the basis of the relationship between Aboriginal and non-Aboriginal people in Canada. They establish relations of peace and friendship and define reciprocal obligations between governments.

Some presenters had proposals for dealing with violations of treaty rights. For example, Regena Crowchild suggested that

... there should be an independent body to oversee violations of the treaties. This body could be formed by indigenous peoples and the Crown, and have the authority to approve fines and penalties against the treaty violator. The violators could be individuals, corporations, or governments. All would be subject to the jurisdiction of the body.

*June 11, Edmonton, Alberta,
Regena Crowchild*

Ron George, President of the Native Council of Canada, called for an independent Aboriginal and Treaty Rights Protection Office:

I propose a forum similar to a Human Rights Commission, but which would ensure that basic treaty rights for all are met. If we are to put such things as self-government and our own policing and administration, etc., in place, we must ensure that all our people will have means to take their complaints forward.

*June 25, Toronto, Ontario,
Ron George*

Yvon Dumont, President of the Manitoba Métis Federation, told the Royal Commission

that Métis people believe that the *Manitoba Act, 1870* contains Métis treaty rights.

We have been denied our Aboriginal rights we are entitled to by virtue of a Treaty between our 1870 Provisional Government and Canada given force in terms of a Constitutional enactment, the *Manitoba Act*. Louis Riel referred to the *Manitoba Act* as a Treaty between governments and called upon Canada to respect the Treaty. Louis Riel has only recently received the respect and recognition for his role in the creation of Canada but his people have yet to receive such respect and recognition of their rights for which he fought and died. This Treaty was the basis upon which the Métis, as a founding people of Confederation, agreed to join Canada when they held the power in the Prairies.

*April 22, Winnipeg, Manitoba,
Yvon Dumont*

Government Responsibility and Jurisdiction

The interpretation of section 91(24) of the *Constitution Act, 1867* ("Indians, and Lands reserved for the Indians") and the Canadian government's fiduciary or trust-like responsibility were major areas of concern. The frustration and anger in Jerry Wetzel's comments below were repeated many times as Commissioners crossed the country.

The point is, Section 91(24) is simply an expression of federal duty, federal fiduciary duty, that flows from the Royal Proclamation and the treaties. Unfortunately, it has been misinterpreted by British colonists in Canada. Instead of being used to protect the reserve lands and the self-government rights of the Micmac and other Aboriginal nations, it's been used to try to oppress them and to destroy, to usurp their lands and destroy their self-government.

*May 22, St. John's, Newfoundland,
Jerry Wetzel*

Many historical and contemporary examples were cited of the federal government not having lived up to its responsibilities and obligations toward Aboriginal people. Examples included the failure to protect Aboriginal and treaty rights, land claims policy, and residential schools. Other more specific examples identified the treatment of certain communities or peoples, such as the Lubicon Cree, the Innu of Labrador, the Mohawks of Kahnasatake and Akwesasne, the High Arctic Exiles, and the Métis.

Commissioners were told that the federal government has historically refused to accept jurisdiction and responsibility for Métis people.

With respect to non-status Indians (those who have lost or never had entitlement to be registered under the *Indian Act*), the Commission was advised by Aboriginal intervenors that the federal government has refused to accept responsibility and to provide services as a matter of policy. Status Indians or members of treaty nations who live off reserve find that benefits and services provided under treaties or the *Indian Act* are severely restricted.

The *Indian Act*

A major issue in relations between Aboriginal people and the federal government is the *Indian Act*. Presenters strongly condemned the Act as colonial, paternalistic and racist.

The *Indian Act* was a genocidal instrument clearly designed to destroy the culture and the integrity of the Aboriginal people of this land ... The only solution to this is the abolition of this legislation and the creation of a new relationship between Aboriginal Canadians and other Canadians. In other words, we must enshrine Aboriginal equality.

*April 23, Winnipeg, Manitoba,
Damon Johnston*

Aboriginal people do not want to be defined by the federal government. They want to be able to define themselves according to their own values and to retain their own identities.

The effects of the *Indian Act* were summarized by Chief Darrell Boissoneau of the Garden River First Nation in Sault Ste. Marie:

We have felt paternalism. We have felt colonialism. We have felt assimilation. We have felt our exclusion in the development of Canada. We have felt the detrimental effect and the paternalism of the *Indian Act* and how much it has hindered the development of our people and how much it has held us prisoners within our own communities our recommendation to the Commission is the abolition of the *Indian Act* and dismantling the Department of Indian Affairs

*June 11, Sault Ste. Marie, Ontario,
Darrell Boissoneau*

Throughout the hearings people told how the Act introduced foreign practices, such as the reserve system, elected band councils and chiefs, and the definition of who is, or is not an Indian.

Women in particular spoke out against sex discrimination in the *Indian Act*. Many presented as a prime example Bill C-31, the 1985 amendment that removed important contentious elements of the Act but, at the same time, introduced new criteria for inequitable treatment of Aboriginal women. Before 1985, any Indian woman who married a non-Indian man lost her status under the Act, unless exempted by a spe-

cial provision. Indian men who married non-Indian women kept their status, and their non-Indian wives gained status as Indians under the *Indian Act*. Now no one gains or loses status on marriage but, as Sharon McIvor pointed out at the Toronto hearing, problems of sex discrimination still remain:

[I] am a member of the Lower Nicola Indian Band. Though I regained my status under Bill C-31, my children were denied status. The children of my male cousin, who traces his descent from our common grandmother through the male line, have full status. I am challenging this inequality in another court case, pending in British Columbia.

June 26, Toronto, Ontario,
Sharon McIvor

Commissioners were told that Aboriginal people do not want to be defined by the federal government. They want to be able to define themselves according to their own values and to retain their own identities.

In almost every First Nations community that the Royal Commission visited, there was strong criticism of the administration of the *Indian Act* and of the Department of Indian Affairs and Northern Development. For example, critiques touched upon inadequate and inflexible program funding guidelines, excessive spending on government bureaucracies, arbitrary limits established in areas such as post-secondary education, continuing frustrations in negotiating self-government and land claims agreements, and the disastrous effects of government actions to relocate or centralize Aboriginal communities.

There was strong support for abolishing the *Indian Act*, although no consensus on what might be done to replace it, if anything. Some thought was given to *Indian Act* alternatives, although, again, there was no consensus. Adrian Tanner, a professor at Memorial

University, suggested at the St. John's hearings that all contentious matters involving Aboriginal rights be taken out of the hands of Indian Affairs and dealt with by an agency at arm's length from the federal government. This tribunal or commission would represent a balance of Aboriginal and government interests. Chief Hammond Dick of the Kaska Tribal Council proposed that, for the Yukon, the *Indian Act* be replaced by legislation specific to the territory and, that the Minister of Indian Affairs be replaced by an individual dealing directly on a bilateral basis with the First Nations peoples of the Yukon.

Aboriginal Self-Government

Among the issues identified by intervenors in this area were the right of Aboriginal self-government; implementing Aboriginal governments; approaches and models of self-government; and Aboriginal governance in urban areas.

The Right of Self-Government

Support was almost universal for the view that the right of self-government is inherent. In other words, it is viewed as originating from sources within Aboriginal nations, rather than from any constitutional provision. The words of Chief Harold Turner were echoed many times during round one:

We are the original inhabitants of this country now called Canada, and as First Nations peoples we never gave up our sovereignty. We are the First Peoples and we are a Nation with the inherent right to create and maintain our own identities and cultures, languages, values, practices, to govern ourselves and to govern our relations with other governments as distinct entities.

May 20, The Pas, Manitoba,
Harold Turner

While Métis presenters overwhelmingly supported self-government, opposition to the participation of the Métis in Aboriginal self-government was voiced at Winnipeg by l'Union Nationale Métisse Saint-Joseph du Manitoba, on the grounds that it is contrary to Louis Riel's vision of a unified Canada. At the same time, President Augustine Abraham stated that the Métis should have the same rights as all other Canadians, and that the contribution of the Métis to the formation of Canada should also be recognized.

Commissioners repeatedly heard the view that Aboriginal and treaty rights should apply wherever Aboriginal people live and not be confined to a particular territory or reserve.

We want our treaty rights recognized as well as the mobility of these rights. Aboriginal peoples should not have to live on reserves or belong to a particular group in order to access these benefits.

*May 19, Kingsclear, N.B.,
Dennis Gedeon*

A number of speakers expressed the view that the signing of treaties presupposed the existence of sovereign Aboriginal nations, while the Innu claimed the right of self-determination under international law.

When I speak about a people's right of self-determination, I speak of it in terms of the international community's meaning, and that is that Canada has no right to make a choice for us as to what our politics are going to be ... Can a people like the Innu cease to exist because they are told by a country that they have no rights because they are protected by a military might like Canada? Will Canada allow me to tell my children that they have no rights as Innu, but have rights as Canadians? ... Can Canada deny and deprive my children of their language, culture, history, religion and race? ... Canada cannot do these things

Many women, urban residents, and community members, while supportive of self-government, are worried that its implementation might perpetuate existing inequities, such as a lack of community control and accountability, abuses of power, elitism, and infringements of individual rights.

because international law does not allow any country to do these things.

*June 17, Sheshatshit, Labrador,
Ben Michel*

Implementation of the Right of Self-Government

Concerns focused around the application of the *Canadian Charter of Rights and Freedoms* and the accountability of Aboriginal governments to their constituents, especially women. Doris Young of the Indigenous Women's Collective put forward a case for the application of the Charter:

As Aboriginal women we want to participate in the constitutional process. We've been excluded from that process ... We want to voice our opinions and ensure that our rights will be protected, especially in the area of Aboriginal self-government. We believe that we have the inherent right to self-government, but we also recognize that since European contact, our leaders have mainly been men, men who are the by-products of colonization. We believe that traditional values [with respect to] Aboriginal women are not practised in a total sense by our leaders. We, therefore,

want the Charter of Rights and Freedoms enforced in Aboriginal self-government until such time as our own Bill of Rights is developed, that will protect women and children ... If there is to be a Charter of Rights for Aboriginal People, women must be part of that Charter.

*April 22, Winnipeg, Manitoba,
Doris Young*

Some Aboriginal intervenors expressed concern that applying the Charter might undermine their collective rights or force the application of European values and norms upon Aboriginal governments, such as choosing leaders by western-style elections and majority rule. Max Yalden, Chief Commissioner of the Canadian Human Rights Commission, suggested to the Royal Commission in Winnipeg that there does not need to be a significant conflict between Aboriginal rights and the rights contained in the Charter. He added that he would prefer to see the Charter accommodate Aboriginal concerns rather than the creation of a separate Aboriginal charter of rights.

Concerns about the accountability and performance of band councils and other Aboriginal organizations were raised in many parts of the country. Many women, urban residents, and community members, while supportive of self-government, are worried that its implementation might perpetuate existing inequities, such as a lack of community control and accountability, abuses of power, elitism, and infringements of individual rights. Grace Meconse spoke on behalf of Native Mediation Inc., an organization that opposes Indian self-government.

With reference to the political process, the Indian leadership is a one-party system. If we are going to have democracy and if the Indian leaders understand the political and democratic process, they will appreciate that all political parties have faced opposi-

tion throughout the world. Our opposition is based on very, very serious claims, and the Indian leadership has been unchallenged.

*April 22, Winnipeg, Manitoba,
Grace Meconse*

Approaches and Models of Aboriginal Governance

Throughout round one, Commissioners pressed for details of models of self-government: what would it look like in practice? Some presenters were hesitant to offer definitions, or spoke in broad terms. Chief Albert Levi of Big Cove, New Brunswick, argued that Aboriginal leaders ought to be more open about sharing their emerging formulations:

Indian leaders do not have all the answers about the future and self-government, but we have many more of the answers than we make the general public believe. It is time to put our cards on the table. We will not have self-government recognized by bluffing the non-Indians or hiding on the reserve. We must come out into the sunlight and tell the world exactly what we are talking about. Of course we run the risk of being told by the general public that we cannot support you. We always run that risk. It is nothing new. Today we face the choice of either explaining ourselves or losing our rights.

*May 20, Big Cove, N.B.,
Albert Levi*

People often spoke about reviving traditional forms mixed with contemporary practices that will work today. A detailed model of self-government, which will incorporate traditional houses and clans in the decision-making process, was described by Don Ryan and Herb George of the Gitksan-Wet'suwet'en Hereditary Chiefs at Kispiox. After three years of negotiating, the Gitksan-Wet'suwet'en people have concluded a complex set of agree-

ments, which had yet to be initialled by the federal government at the time of their presentation to the Commission. Their experience demonstrated the extreme difficulty of fitting Aboriginal concepts of self-governance within the prevailing policies and terminology applied by Indian Affairs negotiators:

The federal policy is to deal with membership rather than citizenship. Just to get the heading of citizenship was a dogfight in itself because if we talk about citizenship it implies some type of sovereignty. So at the end of the day, we finally got them to agree it is citizenship. The houses' inherent jurisdiction is to determine who is a member of their houses, and that includes other Aboriginal people who come into our society and our communities and are part of the community, including non-Indian people. So we finally got that.

*June 16, Kispiox, B.C.,
Don Ryan*

Marc LeClair of the Métis National Council outlined the terms of a Métis National Accord which he informed Commissioners had been tentatively accepted during constitutional discussions. The accord, which would apply to Métis in western Canada, calls for the enumeration and registration of Métis persons and contains a commitment from federal and provincial governments to provide their fair share of Crown lands for transfer to Métis self-governing institutions, as well as providing access to lands and resources for Métis people. It also includes provisions for negotiating self-government and for giving the Métis access to services comparable to other Aboriginal people.

Other Métis intervenors suggested that Métis Senators, persons who are respected Métis elders, should be part of a structure for self-government. A Métis woman, speaking at the Edmonton Round Table on Urban Issues, expressed a recurring expectation with respect

to the establishment of self-government; that is, there should be wide consultation within the Métis community on the ideals and principles on which self-government is to be based. She challenged the right of existing organizations to transform themselves into governments without such a basic process.

The involvement of elders in decision-making structures was a theme running through many of the approaches to Aboriginal government. The Lheit-Lit'en Nation has re-established an Elders Council to play a key role in decision-making processes within the community. We were advised that, as of July 1, 1992, the Council of Elders would choose, for the first time since 1918, the traditional chief and sub-chief. The Nation is continuing to negotiate with the federal government to remove it from the jurisdiction of the *Indian Act* and to put in its place the Lheit-Lit'en Act on July 1, 1993. Chief Peter Quaw described the process of rebuilding the community and of developing a plan.

We had to construct our systems and processes by which we would regain our Nation and eliminate the *Indian Act*, both the symbol and structure of oppression. We achieved this by involving the members of our community. We had monthly meetings and shared volumes of information detailing every aspect of our evolving plan and development. In this manner all of us came to know and understand the issues and were able to speak to them.

*June 18, Stoney Creek, B.C.,
Peter Quaw*

Aboriginal Governance in Urban Areas

The concept of urban self-government, and, in particular, appropriate and workable models, did not receive a thorough review in round one. For many presenters, it would be unacceptable to transplant and replicate band or tribal government in urban centres. For others, such as Eric Robinson of the Winnipeg First

The involvement of elders in decision-making structures was a theme running through many of the approaches to Aboriginal government.

Nations Tribal Council, alignment with existing political structures was the preferred course:

The opportunity to politically amalgamate and align this Tribal Council with the Assembly of Manitoba Chiefs is increasingly favourable and this would give the chiefs the opportunity to service their own people that live in Winnipeg.

*April 22, Winnipeg, Manitoba,
Eric Robinson*

Organizations that are vocal in the debate about the form self-government should take in urban centres have usually developed from coalitions of institutions serving social and cultural needs. In their view, past neglect by reserve-based political authority makes it doubtful that urban Aboriginal needs will be well-served by non-urban governments. Marilyn Fontaine, President of the Aboriginal Women's Unity Coalition, expressed common concerns in her presentation at Winnipeg:

Experience has demonstrated that people served by delivery systems that are overly politicized are systems where needs are not always met in the best interests.

The urban Aboriginal community does not want to be annexed without any basic democratic rights, into a reserve-based political system controlled by an unresponsive leadership.

*April 23, Winnipeg, Manitoba,
Marilyn Fontaine*

For many of these organizations, public service delivery by Aboriginal governments is a principal concern, and they advocate a "status-blind" approach to service. On the other hand, those presenters who argued for portability of treaty rights wherever a member of a treaty nation may reside, and those who sought to have the distinctiveness of Indian, Métis and Inuit maintained in urban settings, held a different view.

A wide range of opinion was aired at the Edmonton Round Table on Urban Issues, without any consensus being reached.

Proposals emerged for urban reserves, for service delivery from home reserves, and recognition that treaty rights are portable, as well as for developing "status-blind" organizations that would be politically accountable to Aboriginal urban residents and have broader authority than current service-oriented organizations. There was consensus, however, that Aboriginal control of public services to Aboriginal people in urban centres is most effective and ought to be expanded.

Land and Economy

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All of creation is an interrelated whole. The land and all of life are intergenerational. A legacy we leave to our unborn children is a clean and healthy environment.

Highlighted in this theme are land and resources, economy, and treaties and land claims.

Aboriginal title and the need for adequate land and resources to support Aboriginal populations was a constant theme from coast to coast. Aboriginal laws, societies and cultures are tied to the land in fundamental ways, as are Aboriginal political systems, economies, and spiritual beliefs. This relationship to the land is seen to be reflected imperfectly in Canadian law in the concept of Aboriginal title, which is the property interest in land flowing from Aboriginal peoples' original use and occupation of the land. To use terms that most Canadians will understand, it might be termed Aboriginal property rights. Many people identified the recognition of Aboriginal title and rights as a fundamental starting point in building a new relationship. Alex Denny, Grand Captain of the Micmac Grand Council, highlighted this in his presentation:

Our number one issue is, has been, and will ever be, the Aboriginal rights and title to this land.

*May 6, Eskasoni, N.S.,
Alex Denny*

Land and Resources

The Environment

Issues raised in this area related to destruction of the environment and ranged from the damage caused by low-flying aircraft in Labrador, to the impact on hunting and trapping caused by the clear-cutting of forests in Northern Quebec, to the pollution of rivers and streams in Alberta, Manitoba and British Columbia, to the failure to clean up abandoned DEW Line sites in the North.

Those who spoke about the environment underlined its importance to Aboriginal societies. For example, Evelyn Webster of the Indigenous Women's Collective, speaking in Winnipeg, said that:

All life is given by the Creator; all aspects of life are spiritual. All of creation is an interrelated whole. The land and all of life are intergenerational. A legacy we leave to our unborn children is a clean and healthy environment.

*April 22, Winnipeg, Manitoba,
Evelyn Webster*

Others, such as Jack Blacksmith, a Waswanipi Band Councillor, made the connection between the environment and cultural and economic survival:

One of our visions as a people has always been the land. Any kind of development poses a threat to the land. The land has always been here. The Creator has made us the caretakers of the land. Our elders have taught us to survive off the land but now, how can we survive off the land when the trees are being destroyed? What are we to do without trees?

*June 9, Waswanipi, Quebec,
Jack Blacksmith*

Intervenors told the Royal Commission that they want compensation for the damage that has been done to the environment and the land

on which they live. Chief Archie Waguan of the Mikisew Cree First Nation said:

Most of the resources of this country are located in the North. For years the people of the East and the South have exploited our resources without any compensation or consideration for the damage and the abuse of the land and the environment. When they have taken all the resources, all they leave us is in ruin..... They enjoy the economic benefits of our resources and I ask you: 'What do my people enjoy?' My people get to enjoy the scars left on the lands and the terrible pollution of the air and the waters. It has ruined our traditional lifestyles, our health, our environment and destroyed our trust in the caretakers of our territory, the Canadian government.

*June 18, Fort Chipewyan, Alberta,
Archie Waguan*

Natural Resources and Major Resource Development Projects

Resource depletion was a significant cause for concern, especially in the fishery on both the Atlantic and Pacific coasts. The impact of resource development projects on Aboriginal communities, and particularly on traditional ways of making a living, was also noted. Several speakers described the profound effects of some of these projects, among them Sharon Venne for the Lubicon Cree First Nation:

The Lubicon Cree have never entered into treaty. They have never surrendered or extinguished their title to their traditional lands and resources. The Lubicon Cree remained an isolated community until 1978-79 when an all-weather road was built to their community at Little Buffalo.....to accommodate the oil resource vehicles and equipment for the oil companies which were exploring and developing the oil resources in the Lubicon traditional area.

In a very short period of time, there were over 400 oil pumps operating within a 15

mile radius of Little Buffalo. The oil rich resources were being taken out of the territory with no return to the Lubicon peoples. The oil exploration had other devastating effects upon the community. In 1978-79, the Lubicon Cree had a traditional economy based upon the produce of their lands. Within a four-year period, the Lubicon went from sustaining themselves to the welfare rolls. I might add this is not a place any Lubicon person wants to be. In 1979 when the Lubicon first began administering their own welfare, there were less than 10 per cent of the population on welfare. By 1983, the percentage of persons on welfare in the community was at 95 per cent....

In 1978-80, the Lubicon peoples harvested 219 moose to help feed their community.... Since 1984, the number of moose killed for food has been about 19 per year.

*June 18, Fort Chipewyan, Alberta,
Sharon Venne*

Commissioners heard elsewhere that the undermining of traditional employment by major resource development projects is often not replaced by employment in the modern resource sector. For example, in Inuvik, members of the community of Aklavik indicated that, when there was an increase in resource development activity in the Arctic in the early 1960s, the Aboriginal people did not have the tools, the money or the training to reap economic benefits or to adjust to the social impacts of the development.

The issue of natural resources arose repeatedly in connection with another matter as well. There is widespread recognition that Aboriginal communities need the revenues from an expanded land and resource base in order to sustain self-government:

I don't think [full self-government] can ever be achieved without a land-based, resource-based economy that is controlled by and for the benefit of the Aboriginal

I don't think [full self-government] can ever be achieved without a land-based, resource-based economy that is controlled by and for the benefit of the Aboriginal people.

people. Self-government by its very name implies financial independence and capability by and from those who wish to govern themselves. We cannot govern ourselves if we are going to be looking for assistance on a perpetual basis through programs that the taxpayer is providing from the overall federal budget.

*May 7, Eskasoni, N.S.,
Albert Julian*

Economy

Traditional Economy

In some locations, the pursuits of hunting, fishing, trapping and gathering are still a principal means of making a living. For example, John Turner, a representative of the Omushkegowuk Harvesters Association speaking at Moose Factory, Ontario, estimated that 85 to 90 per cent of the community's residents participated in the harvesting lifestyle, generating an equivalent of six million dollars per year in economic activity.

In other cases, the story is more negative. Gerald Thom recalled that only thirty years ago, the Métis of Lac La Biche, Alberta, were self-sufficient:

We were involved in mixed farming, the fur trade was healthy, commercial fishing was healthy. Our people were self-sufficient, self-reliant.... Somewhere along the

line in the 1960s they introduced the welfare system, the welfare system that devastated our people, that brought people down to their knees.

*June 9, Lac La Biche, Alberta,
Gerald Thom*

Commissioners were told that pressures on the traditional economy come from many sources, including the impact of the animal rights movement, which has drastically reduced the demand for and price of furs. Other examples cited were traplines disrupted by hydro dams and lines; animals and rivers interfered with by mining and forestry clear-cutting; and wildlife encroached upon by sports hunters. In addition, government regulations and legislation restrict what can be hunted, trapped or fished and when and how such activities can be undertaken.

Chief Ignace Gull of Attawapiskat underscored the need of his people to rely on the spring and fall hunts. Two pressures are being brought to bear where he lives: non-Aboriginal wildlife groups and a proposed hydro dam.

We need that land to survive and for our future generations to survive. And we must protect the environment, animals, air and sea migrants, in this area. It is probably the last frontier that's free of pollutants. It is the last frontier for ... migrations that come from the States and the southern part of Canada.

*June 9, Moose Factory, Ontario,
Ignace Gull*

Economic Development

A number of those who addressed the Commissioners underlined the importance of a land base, or an expanded land base, as well as control over resources as significant prerequisites in achieving economic development. Representatives of the Manitoba Métis Federation articulated this connection:

The Métis believe that the right to a land and resource base naturally flows from the rights of the Métis Nation as set out in Section 31 of the *Manitoba Act* and in Section 35 of the *Constitution Act*, 1982, where it recognizes the Aboriginal Rights of the Métis people. We hold the view that the quantum of land must recognize and promote the social, cultural and economic development of the Métis Nation.

*April 22, Winnipeg, Manitoba,
Yvon Dumont*

Treaty rights were seen by many intervenors as the source of resources for economic development. Vice-Chief Tom Iron of the Federation of Saskatchewan Indian Nations explained the linkage:

The question of what factors are to be considered in the adjudication of a treaty right has been considered in a number of cases. Contemporary authority holds that not only should treaties be considered in light of their 'spirit and intent', but they should also be interpreted conceptually. This means that when a treaty right, for example, to agricultural implements is invoked, the court will look to the concept of this kind of guarantee. It will see the concept of a plough and training in farming techniques to be the assurance that economic development for the First Nation is encouraged as a right.

*May 26, Wabpeton, Saskatchewan,
Tom Iron*

The presentations that dealt with economic development also identified a number of barriers to its achievement. These included the shortage of highly-qualified managers, administrators, and scientists (e.g., in fields such as forestry, oceanography and biology), a shortage that underlines the importance of achieving access to relevant programs in community colleges and universities.

A number of institutional shortcomings were also noted by those who appeared before the Commission, such as the lack of financial services and credit unions in northern communities; the lack of Aboriginal financial institutions and a shortage of capital generally; and the need for small business incubators, for revolving loan funds, and for government contracting policies to benefit Aboriginal businesses.

I feel really strongly that you cannot have economic development without social development.

In the course of the hearings, matters of government policy with respect to economic development were raised. A frequently expressed concern was the apparent restriction of many economic development support programs to reserve-based populations.

Several Aboriginal women raised a very basic question. To what extent can economic development proceed when there are major social problems to be overcome? Lillian Sanderson at La Ronge, Saskatchewan, spoke about:

.....the many social issues that we also have to deal with, family violence, wife abuse, sexual abuse, child abuse, alcohol and drug abuse and suicides. All of these issues are a result of the dysfunctions that we have had to come through from our history of the boarding schools and the churches. In a small way, these social issues are ignored by [the] leadership. It's more important for economic development to be set in place and there is no balance there. I feel really strongly that you cannot have economic development without social development.

*May 28, La Ronge, Saskatchewan,
Lillian Sanderson*

Aboriginal People in the Canadian Labour Force

In both rural and urban areas, north and south, the Royal Commission was told of unemployment rates that are many times the Canadian average, reaching 95 per cent in some communities. The Commission heard that Aboriginal people find themselves restricted to entry-level, poorly paid jobs despite their experience, and their experience on-reserve is often not recognized as a basis for advancement. Poverty resulting from lack of adequately paid employment was directly linked by presenters to the prevalence of overcrowded housing, the abuse of alcohol and other substances, and crime.

Reference was also frequently made to experiences with racism and discrimination when people leave the more sheltered environment of the reserve to move to urban, labour and housing markets. One such presentation was from a new organization called Aboriginal Women in the Canadian Labour Force, which the Commission was told had been formed with the express aim of addressing problems of racism, sexism, including sexual harassment, and colonization:

Our personal and collective experiences as Aboriginal women trying to survive and get ahead in the context of a deeply entrenched, hostile Canadian work environment, combined with our hopes for a better future, is a driving force behind our collective efforts to protect, enhance and promote all our rights as Aboriginal women in the Canadian labour force.

*April 23, Winnipeg, Manitoba,
Jeri Von Ramin*

In this connection, many intervenors spoke on the effectiveness of human rights agencies and employment equity and affirmative action programs in improving the employment position of Aboriginal men and women. While intervenors at the hearings agreed with these initia-

tives in principle, many were sceptical about the concrete results. It was pointed out that employment equity, for example, applies only to larger employers and probably requires stronger enforcement if it is to succeed.

Treaties and Land Claims

Treaties occupy a revered place in the oral traditions of First Nations. Commissioners were told repeatedly that treaties continue to affirm the spiritual relationship of First Nations people to the land and to define their relationship with other Canadians. The following testimony by Brian Lee, at the Hobbema hearing, is representative of many intervenors who spoke of the oral tradition and the sacred nature of treaties:

Treaty 6 recognized and affirmed our inherent government and laws. Treaty 6 First Nations are founded upon principles that recognize the supremacy of the Creator, the sacredness of the pipestem, and the oral traditions of our elders who have passed on our laws from generation to generation....Canada makes something supreme by writing words. Our way of making something supreme and sacred is not with written words but by our sacred pipestem. The Canadian governments and legal systems deny the capacity of First Nations to be empowered by the Great Spirit, yet this is exactly the way in which we derive our authority. It is our law, a law which the Crown agreed to respect under treaty. There is a need for Canada to recognize and acknowledge our way of understanding as we have recognized and acknowledged Canada's way.

*June 10, Hobbema, Alberta,
Brian Lee*

Treaties made before Confederation, numbered treaties, commitments in 1870 to the Métis, and modern treaties such as the James Bay and Northern Quebec Agreement all carry

similar significance. In every presentation where treaties were discussed, they were the focus of disputes and grievances. For the most part, earlier treaties have been ignored by governments, as have the obligations flowing from treaties. Fundamental differences in interpretation arise from Aboriginal reliance on oral traditions and governments' reference to written texts. Individuals and treaty nations told the

Young people saw treaties as the basis for opportunity, whether in securing education or jobs created within a healthy Aboriginal economy.

Commission that if the treaties were honoured and fulfilled, they would have the land and resources necessary to support their governments. Sharing of resources through royalties and an expanded land base were seen by many as the basis for economic self-sufficiency. Enforcement of federal or provincial legislation to override provisions of treaties was considered a breach of treaty obligations, as in the case of the Douglas Treaties on Vancouver Island being made subservient to the *Fisheries Act*. Young people saw treaties as the basis for opportunity, whether in securing education or jobs created within a healthy Aboriginal economy. Linda Ross, speaking at Kingsclear, New Brunswick, argued that transfer payments and treaty monies are not gifts, but a modest exchange for what was negotiated in treaties. Many presenters sought a broad public understanding of the nature of treaties to counter the perception that Aboriginal people are recipients of handouts.

People ask us how we will afford self-government? Well, let me ask in return, how are treaties going to be rectified? We believe that when Treaties are truly dealt with, in a manner that would honour the Crown, we will not have to walk around with our hat in our hand and talk about the social ills of our communities.

*June 26, Toronto, Ontario,
Joe Miskokomon*

In presentations across the country, Commissioners heard from Aboriginal people that treaties still represent reciprocal obligations undertaken on a nation-to-nation basis between the Aboriginal and non-Aboriginal peoples of this land. The key to a new relationship is seen to lie in understanding the past and honouring the principles enshrined in the treaties. Ovide Mercredi, National Chief of the Assembly of First Nations, placed the current constitutional talks in just such a historical context:

Your mandate as a Commission is to look at the historical relationship between our people and the nation state [Canada]....The answers or the solutions that you seek will not be found by simply accepting the perspectives of the dominant society. You have to find the answers by adopting the perspective of the Aboriginal people....This new journey we are involved in, called constitutional reform, is really about acceptance of our way of life, acceptance of our world view, and acceptance of that basic principle that we all grew up with: respect for the right to be different.

*June 26, Toronto, Ontario,
Ovide Mercredi*

The plight of Aboriginal people without a land base was raised repeatedly. For many Aboriginal people, such as those in British Columbia, the Northwest Territories, and Labrador, land claims remain outstanding. There are no treaties covering most of these

This new journey we are involved in, called constitutional reform, is really about acceptance of our way of life, acceptance of our world view, and acceptance of that basic principle that we all grew up with: respect for the right to be different.

areas. Recent agreements in the Yukon and in the eastern Arctic, along with the formation of a British Columbia Treaty Commission, hold the promise of addressing some of these outstanding claims.

In areas covered by treaty, the Commission learned that other problems exist. For example, some Aboriginal people were left out of treaty or land claims negotiations. Others, who have grievances related to their treaties, had their appeals ignored by government.

The loss of their lands through land speculators was a major concern of the Métis, who pointed to the provisions of the *Manitoba Act, 1870*. Other presenters noted that some Aboriginal people lost land as a result of coercive resettlement policies implemented by government. For many people who appeared before the Commission, access to existing treaty rights was a major issue. Portability of treaty rights and the extension of entitlements on the basis of current residence were two proposals put forward to address this issue.

Not all treaties were negotiated centuries or even decades ago. Modern treaties or land claims agreements were also addressed during round one of the public hearings. The federal government's comprehensive and specific land

claims policies were criticized along several lines. The existing comprehensive land claims policy is based upon the principle of extinguishment; that is, Aboriginal people must extinguish all of their rights in order to gain ownership and use of lands and resources as set out in land claims agreements with the federal government. Rather than recognize the original title to land, the current policy is to remove Aboriginal title to land and replace it with a new right to land, one that is bestowed by Parliament. Dene Chief Gerald Antoine, who spoke in Fort Simpson, Northwest Territories, views this policy as unconstitutional:

In the light of these historical and legal realities, substantiated since 1982 by Section 35 of the Canadian Constitution, the present concept of Crown lands and Commission lands in the Northwest Territories, as well as the *Northwest Territories Act*, the *Indian Act*, and the comprehensive claims policy, are considered to be unconstitutional in that they contravene the originally negotiated relationship between the Dene and the Crown.

*May 26, Fort Simpson, N.W.T.,
Gerald Antoine*

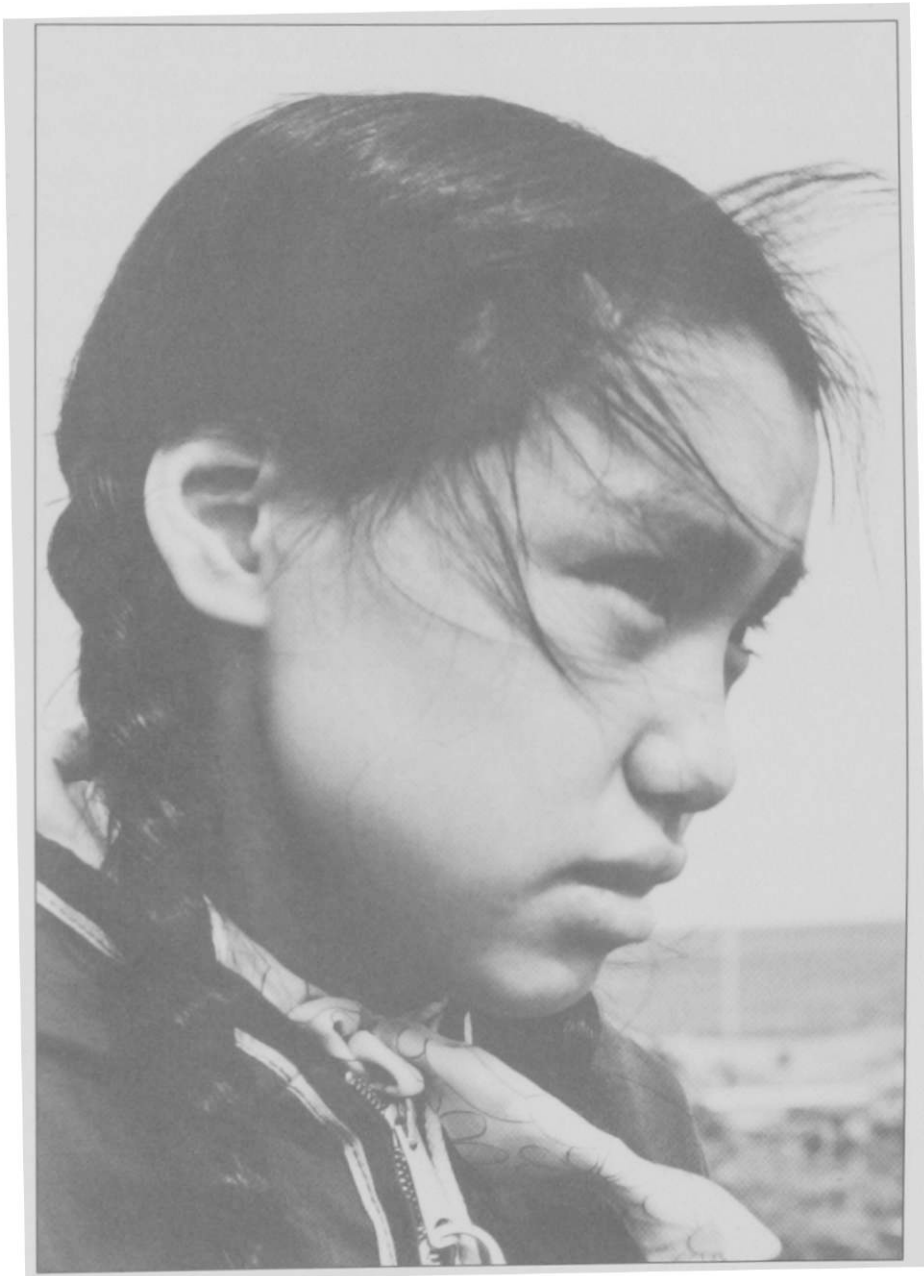
Some intervenors spoke of the one-sided nature of the land claims negotiation process, in which the federal government controls access to negotiations, funding, timetables, and policies. Both Chief David Keenan of Teslin and Judy Gingell of the Council for Yukon Indians recommended that the \$63 million that had been lent to Yukon First Nations to finance their participation in land claims negotiations be converted into a grant and not repaid, since many of the costs were attributable to delays resulting from changes in federal ministers or in government policies. In the case of specific claims, the Commission was told that the federal government first decides which claims are to be adjudicated, then acts as plaintiff, defendant, and judge.

In western Canada, several Métis intervenors reminded Commissioners of the promise of 1.4 million acres at the time of the *Manitoba Act, 1870*. The Métis have been excluded from negotiations on land claims and have no process for achieving such agreements. At Lac La Biche in Alberta, Gerald Thom of the Métis Nation of Alberta urged that the Métis Settlements land base, which already exists in his province, be protected in the Constitution:

We are so fortunate in the Province of Alberta to have 1.2 million acres of land for all Métis people in this province. We want those lands entrenched in the Canadian Constitution. We want protection of those lands.

*June 9, Lac La Biche, Alberta,
Gerald Thom*

The North



Education and economic development are of particular concern to young people who make up a very large proportion of the population of the North.

Much of what we heard regarding the North, in areas such as land claims, resource development, and self-government, has already been highlighted in previous sections. Some issues, however, are of particular importance in the North, and it is to those that we now turn. Education and economic development are of particular concern to young people who make up a very large proportion of the population of the North. Other prominent northern issues include services and infrastructure, the High Arctic Exiles, and land claims. Again, the threads of Aboriginal identity, language and culture weave their way throughout what we heard.

Young Northerners

The North has a very young population. These young northerners called out to the Royal Commission for help:

Children have dreams. We dream of a world where our parents have opportunities to earn a decent living by working at traditional or non-traditional jobs. Our survival as a distinct people should not be dependent on a welfare cheque. The welfare cheque destroys our dignity as a people. It encourages dependency. Many of our parents think they are worthless. Many of them do not have the heart to serve as a stable source of love and discipline. We are experiencing a breakdown in traditional family values. We are not making human beings human. Educate us to be a guide, a

friend, a companion, to our parents, to our people, and to all Canadians. Children have dreams. Children trust grown-ups. Please, don't let us down.

*May 25, Iqaluit, N.W.T.,
Tara Lindsay*

Concern for preserving language and traditional ways was very high in all the Inuit communities visited. Another Iqaluit grade school student, Althea Baril, linked identity, language and education:

There are many elders in our community who are very good teachers. Elders should be a part of our education system. Whether it is sewing, hunting, singing, math or language arts, they teach well. They taught our people before the arrival of southern teachers. They did an excellent job. They helped us to maintain our identity as Inuit. Our elders are needed. They should be accepted as qualified teachers.

*May 25, Iqaluit, N.W.T.,
Althea Baril*

The high school completion rate for Aboriginal people is very low in the North. Commissioners were told that in the Northwest Territories, for example, it is under 20 per cent. Education was seen by young people in the North as a means of restoring pride and self-esteem:

Education is just so important now for our natives. First of all, there is a lot of people here that have said that we need to build pride as natives. But, first of all, we need to build our pride and dignity as human beings, and then build on it as natives, because there are a lot of native youth out there that have no self-confidence, no self-esteem. They basically don't like themselves. They don't want to approach elders ... they just don't have the time or the strength to go ahead and chase their native values and culture.

*June 9, Moose Factory, Ontario,
Eli Chilton*

The Royal Commission heard that Aboriginal people in the North are addressing some of these issues. In a number of places, cultural institutes have been established to begin the work of retrieval, preservation and teaching. Examples brought to the attention of Commissioners were the Avataq Cultural Institute in Inukjuak, northern Quebec, and the Dene Cultural Institute in Hay River, Northwest Territories. Proposals were also made for expanding the use of Inuktitut, changing the school curriculum to allow more teaching in traditional culture, and making Inuktitut an official language in Nunavut.

Education and training alone, however, are not seen as a panacea. There must be jobs to go to. Intervenors told Commissioners that this requires economic development, a major issue in the North. Some of the dimensions of the problem were outlined clearly in Inukjuak, where Commissioners heard that there are about 1,000 people and only 140 wage-earning jobs, 40 of which are held by trained people brought in from the south.

Proposals to improve economic development included a program to support people willing to live off the land, similar to the Income Security Program for hunters and trappers which is based upon the James Bay and

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Northern Quebec Agreement. Some intervenors spoke of economic development success stories. In Pangnirtung Keven McCormick of Imarvik Fisheries outlined the potential for the fishing industry in the Baffin region, where his company had employed some 200 Inuit workers over the past six months.

Services and Infrastructure

One area of concern focused on the level of services and infrastructure in the North. For example, concerning issues of family violence, some speakers identified a need to establish emergency shelters for women and children in all communities, even small ones, as a first step in the healing process. The complexity of eliminating the threat of violence in small communities was recognized, as was the role of women and their particular need for support:

Many of our families are disrupted by alcohol and by violence and most often against women ... Aboriginal women because of their traditional role as lifegivers and caregivers carry much of this pain. They try to solve many serious problems of physical and mental health which arise from factors beyond their control – poverty, cultural change, racism.

*May 6, Inuvik, N.W.T.,
Rita Arcey*

Another service deficiency identified for Commissioners was the lack of elder care facilities in communities. Several intervenors spoke of the hardships suffered by the elders and the loss to the community that result from a lack of local facilities and the placement of elders in distant care centres.

Over the last 20 years many of our elders have left our community to either live in nursing homes or in long-term care units in hospitals outside of Fort Chipewyan.

Many of the elders that have left the community were basically elders that had never

left Fort Chipewyan prior to leaving for nursing homes or to a long-term care unit. It makes me feel very sad to know that over the last 20 years that many of our elders that left to go to nursing homes came back only to be buried ...

I can't imagine the many sufferings they must have gone through, strange environments, surroundings, strange food that they had to eat and I am sure that many of them died sooner than they would have. Probably many of them died because of loneliness, being away from the community.

*June 19, Fort Chipewyan, Alberta,
Margo Vermillion*

Many northerners who appeared before the Commission identified a current and worsening crisis in housing and community infrastructure, which results from a growing population coupled with government spending restraints. They explained that this problem is much worse in the North than in the rest of Canada and is more difficult in the high Arctic, because of the very high construction and maintenance costs.

Commissioners also heard that government policies that are national in scope are often not appropriate in the North. Toby Andersen, of the Labrador Inuit Association, described how cut-off dates for unemployment insurance result in hardship for Labrador fishermen

Several intervenors spoke of the hardships suffered by the elders and the loss to the community that result from a lack of local facilities and the placement of elders in distant care centres.

because they do not coincide with the start-up of the fishing season in the North:

You look through the window and why are our fishermen not fishing? It's ice, right? They can't put out nets. All our fishermen here in Makkovik, their Unemployment Insurance benefits expired the 15th day of May. Every year that happens. Why? Because you're supposed to be fishing. We're tied to an Unemployment Insurance policy that's standard or mandatory across Canada. And there's no exception for a unique area known as northern Labrador where there is an Aboriginal society.

*June 15, Makkovik, Labrador,
Toby Andersen*

The High Arctic Exiles

Some other key issues are particular to the North. One has to do with the High Arctic Exiles. Five people from the group of Inuit families relocated by the federal government from northern Quebec to Resolute Bay and Grise Fjord in the 1950s shared their experience with Commissioners in Inukjuak. They told the Royal Commission of false assurances given by the government and the RCMP to persuade them to relocate, of the hardships they endured in the early years, and of the refusal of officials to allow them to return to the home they had left. When some of the exiles succeeded in returning to Inukjuak after thirty years, they found themselves strangers to their own relatives. Their research has convinced them that the government relocated them in order to reinforce Canadian sovereignty in the high Arctic and that their contribution to this goal, as well as the injustice done to them, deserve recognition. This recognition continues to be withheld:

They told us there was a lot of caribou and a lot of other animals, but when we arrived, there was hardly any caribou. They told us that they would bring us back to our com-

munities after two years, but when we told them we wanted to go back home, the police told us it was not possible any more. They used to try to bring Inuit from the N.W.T. to the high Arctic, but they knew how to return home and they couldn't maintain them there, so they had to find a group of people that didn't know the road back home and that would stay up there.

*June 6, Inukjuak, Quebec,
Samwillie Elijassialuk*

The first year in our new home in Resolute was the hardest for us, mostly because we did not know the land. We did not know where to hunt and there was no daylight from November to February. We survived mostly on the garbage of the white man. Since we were not allowed to have any contact with white people, my father and the rest of the men had to go to the dump under cover of darkness. The dark season which was preventing us from hunting allowed us to sneak into the dump without being discovered by the RCMP.

*June 6, Inukjuak, Quebec,
Markoosie Patsaug*

I used to dream about the streams where there was a lot of Arctic char. I would just take however much Arctic char I needed and eat it. Then I would wake up and it was only a dream and I would start crying....One year I didn't get up for the whole year although I wasn't sick. I was so weak with craving for fish that I couldn't get up.

*June 6, Inukjuak, Quebec,
Mary Palsaug Iqaluk*

I was a very young man then and I contributed to the sovereignty of Canada in the high Arctic but no credit has been given to me. When I came back here I became very small, an old man and no credit shown to me, so I would like to discuss this further with the government.

*June 6, Inukjuak, Quebec,
Andrew Iqaluk*

The demands of the exiles for an apology and financial compensation from the Royal Canadian Mounted Police and the federal government were supported by Rosemarie Kuptana, President of the Inuit Tapirisat of Canada, speaking at the Toronto hearing:

Inuit have been seeking a solution, an apology and compensation for the 17 families that were relocated from northern Quebec up to the high Arctic, where they experienced tremendous suffering. Canada has never fully acknowledged this problem yet they have acknowledged others in the country, and we are seeking equal human rights recognition.

*June 26, Toronto, Ontario,
Rosemarie Kuptana*

Once agreements are signed there is inadequate preparation for implementation; the roles of various governments are poorly defined; and the timetable for the flow of funds is uncertain.

cited difficulties with the federal requirement that comprehensive claims agreements extinguish Aboriginal rights. Some Aboriginal people involved in land claims negotiations outlined for Commissioners other areas of concern: once agreements are signed there is inadequate preparation for implementation; the roles of various governments are poorly defined; and the timetable for the flow of funds is uncertain.

Of particular importance in the North is the matter of overlapping traditional land use and occupancy among Aboriginal peoples. This brings to the fore difficult questions of boundary delineation and, in some cases, shared use of a given piece of territory. For example, the Dene of northern Saskatchewan and Manitoba expressed frustration about stalled negotiations with the federal government concerning land north of 60 degrees over which both Dene and Inuit assert that they have rights. This follows the historic Nunavut land claim agreement, which was signed in December 1991.

Comprehensive Land Claims

Some Aboriginal people identified problems concerning the process and implementation of comprehensive land claims: there are long delays in commencement of negotiations as well as delays in receiving federal responses; not all government parties whose agreement is required are present at the negotiating table; federal negotiators have unclear mandates and little discretion; policies change in mid-stream and there are no policies in some areas; and the government seems unable or unwilling to take a consistent but flexible stance. Presenters also

Part Two

Some Questions to Consider

What we heard in round one was powerful and moving, often spoken from the heart with great feeling. Much of what we heard was rooted in the problems and hopes of the communities that we visited, filling the speakers' remarks with local inflection and example. We thank those people who gave their time and energy in these initial hearings to convey their information and insights to the Commission. What we have presented in the preceding pages are examples of the riches to be found in the 10,000 pages of transcripts containing the testimony from round one. In addition to this source of information, we have initiated a series of national round tables, such as the one on urban issues held in Edmonton this past June, and we are launching research studies on particular issues.

We cannot help but think that much of what we heard – the discrimination, the pain, and the anger – are symptoms of a much more fundamental problem, a problem in the basic relationship between Aboriginal and non-Aboriginal people in Canada. When European settlers first arrived in what is now Canada, they relied upon Aboriginal people for their survival. This was followed by an influx of settlers, predominantly from Europe. Then there was a period of time when both Aboriginal and non-Aboriginal people were self-sufficient. The balance has shifted over time, and relations now are characterized for the most part

by political and economic dependency of Aboriginal peoples, by inequality of opportunity, and by subordination of Aboriginal languages and cultures.

The relationship has for many years been a colonial one, with the rights of Aboriginal people suppressed and with Aboriginal self-sufficiency on a land base systematically destroyed. We believe that we are on the threshold of a new era, one that will begin a process of decolonization and that will replace outdated notions with a new set of principles upon which to build a new relationship. If this is the case, restoring the relationship will not be achieved by tinkering with existing legislation, such as the *Indian Act*. Nor will it be resolved solely with the addition of more resources, although this is an important element. What will be required is nothing less than a complete restructuring of relations between Aboriginal and non-Aboriginal people in Canada.

We think that rebuilding the relationship would benefit all Canadians. We all lose if a growing number of Aboriginal young people are unable to complete high school. We all lose if outstanding land claims continue to halt responsible resource development. We all lose if family violence continues to eat away at many Aboriginal communities. Recognizing the inherent right of Aboriginal self-government in the Constitution would be a catalyst in this task of reconstruction.

If we are to rebuild the relationship, upon what principles and values should the new relationship be based? Are autonomy, self-sufficiency, cultural development, and reciprocity good examples of such principles? There are, no doubt, others. What implications would such principles and values have for the lives of Aboriginal and non-Aboriginal people in Canada?

To stimulate dialogue and explore more fully what this future relationship might look like, we present a series of questions. Some of the questions are fundamental and some are more specific. The list is not exhaustive; it is meant to provide examples. We invite Aboriginal people and other Canadians to consider these questions and to frame others arising from their own experience and circumstances.

Fundamental Questions

1 We heard that Aboriginal people want to become more autonomous and more self-sufficient. We also heard that Aboriginal people want more and better programs and services from federal and provincial governments, as do most Canadians.

- (a) How will Aboriginal self-government lead to political and economic self-sufficiency?
- (b) Will this require more land and resources under the control of Aboriginal people? If so, are Canadians willing to ensure that Aboriginal people achieve this?
- (c) To whom would Aboriginal governments be accountable, and for what?
- (d) How will Aboriginal governments be financed? Do existing federal/territorial financing agreements provide a useful model? Will Aboriginal governments tax their own citizens?
- (e) What programs and services will continue to be offered to Aboriginal people by federal and provincial governments?

2 We heard that Aboriginal people wish to retain their identity, language and culture, and many wish to continue living on the land. We also heard that Aboriginal people want to compete in the wage economy and in the international marketplace.

- (a) How can a strong sense of identity be maintained in a changing environment?
- (b) How will greater Aboriginal participation in the Canadian labour force be achieved? How should Aboriginal cultural practices be accommodated in the workplace?
- (c) Are Canadians willing to support traditional Aboriginal economic pursuits, such as trapping and hunting, as they have supported the grain, dairy and mining industries?
- (d) Do Canadians feel that preservation of Aboriginal languages is important to Canadian identity?
- (e) How can an education system be designed and controlled by Aboriginal people that will prepare youth for participation in either the traditional or the wage economy?
- (f) To what extent must social problems be resolved before economic development can proceed?

Treaties, including comprehensive land claims agreements, are reciprocal arrangements, exchanging newcomers' access to land and resources for certain benefits to Aboriginal peoples. We heard that treaties are sacred and living agreements, to be honoured in spirit and intent, and to be interpreted in light of today's realities. We also know of governments' concerns for certainty and finality in land agreements.

- (a) Can we find a way of resolving disputes over the interpretation of treaties that meets the concerns of both Aboriginal peoples and Canadian governments?
- (b) How can governments be brought to honour the many treaty obligations, such as treaty land entitlements, that remain unfulfilled?
- (c) What is the relationship between treaties and self-government? In what way can we ensure that self-government enhances the fulfilment of treaty obligations?
- (d) Should Aboriginal people be expected to extinguish their rights in order to reach land claims agreements?
- (e) How can land claims negotiation processes be made fairer, more timely, and more effective?
- (f) Should Aboriginal peoples' right, interest and title in their traditional and contemporary lands be recognized formally in Canadian law?
- (g) To what extent are non-Aboriginal people aware of their obligations to Aboriginal people in such areas as fishing, hunting and harvesting rights? Are they prepared to honour these obligations?

Throughout the public hearings, we heard first-hand what most Canadians know only through the media; that the living conditions of many Aboriginal people in Canada are appalling, marked by such ills as suicide, family violence, poverty, substance abuse, and racial discrimination.

- (a) How can the efforts of Aboriginal people to achieve individual and community healing be recognized, supported and extended more broadly?
- (b) Are Canadians willing to assist Aboriginal people in securing programs and services comparable to those enjoyed by most other Canadians?
- (c) If, as past studies suggest, such services are most effective if they are controlled and delivered by Aboriginal people, how is this to be achieved? What arrangements are appropriate for services in urban centres? What forms might Aboriginal self-government take in Canadian cities?
- (d) Do Canadians in general recognize that much work needs to be done to heal the relationship between Aboriginal and non-Aboriginal peoples? Are they willing to address the systemic racism and racist attitudes that have prevailed toward Aboriginal people since colonial times?

Specific Questions

Everyone can relate to these fundamental issues because they have potential implications for day-to-day life. How will it affect my children? Will family violence be reduced? Will my taxes go up? Will health care services be reduced? Will suicide rates go down? We turn now to some examples of more specific questions to help focus discussion.

REBUILDING THE RELATIONSHIP

1

Aboriginal people have been oppressed over time by policies of colonial and Canadian governments. What can individuals do to build a new relationship based on justice and mutual respect? What are the responsibilities of institutions, such as school boards, media, churches, and business and professional groups?

2

What actions can be taken to eliminate the mistaken assumptions and negative stereotypes that many non-Aboriginal Canadians harbour about Aboriginal people?

3

Do the Canadian elementary and secondary school systems fairly represent the contribution of Aboriginal peoples to Canadian society? If not, what actions should be taken and by whom?

4

What action is required to "set the record straight" with respect to historic wrongs such as Indian and Inuit residential schooling? Who should take this action?

5

As a result of government policy, groups of Aboriginal people such as the High Arctic Exiles have been relocated, causing hardship. What actions should be taken to redress these injustices and by whom?

ABORIGINAL GOVERNMENT

6

In what areas should Aboriginal governments exercise power - education, language, resources, environment, taxation, trade, labour relations, criminal law? Others?

7

What forms will Aboriginal self-government take? What role will elders play? Will traditional ways of decision making be incorporated into Aboriginal governments? How will Aboriginal women's concerns for adequate representation be addressed?

8

What steps should be taken now by Aboriginal communities to prepare for operating their own Aboriginal governments?

9

Would some Aboriginal governments be regional in scope? Would some be at the level of Aboriginal nations? Would some be organized to cover treaty areas? Would some take the form of federations?

10

Would Aboriginal governments have authority over non-Aboriginal people living within their territory?

11

Would those non-Aboriginal people participate in Aboriginal governments? Would these governments then take the form of public governments?

12

Would Aboriginal people have citizenship in their Aboriginal Nation in addition to their Canadian citizenship?

13

What role, if any, should the *Indian Act* play in Aboriginal government? What arrangements should be put in place during the transition from band councils under the *Indian Act* to Aboriginal self-government?

14

What Aboriginal institutions will be needed to deliver public services to Aboriginal people? How will non-Aboriginal institutions that deliver services to Aboriginal people be made more responsive to Aboriginal needs?

15

How will Aboriginal self-government affect the fiduciary or trust-like responsibility of other governments? What responsibilities will federal and provincial governments continue to carry with respect to Aboriginal people?

16

How will the costs of Aboriginal government and public services under Aboriginal control be financed?

17

How will membership criteria be developed and applied by Aboriginal governments? How will eligibility for benefits from Aboriginal governments be determined? Will there be processes of appeal?

URBAN ISSUES

18

What are some workable options and models for urban Aboriginal governments? How would they be financed? What powers would they exercise? Is an elected body within a city an option? Is service delivery originating from Aboriginal governments outside the city an option? Is a model similar to elected separate school boards an option? What linkage would there be to municipal governments and school boards?

19

In urban centres, are separate governments and institutions required for Métis, Inuit and First Nations, or should Aboriginal institutions serve all Aboriginal people without distinction?

TREATIES, LAND AND RESOURCES, ECONOMY

20

Should treaty rights be portable, capable of being exercised by individuals residing off-reserve?

21

What processes might be proposed for settling boundary disputes between Aboriginal groups involved in comprehensive claims agreements?

22

Can wildlife in the North support the numbers of Aboriginal people wishing to live a traditional lifestyle, even with the addition of an income support program like that operating in the James Bay and northern Quebec region?

- 23 Will Aboriginal young people, even with good education, face a choice of unemployment in their communities or moving to cities for employment opportunities?
- 24 What planning needs to be done now for Aboriginal young people who will be seeking meaningful employment, and who should do it?
- 25 Have employment equity, affirmative action, and human rights initiatives helped to reduce racial and sex discrimination with respect to Aboriginal people? Have they increased employment among Aboriginal people? Are other measures required? If so, who should take them?
- 26 What means can be used to resolve the sometimes competing claims of Aboriginal and non-Aboriginal fishermen, hunters, etc.?

EDUCATION, LANGUAGE AND CULTURE

- 27 What action is required to ensure that Aboriginal youth pursue and obtain technical and professional levels of education? How can parents instill high aspirations in their children? What is the responsibility of communities and those in leadership positions? What adaptations in education systems are necessary? Most important, how do Aboriginal youth envision their future and how do they propose to prepare themselves for the responsibilities ahead of them with the implementation of self-government?

- 28 What place should Aboriginal cultures, languages and history have in the education of all Canadian students? How should the bias and omissions in school texts be corrected?
- 29 How can formal and informal education processes involve elders and help to pass on to youth the wisdom of oral Aboriginal cultures?
- 30 What are the goals of Aboriginal peoples with respect to Aboriginal language education? How do these goals differ from region to region? What changes in education policy and practice are required to reach these goals?
- 31 How will an adequate funding base for education facilities in Aboriginal communities be established? Will there be adequate funding for curriculum development in Aboriginal schools? Will opportunities for post-secondary education be enhanced?
- 32 To what extent do Aboriginal education systems need to be co-ordinated with provincial and territorial systems? What measures should be taken to ensure responsiveness to Aboriginal priorities in provincial and territorial institutions?
- 33 How can equitable educational opportunities be extended to students in remote and northern communities?

34

Is education an Aboriginal right as well as a treaty right? What does this mean for the distribution of benefits to treaty and non-treaty Aboriginal people?

35

Would Aboriginal students learn more if they had teachers and principals of Aboriginal origin? what steps can be taken to increase the number of Aboriginal teachers and administrators in our schools?

HEALTH

36

How can traditional health practices be incorporated in the modern health system? What changes would this imply for the way doctors and nurses deliver Aboriginal health care? How can medical and nursing schools assist in recognizing the value of traditional approaches to health?

37

What is preventing the application of holistic community health strategies to deal with poverty, poor nutrition, inadequate housing and low morale in Aboriginal communities? How can the fragmentation of human services be remedied?

38

What organizational framework is required to co-ordinate Aboriginal health services locally and regionally?

39

Where Aboriginal health services continue to be delivered by non-Aboriginal institutions, what adjustments need to be made in service delivery? What policies should be implemented by governments to ensure that hospitals, health centres, etc. make the required changes?

40

What are the barriers to entry of Aboriginal people into health careers? How can the barriers be removed? Who should take the needed steps?

JUSTICE

41

What recommendations of past Aboriginal justice inquiries are being implemented? Which ones are stalled? For example, has cross-cultural training of justice personnel been introduced? What effects of the training are in evidence? What are the obstacles to full implementation of recommendations from the many inquiries?

42

Can the existing justice system, which, according to previous reports, is failing Aboriginal people, be adapted to correct its shortcomings?

43

Do the difficulties encountered by Aboriginal people in the justice system lie in fundamental elements of the present system? For example, the adversary nature of the process; methods of assessing credibility; emphasis on punishment as opposed to healing; and the concepts of guilt and innocence. If the problem is so fundamental, how can accommodations be successful?

44

Do the difficulties lie, instead, in administrative aspects of the existing justice system, for example:

- (a) police, how they treat suspects and decide to press charges;
- (b) prosecutors, how they decide to proceed with charges and how they conduct themselves in court;
- (c) judges, how they conduct court proceedings and how they treat accused Aboriginal persons;
- (d) sentencing, how sentences are handed out and how they fit the situation;
- (e) correctional institutions, how they deal with Aboriginal prisoners;
- (f) other parts of the justice system, bail procedures, probation, parole, etc.;
- (g) the attitude of people working within the system.

Will administrative reforms achieve the goal of fair treatment for Aboriginal people?

45

What would be the effects for society as a whole if greater emphasis were placed on restitution, reconciliation and rehabilitation in the present system? Would the overall effects be beneficial? Would segments of society such as the poor, women and cultural minorities benefit most?

46

If the present system cannot be adapted to correct its shortcomings, should a separate Aboriginal justice system be established? Should there be one or many Aboriginal systems? Does the creation of Aboriginal justice systems conform with the basic democratic principle of equality before the law?

47

If parallel Aboriginal justice systems were to be established, a number of questions would arise:

- (a) Over what areas of law would they exercise jurisdiction? Would they have jurisdiction over non-Aboriginal people? Would they have jurisdiction in a certain territory?
- (b) What would the relationship be among various justice systems in different Aboriginal communities? How would Aboriginal justice systems relate to the existing system? Could there be a separate system of Aboriginal appeals? Would decisions of Aboriginal justice systems be referred for appeal to courts in the existing system?
- (c) How will individual rights and collective rights be balanced, for example, when a mother wishes her child to be adopted outside the community, and a local council sets a priority on adoption within the community? If community standards led, in some cases, to lenient treatment of offenders in domestic assaults, how would the interests of women and children be protected?
- (d) How will those who are excluded from the local power structure be assured of fair treatment?
- (e) What training for justice personnel will be put in place? How will traditional approaches to reconciliation and healing be incorporated in the training process? What role will elders have in the formation of systems, the training of personnel, and the implementation of new approaches to Aboriginal justice?

Appendix 1

Schedule of Public Hearings - Round 1

Winnipeg, Manitoba, <i>April 21-22-23, 1992</i>	Pangnirtung, Northwest Territories <i>May 28, 1992</i>
Charlottetown, Prince Edward Island <i>May 5, 1992</i>	La Ronge, Saskatchewan <i>May 28, 1992</i>
Inuvik, Northwest Territories <i>May 5-6, 1992</i>	Inukjuak, Quebec <i>June 8, 1992</i>
Eskasoni, Nova Scotia <i>May 6-7, 1992</i>	Moose Factory, Ontario <i>June 9, 1992</i>
Fort McPherson, Northwest Territories <i>May 7, 1992</i>	Lac La Biche, Alberta <i>June 9, 1992</i>
Kingsclear, New Brunswick <i>May 19, 1992</i>	Waswanipi, Quebec <i>June 9, 1992</i>
The Pas, Manitoba <i>May 19-20, 1992</i>	Moosonee, Ontario <i>June 10, 1992</i>
Port Alberni, British Columbia <i>May 20, 1992</i>	Hobbema, Alberta <i>June 10, 1992</i>
Big Cove, New Brunswick <i>May 20, 1992</i>	Edmonton, Alberta <i>June 11, 1992</i>
Esquimalt, British Columbia <i>May 21, 1992</i>	Sault Ste. Marie, Ontario <i>June 11, 1992</i>
Victoria, British Columbia <i>May 22, 1992</i>	Makkovik, Newfoundland and Labrador <i>June 15, 1992</i>
St. John's, Newfoundland and Labrador <i>May 22, 1992</i>	Goose Bay, Newfoundland and Labrador <i>June 16, 1992</i>
Iqaluit, Northwest Territories <i>May 25-26, 1992</i>	Kispiox, British Columbia <i>June 16, 1992</i>
Wahpeton, Saskatchewan <i>May 26, 1992</i>	Fort McMurray, Alberta <i>June 16, 1992</i>
Fort Simpson, Northwest Territories <i>May 26, 1992</i>	Sheshatshit, Newfoundland and Labrador <i>June 17-18, 1992</i>
Prince Albert, Saskatchewan <i>May 27, 1992</i>	Fort Chipewyan, Alberta <i>June 18, 1992</i>
Teslin, Yukon <i>May 27, 1992</i>	Stoney Creek, British Columbia <i>June 18, 1992</i>
Watson Lake, Yukon <i>May 28, 1992</i>	Toronto, Ontario <i>June 25-26, 1992</i>

