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PUBLIC HEARINGS

# Overview of the First Round



Prepared for the Commission  
by Michael Cassidy  
Ginger Group Consultants



**Royal Commission  
on  
Aboriginal  
Peoples**

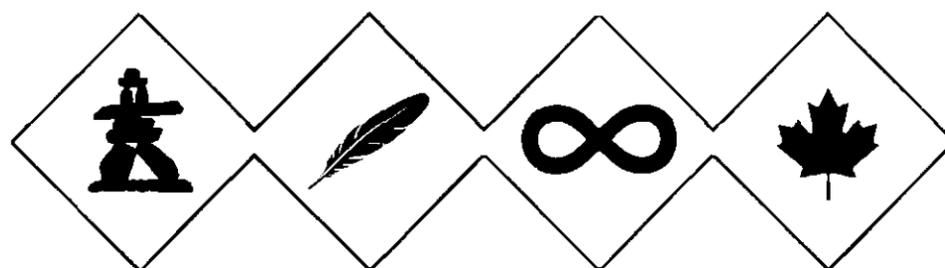


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CANADIANA

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October 1992



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# Introduction

◆ The Royal Commission on Aboriginal Peoples held its first round of hearings across Canada from April 21 to June 26, 1992. These hearings focused on allowing Aboriginal and non-Aboriginal people and organizations to voice their concerns and to offer solutions to the broad range of problems set out in the Commission's mandate. Over two months, the Commission heard from some 785 individuals and organizations and held 44 days of hearings at 36 locations, mostly in smaller communities. These included 11 days in Atlantic Canada and Labrador; 6 days in central Canada; 21 days in the West and 9 days in the two northern territories.

All seven commissioners took part in the opening round of hearings in Winnipeg, Manitoba, and in the closing round in Toronto, Ontario, as well as at a National Round Table on Urban Issues affecting Aboriginal people held in Edmonton, Alberta. Elsewhere the Commissioners broke into three teams so as to cover more ground and maintain a more informal style. Their hearings took them from St. John's, Newfoundland, to Victoria, British Columbia, and as far north as Inuvik and Iqaluit, Northwest Territories. A list of the hearings and dates is appended.

The hearings generally were held in community halls, Aboriginal friendship centres, schools, and longhouses rather than in hotels or conference

centres. One or more Commissioners for the Day drawn from the local community, often an Elder or Chief, joined the commissioners at the front of the hall at each day's hearings. The opening of each day's hearing generally included drumming and songs offered by a local group and a prayer or short spiritual ceremony conducted by an Elder.

Commissioners visited a number of Aboriginal services or activities of interest in the communities where hearings were held and took part in community events. These included Aboriginal schools, shelters, homes, and community services; a variety of meals and feasts of traditional Aboriginal foods; a sweat lodge ceremony; a benefit performance at Toronto's Native Earth Performing Arts Incorporated and, in Inukjuak, Northern Quebec, an evening concert involving almost the entire community. Two of the Commission's hearings were held inside federal penitentiaries, at Stoney Mountain in Manitoba and Saskatchewan Penitentiary near Prince Albert; Commissioners also met with female inmates on a visit to Pinegrove Correctional Centre near Prince Albert, Saskatchewan.

The Commission made transcripts and summaries of the hearings. Many of the sessions were videotaped by local cable outlets or by the National Film Board. Simultaneous translation was provided in areas where

Aboriginal languages were spoken; in the North, some hearings were conducted almost entirely in Inuktitut or in Cree.

This report was prepared by Michael Cassidy, Ginger Group Consultants, on the basis of the hearings transcripts, personal attendance at a number of the hearings, and summaries prepared by Commission analysts. Where citations are given, they refer to the name of the speaker or organization and the hearing at which they spoke.

# I

## Aboriginal People Today

◆ The Commission's first round of hearings provided a graphic and often moving picture of the situation of Aboriginal people in Canada today, painted by Aboriginal people themselves. One side of that picture is the poverty, unemployment, social disruption and injustice that Aboriginal peoples have experienced for generations. On the other side are signs of renewal, revival, and increasing self-confidence, of people starting to come to terms with the traumatic experiences of their past, and looking for healing, for fresh beginnings, and for a new relationship with the non-Aboriginal people of Canada.

No summary can do justice to the variety and detail of concerns and solutions that were put forward at this first round of hearings. The situation of different Aboriginal groups varied depending on factors such as their location, status, language, and history; this was particularly true between Aboriginal people in urban areas and those living on reserves or traditional lands. Common themes did emerge from the hearings, with remarkable consistency from all parts of the country:

■ Aboriginal people turn to their history and traditions to explain their relationship with Mother Earth, their inherent right of self-government and the sovereignty of their nations; these should be central elements in creating a new relationship with non-Aboriginal society.

■ There is widespread concern for the survival of Aboriginal culture, languages and spirituality as the basis for Aboriginal identity; this should be reflected in the future development of education, health, justice, and other services and should be accepted by the non-Aboriginal community.

■ Residential schools have had a traumatic impact on Aboriginal children and family life and account for many of today's problems of violence, addiction, loss of culture and loss of self-esteem among Aboriginal people. This experience must be acknowledged and resolved through a process of healing.

■ There is concern in every community that services for Aboriginal people should be culturally appropriate, controlled by Aboriginal people, and be adequately funded. The areas of particular concern include education, housing, justice, health, social services, and Aboriginal communications.

■ Aboriginal people want to be treated equally in terms of services or entitlements provided by the federal government, regardless of status or whether they are living on or off a reserve. This concern is particularly strong among Métis people and non-status Indians.

■ Aboriginal people in urban areas, who now account for more than half of Canada's Aboriginal population, feel excluded from Aboriginal political organizations and want to

be fairly represented. In addition to being concerned about inadequate services, many want Aboriginal services in urban areas to be provided on a status-blind basis.

- Aboriginal people want to control and direct their own community life, including the services commonly provided by governments and by institutions run by non-Aboriginal people. This is generally seen as meaning self-government, but the definitions of how self-government would work vary widely.

- Aboriginal people want an end to what they universally see as the paternalistic, colonial administration of the federal Department of Indian Affairs and Northern Development (DIAND), along with abolition or radical reform of the Indian Act. However, the federal government should maintain its fiduciary responsibility for Aboriginal people.

- There is universal frustration at the failure of governments to respect Treaties and at the federal government's delays in settling land claims.

- For Métis and non-status groups, the provision of a land base is seen as an essential element in settling historic claims.

- Aboriginal women are concerned that the rights they have gained under the *Canadian Charter of Rights and Freedoms* and the 1985 Amendments to the *Indian Act* (commonly referred to as Bill C-31), are not lost as Aboriginal communities move to self-government, and that Aboriginal women be fairly represented in the constitutional process and in the institutions resulting from self-government.

- There is significant concern among Aboriginal people for making Aboriginal institutions and organizations more accountable to the grass roots in their operations and policies. There is a fear that self-government

could lead to "brown patriarchs" replacing white ones.

- Economic issues are important for Aboriginal people but take second place to the issues of cultural survival including language, self-determination, and the resolution of Treaty rights and land claims.

- Aboriginal people take a holistic view of the problems facing their communities; this is consistent with their traditional view of the world. The issues of governance, culture, services and economic development need holistic solutions and cannot be isolated from each other in the approach commonly used by non-Aboriginal people.

- There is concern that the Commission not become an excuse for further government delays in acting on such issues as land claim settlements, Aboriginal justice, residential schools, preservation of Aboriginal languages, and education.

## Pain...and Promise

Many of the intervenors who came to the hearings expressed anger, frustration and pain at the experiences they had gone through as Aboriginal people. Their anger and frustration flowed from their treatment in non-Aboriginal schools and the justice system, from problems in dealing with the bureaucracy and the policies of non-Aboriginal governments, and from their experiences of discrimination and racism at the hands of white society. Much of the pain that was expressed came from what people had experienced within Aboriginal communities, including sexual abuse, family violence, alcoholism, and AIDS. It came, too, from the experiences of residential schools and from acknowledging the economic and social conditions they had been forced to endure.

As Eric Robinson of the Aboriginal Council of Winnipeg, Manitoba, put it in Winnipeg on the first full day of hearings: “Many First Nations reserves live in fourth world conditions. There is inadequate employment due to lack of economic development, inadequate social services, health care, housing, and generally, the living conditions are deplorable and beyond description. There are no recreation facilities in most communities; there is no running water or indoor washroom facilities on many of our reserves...; there is widespread hopelessness when it comes down to equal participation in our own rich lands.”

The first day’s hearings in Winnipeg, Manitoba, anticipated many of the themes that would emerge over the coming weeks when Elders from across the country were asked to talk briefly about their experiences and concerns.

Métis Senator, Thelma Chalifoux, recounted the double discrimination she faced as a single mother, and as a Métis, raising five children in Alberta during the 1950s. Another Métis, Senator Edward Head, told how his people are treated as poachers and have to hide what they catch because they can no longer enjoy traditional hunting and fishing rights.

Louis Pilakapsi, President of the Keewatin Inuit Association, in the Northwest Territories, spoke of the problems of alcohol, crime, suicides and loss of culture that had come to his community with the white man. “We were treated like dogs,” he said, “and we were numbered like animals. I will never forget the number that I was given, 83-83466.”

Michael Thrasher, a wisdom keeper from British Columbia, noted that racism and discrimination are still alive and well in Canada and affect every aspect of Aboriginal life. An Elder, William Commanda, of Maniwaki, Quebec, spoke to the significance of the Wampum Belt in reflecting the parallel development of two distinct societies, Aboriginal and

non-Aboriginal, and how this applied to the process of constitutional reform. Mary Reynolds, of Manitoba, focused on the injustices experienced by individuals reinstated under Bill C-31 with respect to education, health care, housing and land.

## Personal Histories

The hearings were marked by many vivid, personal accounts given by intervenors of their experiences as Aboriginal people living in a society dominated by non-Aboriginal people.

One of the most telling was that of the “Arctic exiles,” five Inuit intervenors at Inukjuak in Northern Quebec who had been among the families forced to move to the area of Resolute in the 1950s, far above the treeline. Their families were assured that the caribou were plentiful and that, if they wished, they could return within two years. But these promises were never fulfilled. They suffered from cold and starvation, isolation from their relatives, and tuberculosis; efforts to gain an apology and financial compensation from the RCMP and the federal government have not yet been accepted. Some of these exiles did not return home for 30 years.

In The Pas, Manitoba, former residents of South Indian Lake told how they had lost their homes, trap lines and livelihoods because of flooding by Manitoba Hydro. Many were not compensated because they left the community to find work rather than move to a new settlement created by Manitoba Hydro, where there was no way to earn a living. Some had been seeking redress for 17 years.

In Sheshatshit, Labrador, Chief Katie Rich of Davis Inlet told of her community’s efforts to change its situation after a tragic house fire that killed six children in February 1992. The Minister of DIAND refused the community’s request for an inquiry into the accident, so the

community did its own. Living conditions in Davis Inlet were dreadful, the drinking water was not fit for human consumption and the houses had no running water or sewage system. Now the community wanted to move away from this island, but the federal government was delaying the resettlement.

Some of the stories were very personal. At the Saskatchewan Penitentiary in Prince Albert, an inmate told of his boyhood in Winnipeg, Manitoba. He had 15 foster homes between the ages of 6 and 18, all in non-Aboriginal homes, and had been subjected to physical and sexual abuse. Now he was seeking to sort through a past which, he said, was like living in two worlds and not belonging in either. The Winnipeg police officer investigating his complaints of abuse was the one who had put him in penitentiary.

In La Ronge, Saskatchewan, a woman broke down as she told how she had left her husband after he had sexually abused their three-year-old son. Her husband, who was non-Aboriginal, was represented by Legal Aid and walked away from his trial a free man. It was the first time she had told her story in public.

Lucienne Robinson, a woman who has been reinstated under Bill C-31, spoke at Sault Ste. Marie, Ontario, of the problems she has experienced in trying to move back to her reserve on the north shore of Lake Superior. Her community refused to accommodate her requests, arguing that it has no funding to allow her to do so. At Lac La Biche, Alberta, another intervenor told of her family's dispute with provincial officials in trying to move back to the Elinor Lake area. Now they did not even have squatters' rights over the land her Métis community had traditionally occupied, and the land where their graveyard and church were situated was privately owned.

## Aboriginal History

The history of Aboriginal peoples formed the basis for many submissions in the first round of hearings. People were anxious to correct misconceptions about Aboriginal peoples and their societies before the coming of the Europeans. Intervenors were concerned about the general ignorance of Aboriginal history not only of non-Aboriginal people but some Aboriginal people as well. Schools were criticized for not having an Aboriginal curriculum and for portraying Aboriginal people in a negative way.

"We would remind all Canadians," said one intervenor in Inuvik, Northwest Territories, "that the French and English did not come to an empty land and that the true founding nations have as much, if not more, a right to the protection of their language and culture." This was a theme that was frequently echoed. One of the most complete statements was by Peter Stevens of the Eskasoni Band in Cape Breton, Nova Scotia, who outlined the role of the Micmac people in the area now known as the Maritimes in a way that combined history, culture and spirituality:

"The roles and responsibilities amongst the leaders and followers of the Micmac Nation were crystal clear," he said. "The purpose in life was to live in harmony with one's self, others, community and nation."

"Equally important amidst this harmony was our way of living in peace with Mother Earth, for it was she who sustained life. There was order among the Micmacs and every work and action was for the benefit of the Micmac Nation as a whole. The circle, unity, and solidarity among the Nation was based on our humanistic values of love, honour, respect, truth, justice, integrity, honesty and dignity for individual, family, community, nation, and our relationship with other nations."

“After European contact, the social, political and economic and even the spiritual fabric of the Micmac Nation deteriorated almost to a point of extinction. The colonialistic expansion policies of both France and England sought to undermine the Micmac Nation, for we were seen as an obstacle.”

“The strategy was clear, but yet we were naive to believe that their intentions were good. We thought they were here to improve the well-being of their people as well as the well-being of our own. We didn’t know that they came to destroy our land, but more importantly, to destroy our nation.”

“Our ancestors cry out to the wilderness of despair that France and England left us the aftermath of their lust and their greed for power. The result is that they left us with destroying our values, eroding our sense of purpose and dignity, exploiting the land and resources, and oppressing our inherent right to self-determination and self-government.”

“Today we address the Royal Commission... and we seek your care, compassion, understanding and recognition of our rightful role in history, as well as ensuring that the pain, anguish and hurt of our ancestors will never repeat itself in the history of this great nation.”

“We assert that historically our inherent right to self-government was to control our land, resources, social, economic, political, and judicial institutions. We ask for nothing less. Determination, assimilation, integration and the government’s disintegration policy must cease.”

At Kingsclear, New Brunswick, Wallace Labillois, a Micmac Elder and one of the Chiefs who took part in the Assembly of First Nations delegation to the Queen in 1979, reflected sadly that “if our ancestors could have seen in the future when they welcomed the early explorers to this land, they would never, never have let them land.”

The trust responsibility that Canada assumed for Indians and lands reserved for Indians was not intended to become a mandate for government paternalism and assimilation policies, he said. But governments since Confederation “have disregarded and distorted the spirit and intent of our original agreements with the Crown, which we understood to be our guarantees of our political, cultural and economic rights.”

Whatever part of their sovereignty was given up by Indian nations was given up to a trust, he said. It was not thrown away. It was set aside in a time of difficulty for the Crown to administer for the use and benefit of Indians.

Mr. Labillois said governments have tended to regard Indians as an anomaly because they chose to retain their identity. Implicit in this attitude was the notion that it was impractical to share Canada’s economic space with a people who insisted on exercising their rights as a historical and legal collectivity. “We have been victims of a stubborn and destructive federal bias which holds that dispersal and assimilation is the only acceptable future for the Indian people,” he said. As a consequence Indians were being forced to fight for their rights with the federal and provincial levels of government, “the very people we have entrusted to take care of our people.”

Intervenors noted the common understanding among Aboriginal people that the tribes who signed Treaties did not understand what their terms meant. The Chiefs thought they were agreeing to an assurance for safety and security and a betterment for their people. As Mr. Labillois put it, “If you or I were to go to look at those Treaties in the West, you will find that all the great penmanship is identical and that those Treaties were written in Ottawa and that the paper was also made in Ottawa... people went through a charade of sitting down, making a Treaty with the people in the West.”

Intervenors consistently maintained that the Treaties were signed between sovereign nations, and that First Nations are still governed by the principles of the Royal Proclamation of 1763 which committed the Crown not to harass Aboriginal people.

At The Pas, Manitoba, Chief Harold Turner of the Swampy Cree Tribal Council gave this background to Aboriginal people's understanding of the Treaties:

"First Nation peoples of this country had self-government prior to contact, governments that were democratic, consensus seeking and very workable... We are original caretakers, not owners of this great country now called Canada, never gave up our right to govern ourselves and thus are sovereign nations. Our responsibilities to Mother Earth are the foundation of our spirituality, culture and traditions."

"Europeans recognized that we were nations and made Treaties with the First Nations peoples on a nation-to-nation basis. Through the Treaty making process and our special relationship with Mother Earth, we have inherent, Aboriginal and Treaty rights."

"Indian self-government is not a new phenomenon. It existed before the Royal Proclamation of 1763 and continues to exist even after attempts have been made to take away self-government from us. Today the Canadian government's position that First Nations signed Treaties with the Crown as subjects of Her Majesty is disrespectful to our ancestors and the principles they defended on our behalf..."

"Our generosity to share the land and resources has been interpreted by the newcomers as our consent to their demand for control of the land and the rich natural resources."

"Our ancestors did not sign a real estate deal as you cannot give away something you do not own... As well, the Treaties were not signed to

extinguish our sovereignty and our form of government... The importance of the Treaties and the Treaty making process to the First Nations governments cannot be overstated. They are the essence of our inherent right to self-government and reflect our historic relationship with the Crown as sovereign nations."

Many intervenors were bitterly critical of the federal government's treatment of Aboriginal peoples and its failure to accord them respect or equality. Elijah Harper, Member of the Legislative Assembly of Manitoba, was one of those who called the federal policies genocide.

"As Aboriginal people, we have been subject to racism, assimilation and integration and exploitation in this country... (We) have managed to survive, despite the deliberate attempts by governments to assimilate us," he said. "Any rights we have gained have not been at the initiative of governments, but rather initiatives of the Aboriginal people themselves."

At Kingsclear, New Brunswick, Linda Ross, a Sarcee, recalled how governments had created all kinds of rules to take away people's Treaty rights, such as the rules pertaining to education, women marrying non-Aboriginal people, and people living off reserve. Others recalled the process of enfranchisement, which required Aboriginal people wishing the right to vote to give up their status. This practice ended only in 1960 when Aboriginal people were generally granted the right to vote.

As many intervenors saw it, the historical relationship of Aboriginal peoples with the rest of Canada has been one of dominance rather than of equality. Aboriginal people have been treated with deceit and with lies. They were corralled into reserves under the control of Indian agents and sometimes not even allowed to leave. In many cases they were subject to unilateral decisions by the federal government to move communities, to centralize reserves, or to establish separate community lists that

divided communities. Their Aboriginal languages, practices such as the potlatch, and spiritual ceremonies were outlawed. Their contribution to the development of Canada – such as the role of the Métis in bringing Western Canada into Confederation – was overlooked. The role of women, and the equality they enjoyed in Aboriginal society before contact, was not honoured.

All Aboriginal peoples shared a history of colonialism; not a single one had not shared experience related to the abuse of power. This was how Ovide Mercredi, National Chief of the Assembly of First Nations, summed up the historical experience of Aboriginal people at the final hearing in Toronto, Ontario. The minds of Canadians and of their governments about the principle of dominance needs to be changed, he said. The Commission's role was to expose that dominance and to propose solutions; there is the need to recognize the collective rights of Aboriginal peoples and to treat them with respect.

## II

# Aboriginal Traditions and Culture

◆ Throughout the hearings there was a strong concern for Aboriginal culture, traditions and languages as cornerstones for the revival of Aboriginal self-esteem and the necessary healing and rebuilding of Aboriginal societies. This view came from every region and from every group, from the Innu in Labrador to the Saanich First Nation in Victoria, British Columbia.

Some Aboriginal groups have had contact for centuries with white society. Others, like the Innu, have seen the changes resulting from contact compressed into barely a generation. People who spoke at Sheshatshit, in Labrador, recalled how the Innu were given houses, a school and social services in the 1950s and tried to live the lives of non-Innu. The result had been a loss of control, alcoholism, and violence. From being self-sufficient, the Innu had become totally dependent on governments and had lost their culture.

When in the bush, however, people had to rely on themselves; they were friendly, cared for one another and were sober. Family violence did not exist there and people shared what they had with others in the camp.

Intervenors said that the community was working hard to eliminate the social problems coming from alcohol and drug abuse. But people were torn between a modern way of life and their traditional nomadic lifestyle, hunting and living off the land.

Similar experiences were related by intervenors in Inuit communities, where there was concern that young people growing up were not fluent in English or in Inuktitut. They went south for education, became lonely in the big city and, when they came home, could not support themselves because they had not learned traditional hunting skills.

In Inuvik, Northwest Territories, Margaret Donovan, Vice-President of the Gwich'in Tribal Council, talked of the process of rebuilding. "For 70 years our people have endured the repression of cultural genocide," she said. "Our language, our religion, our traditional values were almost lost to us, but today we are in the process of reclaiming and rebuilding our cultural identity, and we are prepared to take control of our future."

## Language

Intervenors stressed the relationship of language and culture, but warned that many Aboriginal languages are on the verge of extinction. As one person in Victoria, British Columbia, put it, "The language is the key to the culture and once understood sheds light on the culture." In Wahpeton, Saskatchewan, Chief Lorne Waditaka argued that, "Once we lose our language, it will be hard to say that we are Dakota people." Yet the estimates given that day were that only five people on the

Wahpeton reserve still speak Dakota. Said Alex McKay in Toronto, Ontario: "If other people and other groups control our language, they will control our lives and our children."

The Sweetgrass First Nations Language Council Inc., at the Toronto, Ontario, hearing, offered figures showing that of 44,000 persons in 24 Aboriginal communities in Southern Ontario, only 1,620 spoke a First Nations language fluently, and most were between the ages of 60 and 70. Figures presented in Saskatchewan likewise showed there are almost no Aboriginal people who can speak a First Nations language in the southern part of the province. Many reserves across the province were classed as "extremely critical" and had few Aboriginal language speakers under the age of 50.

In Inuvik, Northwest Territories, officers of the Inuvialuit Communications Society estimated that Inuvialuktun fluency rates in the Mackenzie Delta had fallen from over 40% in the 1970s to below 14% today, with exposure to southern culture and television a major cause. Several intervenors cited studies showing that of Canada's 53 Aboriginal languages only three – Inuktitut, Cree and Ojibway – will still be alive within a few years. A spokesperson for Arctic College in Iqaluit, Northwest Territories, noted that most of the college's Inuit students are fluent in Inuktitut, but that only 10% of those coming to the college can adequately read and write syllabics.

Many comments focused on the limited access to training in Aboriginal languages available in schools and to the problems of teaching these languages because textbooks and curriculum were lacking and there were not enough teachers. At many schools with Aboriginal pupils, teaching in Aboriginal languages was offered for only 15 or 30 minutes a day. Aboriginal people who teach Aboriginal languages may not be accepted in schools because they lack the proper accreditation or, in one case, could

not be hired because of lack of seniority. At Wahpeton, Saskatchewan, the Commission was told that Dakota language teachers from the United States are not permitted to work in Canada because Dakota is not an official language and that students from Dakota reserves in Canada cannot gain access to post-secondary funding to study their language in the U.S., even though no courses are available in Canada.

In Moosonee, Ontario, the majority of students in the Northern Lights Secondary School that the Commission visited are Aboriginal, but there are no Aboriginal teachers or classes dealing with Aboriginal culture or language. In Inuvik, Northwest Territories, Glenna Hansen noted that more teaching resources are devoted to French than to Aboriginal languages, even though the majority of students in Inuvik schools are Aboriginal.

"It really bothers me," said an Inuvik teenager. "I cannot speak to my grandmother who only speaks Gwich'in." Elsewhere, however, there were some signs that the tide is beginning to turn.

In Kispiox, British Columbia, the commissioners were impressed with the success of a Gitksan immersion program with 54 pupils sponsored by the Gitwangak community. This program involves immersing children in their Aboriginal language and cultural practices from Kindergarten through Grade 2, with instruction in English beginning for 40 minutes a day only in Grade 3.

Success was also reported from a pre-school Ojibway program offered in Winnipeg, Manitoba. At the Children of the Earth High School in Winnipeg, Manitoba, a parent talked proudly about how her daughter was learning her Aboriginal language at the school. "I will relearn my language and my daughter will help me; when I do, my grandmother in the spirit world will be proud of me," she said.

Another success story was reported by the Ontario Native Literacy Coalition in Toronto. Renee Abram described the Coalition's efforts to spread literacy in Aboriginal communities using culturally sensitive resources and beginning from the concepts of community development, empowerment and self-determination. Their theme was "Native Literacy – A Healing Energy." Once Aboriginal people had a foundation in their culture and spiritual basis, she said, they could go anywhere and never doubt their own identity. There were now 33 programs operating in Aboriginal communities across the province. In Labrador it was pointed out, however, that federal grants are not available for literacy programs in Aboriginal languages. The Torngasuk Cultural Centre at Nain, Labrador, did receive federal support for an Inuktitut literacy program, but this had been by mistake.

As Dawna LeBlanc of the Nishnaabe Language Teachers Association in Sault Ste. Marie, Ontario, said, "Our politicians are immersed in the constitution and other more pressing issues. If we achieve this and lose our languages then we will have lost everything."

A number of intervenors spoke to the need to encourage broadcasting and communications in Aboriginal languages, and criticized the federal government decision to end its Native Communications Program in 1990. In The Pas, Manitoba, Ron Nadeau of Native Communications Incorporated reported that since that decision, the number of Aboriginal communication societies in Canada had fallen from 21 to 13.

Although it had a "fair access" agreement with the CBC and 91,000 potential viewers, Native Communications Incorporated was confined to two hours of television broadcasting before 9 a.m. each day and to one hour of FM radio broadcasting, from 11 p.m. to midnight. The CBC had one radio program with some Cree spoken in Northern Manitoba, but perhaps

four minutes of Cree was spoken in each hour of broadcasting.

At the Inuvialuit Communications Society (ICS) in Inuvik, Northwest Territories, broadcast time has been expanded to one hour a day from one-half hour but with no increase in staff. Because funding is at a bare minimum, the ICS struggles with used and outdated equipment; its staff have not had a raise since 1988.

There was a general desire at the hearings to see language programs supported and protected as part of an overall effort to enhance Aboriginal culture and identity. The most specific proposals for language were offered by the Sweetgrass First Nations Language Council Inc. in Toronto, Ontario.

Drawing on the treatment of Canada's current official languages, the Council called for the creation of an Aboriginal Languages Act, an Aboriginal Languages and Literacy Foundation, a Commissioner for Aboriginal Languages, and an Aboriginal bonus system for people speaking Aboriginal languages and working in government. Adequate funding for First Nations languages should be provided modelled on the funds provided for French language preservation outside of Québec, the Council said. Grants should be available for artists writing in Aboriginal languages, and Aboriginal language courses should be provided by correspondence in prisons.

Many of these proposals were echoed by other intervenors. Several recommended that Aboriginal languages be entrenched in the constitution or be made official languages, and there was a general call for greater funding, more curriculum material, a greater emphasis on Aboriginal languages in schools, and full recognition of Elders and other Aboriginal language teachers as qualified educators.

In Toronto, George Fulford, a non-Aboriginal university teacher, noted that Aboriginal

languages are taught in Ontario generally as a second language. This was inappropriate for students who had retained the language and who should be taught through a form of immersion. He recalled that when Parliament passed a law to create the Canadian Heritage Languages Institute, a parallel effort to form an Aboriginal Languages Foundation had not been accepted. He urged the Commission to set up a task force on language and education.

More support was urged for Aboriginal language associations; at Stoney Creek, British Columbia, it was noted that a language institute that exists to preserve the Carrier language and to train teachers of that language receives provincial, but no federal, support.

Some of the more specific proposals included providing summer language immersion camps and making language training available for adults as well as their children. Aboriginal languages should also be provided as options in high schools and post-secondary institutions. Several intervenors noted the difficulty of translating technical terms into languages such as Inuktitut and the need to spend money on language research.

Ray Fox, President of the National Aboriginal Communications Society, said support for Aboriginal communications systems by Aboriginal governments is a must, but that the system must be kept non-political. Ron Nadeau, of Native Communications Incorporated at The Pas, Manitoba, urged that the recommendations of the 1986 Task Force on Native Broadcasting be implemented, including the entrenchment of requirements for Aboriginal content in the *Broadcasting Act*. At Inuvik, Northwest Territories, the Inuvialuit Communications Society recommended that some of the money being spent by governments on the constitution be redirected to restoring the original languages and cultures of Canada. The ICS proposed that Aboriginal

communication societies be given legislative recognition in the same way as the CBC.

## Spirituality and Elders

Aboriginal spirituality was emphasized at all Commission hearings. References made to spirituality were usually in the context of Aboriginal history or of enhancing the role of Elders in Aboriginal communities. A number of intervenors also expressed concern over services needed to care for older people in the Aboriginal community.

At the Saskatchewan Penitentiary, Commissioners met for more than an hour with about 35 inmates who are members of a Healing Circle that has been organized for four years by the inmates' Native Awareness Group. The inmates conveyed strongly felt messages of spirituality and healing. According to the leaders, the creation of the Healing Circle had led to a reduction in violence and less use of segregation for inmates who had taken part. The Healing Circle brought inmates together in a self-help mode that combined what they might have received from workshops with psychologists or from Alcoholics Anonymous. Members attended weekly meetings and also attended pow wows, cultural events, feasts, and sweats which are held regularly in a large sweatlodge located within the prison walls.

Derek Brass, President of the Native Awareness Group, called the Healing Circle one of the most positive developments in Canada's penal system and noted that both Millhaven and Kingston Penitentiaries in Ontario had requested similar programs. The members also noted, however, that under a new release policy for parole, attendance at healing circles did not earn credit, and the work of Aboriginal spiritual leaders was not recognized.

There was a similar emphasis on the cultural and spiritual components of the Elders' program at Stoney Mountain Penitentiary in Manitoba, where half the inmate population is Aboriginal. But inmates were also concerned at the lack of cultural awareness among staff, who, for example, were not aware of the significance of medicine bundles carried by Elders. They felt the rehabilitation component needed to have a holistic approach and be strong with spirituality, but noted that, in fact, it hardly exists.

At the Wahpeton reserve near Prince Albert, Saskatchewan, Co-Chairman Georges Erasmus took part in a sweat led by Gerald One Feather, a spiritual leader from the Pine Ridge reservation in South Dakota, U.S.A. At the next day's hearing, several Dakota leaders made a strong case for a return of spirituality and for maintaining the relationship of language and spirituality as values that kept the nation together. The Dakota Nations, which are found on both sides of the Canada-U.S.A. border, now meet regularly for spiritual gatherings and to revive their traditional ceremonies. They wanted to begin rebuilding their community on the basis of spirituality, of languages, and of traditional government controlling activities such as social development and education.

At Kingsclear, New Brunswick, Alma Brooks explained the programming of the Wabanoag Medicine Lodge, which favoured the use of dialogue in the traditional Maliseet manner and served as a healing process for participants, physically, mentally, emotionally and spiritually. In Sault Ste. Marie, Ontario, Darrell Boissoneau, Chief of the Garden River First Nation, shared the plans for building a large spiritual healing lodge for the community; at the Edmonton Round Table on Urban Issues, it was suggested that similar facilities be provided close to urban areas to help urban Aboriginal people learn their traditions and culture. The Commission was told in Winnipeg, Manitoba, of plans for a

large Aboriginal centre in a former railway station, and of the Métis community's plans for a Métis cultural centre.

Gordon Peters, Ontario Regional Chief, urged that Aboriginal peoples reinstate Elders as a major component in Aboriginal society. Elders could bring back spiritual values, the wisdom of their experiences and patience to the problems of the community. This spiritual aspect underlies the current situation of Aboriginal people, he said, but there was a gap that this generation would have to bridge.

Many other intervenors agreed with the need to enhance the role of Elders. Judy Gingell, Chairperson of the Council for Yukon Indians, praised the Elders for their patience: "While we struggled to reach a just and fair settlement of our land claim, our Elders have held onto the past and have kept our languages, stories, history and songs alive. They have been patiently waiting for the day when our people would reclaim what is rightfully theirs."

In Moosonee, Ontario, Christina Delaney, a high school student, explained the loss she feels at not being able to communicate with her 80-year-old grandfather because she is unable to speak Cree. "There is something missing in our lives when we can't listen to the stories he has to tell, or be able to share with him how you are feeling." She wanted to see mechanisms provided to allow the youth and Elders to come together and to connect the generations, outside the school context.

At Stoney Creek, British Columbia, Chief Robert Mitchell of the Stellat'en Band noted that Elders once enjoyed complete respect and recognition from their community. They should be accepted today as teachers and policy makers and as the true speakers for the community, he said; but their role had been diminished because of the policies of DIAND and the federal government.

Many intervenors urged that Elders be brought into schools to teach language and culture and that their role be enhanced in providing traditional justice and in such activities as customary adoptions. In Edmonton, Alberta, Métis Senator Thelma Chalifoux outlined the activity of the Métis Senate, the equivalent of a Chamber of Elders, which acts as a quasi-judicial body setting ethical standards for Métis and seeks to protect their value system, religion and culture.

Some intervenors noted that there were problems with inadequate resources for the activity of Elders. In addition, the issue of lack of respect to Elders was raised. For example, in prisons, Elders were not treated on an equal basis with priests or chaplains despite their spiritual role and their success in helping Aboriginal inmates. In Saskatchewan, funds were available to provide one Elder for each tribal council, but the councils covered a vast area and the demands for Elders were many. At Stoney Creek, British Columbia, the Elders Society noted that they were forced to raise all their funds through community bingos.

Some comments were offered with respect to the lack of support services and adequate facilities for elderly Aboriginal people. Elders in Inukjuak, Quebec, spoke to their difficulties in communicating with governments for services like the old age pension because they could not speak English. With very limited revenue, they had been particularly affected by the high cost of living in a northern community.

Several intervenors spoke to the need for interpreters who can help old people in hospitals who only speak an Aboriginal language. In Sault Ste. Marie, Ontario, a worker at the Aboriginal Friendship Centre noted that DIAND would pay for elderly Aboriginal people to go to a home if they lived on a reserve, but not if they had moved to an urban community. The result was that old people who moved from a reserve to the city to be closer to

care and to doctors lost the support that they should have received from DIAND.

## Culture and Heritage

Aboriginal culture was an element in almost every issue brought before the Commission at its hearings: the desire for a land base and a new relationship with non-Aboriginal society; the new emphasis of Aboriginal peoples on their languages and traditions; and the demand for self-determination and control over the delivery of services to Aboriginal people. It was difficult for Aboriginal people to dissect every aspect of their lives, said an intervenor in Big Cove, New Brunswick, because in their culture everything is interrelated.

The threat to culture was felt particularly in urban areas. As David Chartrand, President of the National Association of Friendship Centres, put it, "Aboriginal culture in the cities is threatened in the same way as Canadian culture is threatened by U.S. culture... Our culture is at the heart of our people, and without awareness of Aboriginal history, traditions and ceremonies, we are not whole people and our communities lose their strength."

Ethel Blondin, Member of Parliament for the Western Arctic, told the Commission that the fundamental thing that had held the Dene together was the high value they put on their language and their culture. These were gifts that had been passed on from one generation to another. Their language meant everything to them, she said. Dene can go anywhere in the world, but they never quite leave their home, because their heart is always at home and their souls sing with all the things their people have believed in for generations.

A number of intervenors turned to the history of their First Nation to explain how their culture had been formed. Some recommended that the Commission look to this past to find

solutions for the future. One was Moses Smith, an Elder from the Tseshaht Reserve near Port Alberni, British Columbia, who noted that the Nuu-Chah-Nulth potlatch system provided unpoliced government for thousands of years and defined the political, social and cultural structure.

At Esquimalt, British Columbia, another Elder, Sammy Sam, related the importance and role of the longhouse where the Elders meet and the sacredness, and power, of the fire that burns there for six months of the year. In the Yukon, Hammond Dick, Chief of Watson Lake, spoke of the clan system through which the Kaska had governed themselves for generations. In Pangnirtung, Northwest Territories, Jaypeetie Akpalialuk noted that the Inuit traditional way of life was necessary not only to maintain their culture but to ensure basic survival in a harsh environment.

The concern to maintain, or regain, Aboriginal culture was accompanied by a desire to improve cultural awareness among Aboriginal people, particularly youth, and to increase awareness among non-Aboriginal people through cross-cultural programs. This theme was repeated almost everywhere the Commission went.

Several francophone organizations intervened to support the aspirations of Aboriginal people. In Lac La Biche, Alberta, Reed Gauthier of l'Association Canadienne-Française de l'Alberta (Plamondon) argued that culture is a living, dynamic thing that should be fed and nurtured. Instead, Aboriginal culture was not encouraged or nourished but ignored and was becoming dormant and could not evolve. Aboriginal people had a spiritual way of living and a concept of group cohesiveness. Self-government was vitally important, and Aboriginal people should be allowed to exercise this power.

A number of intervenors were concerned to protect or promote Aboriginal art both for cultural and economic reasons. In Toronto,

Ontario, conductor John Kim Bell, Founder and President of the Canadian Native Arts Foundation, noted that Canada's national identity abroad in terms of the arts was based on its Aboriginal art and culture. Aboriginal art therefore promoted national identity as well as bearing witness to Aboriginal culture, although it was ironic that the artists who produced it could hardly find support to survive.

Mr. Kim Bell called for research into the economic potential of Aboriginal cultural industries. The cultural industries were the third largest industry in Canada, he said, but this was an area from which Aboriginal people were almost totally excluded. He recognized that Aboriginal people needed to preserve their tradition and languages, but urged that they also engage in such activities as ballet or the arts.

In Winnipeg, Manitoba, members of a women's coalition described research they were conducting on how a U.S. program to protect the interests of Aboriginal artists, by requiring tests of authenticity, would affect Canadian Aboriginal artists. This legislation would enable only Aboriginal artists to market their goods as such. At Stoney Creek, British Columbia another intervenor argued that Aboriginal art and songs be given copyright protection to stop their appropriation by non-Aboriginal people.

Members of the Commission visited the Wanuskewin Heritage Park outside Saskatoon, a new museum and cultural centre based on an archaeological site where evidence of human occupation has been found going back some 6,000 years. The park is located on a creek flowing into the South Saskatchewan River and includes medicine wheels and buffalo jumps that had been in use for centuries.

Several intervenors called for funding for Aboriginal museums, archaeology, and cultural centres. Negative references to Aboriginal people at historic sites and landmarks need to

be corrected. Sacred sites should be protected, such as a sacred Micmac cave on Kelly's Mountain in Nova Scotia, which was threatened with excavation because of a planned new gravel pit.

At Kingsclear, New Brunswick, an intervenor questioned why New Brunswick has both an English and an Acadian heritage village, but Aboriginal people had been unable to obtain support for a similar Aboriginal centre. In Winnipeg, Manitoba, Nelson Sanderson noted that thousands of distinctive Métis artifacts had found their way to European museums and need to be repatriated.

◆ The impact that residential schools have had on generations of Aboriginal people, the poverty and social disruption that plagues many Aboriginal communities, and the reality that the majority of Canada's Aboriginal population now live in urban areas rather than on reserves – these were the themes that dominated the Commission's discussions on social issues.

Rather than a national picture, the hearings provided a series of snapshots of the social and economic situation of Aboriginal people today. The figures that were given showed enormous disparities with the rest of the population of Canada. For example:

- Unemployment is as high as 95% on some reserves in Northern Saskatchewan;
- Inukjuak, Québec, with a population of 1,000 people, (of which 50% are younger than 17 years of age) has about 140 full-time jobs of which 40 are held by people from the South.
- In Alberta the homicide rate among Aboriginal people is eight times the average for non-Aboriginal people; its suicide rate is 2½ times as high, and the rate of accidental deaths is five times higher. The majority of unnatural Aboriginal deaths were alcohol related.
- The suicide rate for Aboriginal people under 25 is the highest of any racial group in the world.

## III Social Issues

- A study in Ontario concluded that 7 out of 10 Aboriginal women were victims of abuse.
- In Winnipeg, 50% of the children in care of non-Aboriginal agencies are Métis.
- Half the federal prison inmates in Saskatchewan and 68% of the inmates in its provincial institutions are Aboriginal.
- The proportion of young people in many Aboriginal communities is as high as 40%, double the national average for non-Aboriginal people.
- Up to 90% of Aboriginal students drop out of high school before Grade 12, three times the national average.
- Unemployment among Aboriginal women was three times that of other women even though far fewer Aboriginal women were in the labour force.

### The Residential School Tragedy

The forced removal of Aboriginal children from their homes and families for schooling over the first 75 years of this century has created what many intervenors called a “residential school syndrome.” The repercussions have had devastating consequences in every aspect of Aboriginal life and society. People compared these schools to the Vietnamese

re-education camps and to the policies of Nazi Germany. At almost every hearing intervenors raised the issue of residential schools and spoke of their impact on Aboriginal language and culture, and of the chain of abuse, violence, suicide and problems with the law that the experience of these schools had generated in Aboriginal communities.

One of the most comprehensive explanations of the impact of white society on Aboriginal peoples, and the particular impact of residential schools, came from Catherine Brooks, Executive Director of Anduhyaun, a shelter for Aboriginal women in Toronto, Ontario.

Ms. Brooks linked the problems experienced by urban Aboriginal women – including poverty, abuse, homelessness, violence, and sexual assault – to the *Indian Act*, residential schools, and other experiences in Aboriginal history. As she put it, the antecedents of violence were in the history of how Aboriginal people were treated.

In 1900, the most effective way of “civilizing” Aboriginal children was to remove them from their homes, she said. Police assisted with this removal and, in some cases, parents who resisted were jailed. Aboriginal traditions and practices were outlawed; to the point that the drum the Commission heard that morning would have been illegal. Ms. Brooks pointed out that the use of residential schools ceased in 1975, however, healing of the people was still in the early stage.\*

The absence of self-government created a climate in which alcoholism and violence were allowed to flourish, she said. With the absence of control, there was no place to release societal pressures, and Aboriginal people turned on themselves. Because of the loss of identity and lack of skills to deal with problems, abuse

ensued; it was a way of controlling the position of the male and compensating for lack of control outside the family.

Aboriginal families were infected with family violence after contact, Ms. Brooks maintained. From Europeans came the concepts of hierarchy in the family, with male dominance; of social punishment; and of removing children from their homes. Aboriginal societies did not have a tradition of violence; this was learned behaviour, part of a practice of cultural genocide.

In Winnipeg, Manitoba, Mary Guilbeault, Vice-President of the Indigenous Women’s Collective, talked directly of the residential school experience. “We were subjected to ridicule for practising our language and culture,” she recalled. “Our people were punished for praying the Anishnawbe way. We were taught our ways were evil, and often we were conditioned and brainwashed to reject our spiritual beliefs. As a result, we became ill, spiritually, mentally and physically.”

“Today our children are taught that Canada is a land of freedom for the oppressed. What they are not taught is that Canada in the past has sought to destroy their culture, religion, history and language. We must correct this and promote the real truths of our people.”

At Port Alberni, British Columbia, Charlie Cootes, Chief of Uchucklesaht Tribe, spoke to the experience of five generations of his people in the residential school system, where he himself spent 12 years.

“Today 1,100 Nuu-Chah-Nulth are survivors of that system,” he said. “Two-thirds of that last generation to attend residential schools has not survived. It is no coincidence that so many fell victim to violence, accidents, addictions and suicide. Today the children and grandchildren of those who went to residential schools also live with the same legacy of broken families, broken culture and broken spirit.”

\* There are still residential schools operating in Saskatchewan.

“Just what happened to cause so much damage?... It started with small children being torn away from the caring, loving families they had known all their lives. They were placed in institutions which were, at best, poor substitutes for the home, and often brutal places where children were subjected to emotional, physical and sexual abuse.”

“The conditions were similar to those used to brainwash prisoners of war. Small children were beaten or abused for speaking the only language they knew. We were dressed like prisoners...there was not enough food... much of what we got was unfit for human consumption.”

“The schools provided no moral or spiritual values on which children could build their futures. How could we believe, when the same people who preached to us were violent, manipulative and abusive? The brutality of it killed our spirits and made it difficult to accept any spiritual teachings afterwards.”

“Children learn from what they see. Many of us learned that the way to discipline a child is with violence and raised voices, not love and caring. Five generations learned that way of teaching children. How many broken families are the result? Mine was one.”

At Watson Lake, Yukon, Ann Bayne told a similar story: “In the residential school... it was very difficult. There was sexual abuse. You were punished for using your language. You were made to feel ashamed of being Indian. They cut your hair. Native people before then were very proud of having long hair. I would say it was similar to what Hitler did to the Jews. They dehumanized Aboriginal people. We were not allowed to speak to our brothers. God forbid if you had an accident and wet your bed...”

Grand Chief Phil Fontaine of the Assembly of Manitoba Chiefs, who himself experienced abuse in residential school, emphasized the need for an apology related to residential schools and

called for a national inquiry. He noted that the federal government had apologized to Japanese Canadians for their being interned during the Second World War, but was not prepared to apologize to Aboriginal people for all the abuse they suffered in residential schools.

Several intervenors questioned whether an apology was enough. Said Will Basque of the Micmac Grand Council in Nova Scotia: “The church has taught us that when you commit a sin you have to do penance. Well the church committed a sin...against its own children. An apology is not good enough.”

Some intervenors said that the survivors of residential schools should receive compensation for their treatment, in the same way as the government had compensated Japanese Canadians. Chief Charlie Cootes, in Port Alberni, British Columbia, made this argument but also called for programs to restore the family functions of the past and to restore the culture and language skills that had been taken from his people. He estimated that such a comprehensive program for the 4,000 Nuu-Chah-Nulth people in his area would cost \$2 million a year.

Everywhere the issue of residential schools was raised, the desire for healing was also expressed. Nonetheless there were estimates that the adverse affects of these schools on people's lives would continue for another 25 to 30 years.

“We truly do want to put the residential schools behind us,” said Chief Charlie Cootes. “This will only be possible when the damage to our people and families has been repaired. [Only then] will we be able to look forward with all our energy to true self-government.”

## Social Services

Most discussion of social services at the hearings started from the realities of poverty, welfare dependence and inadequate services that are the experience of many Aboriginal people today. Little was said about levels of assistance, except in northern areas where the costs of transportation lead to a very high cost of living. But there was concern that too much government spending in Aboriginal communities was devoted to social assistance and that only a tiny portion was available for prevention or economic development.

Intervenors focused on the questions of funding, jurisdictional disputes, local control, and the need to deliver services in ways that were appropriate for Aboriginal people. A number of presenters talked about the needs of Aboriginal people who are disabled and the near-total absence of services to meet their needs outside of urban areas. Many intervenors commented on the problems in providing services because of restrictions on funding or the absence of funding for new programs.

A major issue was how to respond to the needs of Aboriginal people in urban areas. Almost three-quarters of Aboriginal people now live off reserve, and more than half of Canada's status and Treaty people live in urban areas. The key urban issues affecting Aboriginal people are the lack of services, loss of Treaty rights, and the lack of government policies directed at urban Aboriginal people, and the need for urban self-government in terms of control of services.

The social issues raised before the Commission were closely intertwined with other questions in its mandate, as was the case with the issues of education, justice, health and housing. Key was the question of status rights as defined by the *Indian Act* and the federal government, with the consequences in terms of funding. Many

intervenors spoke of the jurisdictional disputes between different levels of government over who should pay for services; of delays in receiving services as individual requests were bounced from local officials to DIAND and back; and of people falling between the cracks in seeking services because they did not fit the right categories. Some of the concerns were very simple, such as the problems faced by urban Aboriginal people trying to cash cheques and Aboriginal people in rural areas or on reserves where there are no banks or credit unions.

Many intervenors noted, and disputed, the federal policy which transfers responsibility for Aboriginal people off reserves to the provinces, where they would be treated like any other citizen. DIAND was commonly felt to have promoted migration off reserves as a means of reducing the federal fiduciary responsibility for Aboriginal people. But as Grand Chief Phil Fontaine put it in Winnipeg, Manitoba, "our view is that the rights that we have or that we are supposed to enjoy as beneficiaries of Treaty Agreements that our ancestors signed... are portable." Other intervenors argued that as Aboriginal people move into the cities, the provinces should take on a fiduciary responsibility as well as the federal government.

Métis and non-status intervenors noted the disparity that as Aboriginal people they had no services provided by the federal government because they do not have Treaties. In the Northwest Territories, there was frequent criticism of the federal government's transfer of responsibilities to the Northwest Territories government where the services are provided equally to all residents of the Territories regardless of status.

The key concerns of ensuring Aboriginal control over social services, of making these services culturally appropriate, and of filling gaps in the existing network of services were all linked to the questions of funding, status, and self-government. Intervenors also proposed the

creation of new services such as school lunches, emergency shelters, and the provision of respite care and of homemakers on reserves.

Concerns about funding were raised almost everywhere. A number of service providers had particular problems with trying to maintain programs on a continuing basis when they could get only short-term financing. These questions were seen as relating to the need for Aboriginal people rather than non-Aboriginal governments to have control over funding. Intervenors also complained that when DIAND transferred program responsibilities to an Aboriginal group, the funding connected to the program was not fully transferred.

Fragmentation of services was a general concern as was the insensitivity of non-Aboriginal people to the particular needs and culture of Aboriginal people. In Winnipeg, Manitoba for example, it was estimated that there were 160 agencies providing different kinds of services for the Aboriginal population. Racial tensions and stereotyping were seen as serious problems, especially in urban areas. Non-Aboriginal agencies showed little understanding of Aboriginal people and their culture. Aboriginal people frequently had difficulty being accepted for jobs as service providers because institutions were not geared to help them qualify for accreditation.

## Urban Issues

Ron George, President of the Native Council of Canada, told the Commission that a "quiet revolution" was taking place in urban areas where Aboriginal people were setting up institutions and resource centres to serve their community needs without looking at status cards. This was occurring despite the lack of funding mechanisms through DIAND and despite the fact that Aboriginal people were

often treated as just another ethnocultural group.

Urban issues were given special attention at the Edmonton Round Table on Urban Issues which the Commission held on June 22 and 23, 1992. The Round Table brought service consumers and providers together with Aboriginal and municipal leaders from across Canada in order to identify problems and generate solutions on a cooperative basis. One feature was the presentation of a series of "success stories" of Aboriginal services, programs and businesses that have been established in Canadian cities in the past few years. A separate report is being prepared on the proceedings of this Round Table.

Many of the problems of urban Aboriginal people were seen as similar to those of people on reserves, and just as distressing. As Eric Robinson of the Aboriginal Council of Winnipeg in Manitoba put it, they are often treated as fourth-class citizens. "Our people in urban centres have not achieved full and equitable self sufficiency," he said. "There is widespread poverty, plagued by suicides, alcohol, drug and solvent addictions, and other socio-economic problems that prevail in our community. There is chronic unemployment among Aboriginal people in Winnipeg with only about 10% working at permanent jobs. Our people face racism and discrimination as a daily interaction with the mainstream society. All this may sound bleak, but this is an everyday reality for First Nations people that live here in Winnipeg."

In addition, urban Aboriginal people had special concerns related to their feeling of being excluded from Aboriginal institutions as well as from the institutions of white society. In Toronto, Ontario, Michael Cheena of the Urban Aboriginal Alliance noted that Treaty and status people had moved to urban areas

because there were no jobs, no educational institutions and no housing available on reserves. “When I left my community, I did not leave my Treaty rights in my community or my Aboriginal status,” he said, echoing Grand Chief Phil Fontaine in Winnipeg, Manitoba.

Mr. Cheena called for new structures to represent Aboriginal people in urban areas, because the existing political structures could not represent them. Band councils, tribal councils, Treaty, regional and national organizations, he said, were all based on the organization of reserves and of Chiefs and therefore did not represent Aboriginal people off reserve or in urban areas. Although the Ontario Métis and Aboriginal Association and Native Council of Canada claimed to represent Aboriginal people in urban areas, he said, many people with Treaty status had not given them a mandate and Aboriginal Friendship Centres had no mandate to deal with questions of land, resources, or self-government.

Bernd Christmas, Native Canadian Centre of Toronto, Self-Government Committee Chairman, also disputed efforts by the Ontario Métis and Aboriginal Association and other organizations to claim to represent Aboriginal people in Toronto. He called for a community-wide consultation on Aboriginal self-government, and said the representatives for the 65,000 Aboriginal people in Toronto should be named by those people.

A key issue among intervenors who spoke on urban issues was whether status lines should apply in delivering services in urban areas. Generally, the answer was that services should be status-blind. A typical comment was this, from Marilyn Fontaine, Spokesperson for Aboriginal Women’s Unity Coalition in Winnipeg, Manitoba: “The artificial division of Aboriginal people is inappropriate in the urban area. The urban Aboriginal community is committed to the development and delivery of services on a status-blind basis.”

“Urban Aboriginal people must be self-determining. The urban Aboriginal community does not want to be annexed without any basic democratic rights, into a reserve, rural-based political system controlled by an unresponsive leadership.”

The Commission asked for advice on what form these new structures should take. Models that were offered included the urban councils for Aboriginal services which have been established in Vancouver, British Columbia, and in Winnipeg, Manitoba. At the Edmonton Round Table on Urban Issues, participants spoke of creating what they called “urban tribal councils”; a term currently being used in Winnipeg.

In Toronto, Ontario, the Commission was told, an Aboriginal social services agency is being formed.

One intervenor in Winnipeg, Manitoba, suggested that the city be declared a reserve; with 60,000 Aboriginal people, it would immediately become the most populated reserve in Canada.

Some intervenors did not agree with the criticism that band councils had failed to provide services to their members living in urban areas. They said this was the consequence of decisions by governments that Aboriginal peoples had not been responsible for.

Some intervenors suggested that band responsibilities be broadened to permit them to open offices and serve members living in urban areas. Concern was also raised that status and Treaty people would lose access to services if they were put on the same basis as other Aboriginal people or served by organizations that were status-blind. In Winnipeg, Manitoba, three Métis Senators proposed a political restructuring whereby three Aboriginal groups would be recognized by legislation – Indians, Inuit, and Métis – and empowered to provide services. The current funding for Aboriginal

Friendship Centres would also be divided among these three groups.

Spokespeople for a number of Aboriginal Friendship Centres came to the hearings to talk about the services their centres offer and how they had developed. Centres that began as meeting places for Aboriginal people in urban areas had evolved into social service providers, and in many cases had assisted in the creation of new services that were now independent such as shelters for Aboriginal women. Their activities covered such areas as health, recreation, education, and spiritual development.

Intervenors were consistent in indicating that Aboriginal Friendship Centres are non-political and do not have a mandate to politically represent urban Aboriginal people. They could however continue to play a role in co-ordinating and delivering services to Aboriginal people in the cities.

Concern over the funding of Aboriginal Friendship Centres was widespread. The current core funding from the federal government was considered inadequate and had to be supplemented through community events. At La Ronge, Saskatchewan, the centre's main hall was often unavailable for recreation because it had to be used for rentals in order to raise revenue. No funding is available for new and developing Friendship Centres.

The linkage of Aboriginal people with municipal governments was touched on by several intervenors. Mayor Betty Collicott of Fort McMurray, Alberta, a non-Aboriginal intervenor, pointed out that municipal governments were often excluded from the consultation process even though they work at the grass roots level. She emphasized the need for increased funding for Aboriginal Friendship Centres and other institutions serving Aboriginal people. Elsewhere, it was pointed out that few Aboriginal people held elected office in municipal governments. In Winnipeg,

Manitoba, proposals were being developed for an Aboriginal education authority for schools that have large numbers of Aboriginal students.

The need for a holistic approach in delivering services was particularly emphasized in communities that are too small to support specialized services. At Iqaluit, Northwest Territories, members of the Tuvvik Organization noted that governments tended to favour popular programs, then drop them when they are no longer politically convenient. In smaller areas programs should be more generic so they are not shut down when government priorities change.

In Toronto, Ontario, Susan Beaver, President of the Two Spirited People of the First Nations, urged that Aboriginal people accept the existence of gays and lesbians of Aboriginal origin. She noted that two-spirited people had traditionally enjoyed respect in Aboriginal society but that this respect had disappeared because of the influence of the church and Europeans. Her group had formed because they had found they risked rejection by both the Aboriginal and the gay and lesbian communities.

## Children and Families

The dominant concern in this area was the prevalence of violence and sexual abuse among Aboriginal families, and the desire for greater control over education and other services related to families and children. People told personal stories of their experience of violence or of abuse, often with great pain. For some, family violence was the most serious problem facing Aboriginal communities today.

Many of the problems faced by families were blamed on the experiences Aboriginal people had endured in residential schools. The view was strongly expressed, however, that sending abusers to jail was a waste of money and time,

and that the treatment or healing should include the abuser as well as those who suffered abuse.

The lack of services was a frequent theme as well as the difficulties experienced by Aboriginal women in an abusive situation. The Commission was told that in Tuktoyaktuk, for example, a community of 1,000, the crisis shelter had served 300 people in 1991, yet there was no shelter available for a population three times as large at Inuvik, Northwest Territories. Aboriginal women had a strong sense of family and for cultural reasons found it intimidating to leave a violent situation. They faced added problems on reserves and in isolated communities that gave no access to a place of safety and where it could cost \$200 or \$300 for plane transportation in order to leave. If a woman could get away, she might not be able to take her children.

In Winnipeg, Manitoba, a coalition of women's groups complained that male Aboriginal leaders had not supported women's concerns about violence – in some cases because they themselves were abusers or shielding other abusers. Because of these experiences, this group of women feared that self-government could work against the interests of women and children.

The Commission was told that the proportion of Aboriginal single-parent families in urban areas was double the national average, and that the number of Aboriginal children in care was five times the national rate. But non-Aboriginal child welfare agencies persisted in placing Aboriginal children with non-Aboriginal families and policies made it difficult for Aboriginal people to be foster parents. These agencies were seen as having abducted Aboriginal children, and were resented.

Intervenors described the experience of being raised in a succession of foster homes and group homes, to the point where they had no real family. In a dramatic moment at the

Saskatchewan Penitentiary, 60% of a large group of mainly Aboriginal inmates indicated that they spent some of their early years in foster or group homes.

Strong demands were made for the creation of Aboriginal child care agencies, particularly in Manitoba, and for a requirement that Aboriginal children be placed with the extended family or with another Aboriginal family rather than being put in a non-Aboriginal home. In Northern Saskatchewan, however, intervenors said the funding for such an agency had been denied by DIAND because the number of children to be served was less than 1,000 and did not meet DIAND's criteria. The Commission was also asked to support the revival of custom adoption supervised by Aboriginal communities. One of the problems with the formal adoption system, is that Aboriginal people in isolated communities have difficulty gaining access to the services of lawyers and social workers.

Although figures for suicide (six times the national adolescent rate among young Aboriginal people) were frequently referred to, the problem was not explored in depth except in the context of the general climate of violence in Aboriginal communities and the widespread use of alcohol. Concern was expressed, however, at the number of teenage pregnancies and at the dangers of fetal alcohol syndrome. Concern was also expressed about glue sniffing and alcohol use among children and about children as young as 12 working as prostitutes in urban areas such as Winnipeg, Manitoba.

At Port Alberni, British Columbia, the manager of the Nuu-Chah-Nulth Tribal Child and Family Services commented on the effect of the community taking over administration of these services. People were less afraid to speak up on behalf of the children, she said, because they know the children will stay with the family or at least in the community.

Many intervenors spoke of the need to develop recreation facilities and programs in Aboriginal communities as a means of community development and improving self-esteem. Of particular note were the comments of Alex Nelson, Executive Director of the Aboriginal Sports and Recreation Association of British Columbia, highlighting his efforts to raise the profile of sport and recreation in the Aboriginal community and of Aboriginal athletes in established sports. He strongly supported creation of a national Aboriginal sport secretariat. In Toronto, Ontario, Tom Wesley, coach of the First Nations Running Club, noted that Aboriginal people were naturally gifted runners and had a history of enormous accomplishment despite active racism and negligible financial support.

## Addictions

Alcohol was linked to many of the social problems being experienced by Aboriginal people, including violence and problems with the law. Part of this was also related to social attitudes: intervenors said that police would arrest an Aboriginal person who had been drinking but if a non-Aboriginal person in the same situation was drunk, the police might give him a ride home. Various estimates were provided for the rate of alcoholism, but the devastating effect of alcohol could also be measured in testimony from individual communities such as the Innu who appeared at Sheshatshit, Labrador.

The reasons offered for the degree of alcohol abuse in Aboriginal communities varied. People at Sheshatshit, Labrador, put the blame directly on the effect of contact between the Innu and non-Aboriginal society. Some intervenors related alcoholism to the problems with housing, health, and isolation experienced in Aboriginal communities; some saw alcohol being used by Aboriginal people as a means of

expressing grief and anger; and some saw the abuse of alcohol as a reaction to federal government policies. Frequently, it was said, Aboriginal people deny the existence of drug or alcohol problems.

One intervenor, an inmate at Stoney Mountain Penitentiary in Manitoba, called for prohibition as a means of helping Aboriginal people stay away from alcohol. At Fort McPherson, Northwest Territories, a community spokesperson reported on what had happened in his community since it became alcohol free in April. The ban was being enforced by people in the community putting pressure on those who drank, he said, as well as by the adoption of a \$500 fine. Since April, violence in the community had diminished, people were staying longer with their jobs, and parents were becoming more involved with young people.

The solutions proposed for problems of addiction were similar to those offered for other social issues: appropriate healing programs, more research, staff training and a large increase in funding. Winston McKay of the Métis Addictions Corporation of Saskatchewan called for the creation of a national Aboriginal alcohol advisory board. Mr. McKay added that staff contracts of five years were needed in order to retain high quality professionals, compared to the three-month contracts used now.

A number of intervenors called for more Aboriginal addiction counsellors to be trained and for the creation of more Aboriginal treatment centres. In many cases the 28-day treatment program in common use was too short, and there was a need for after-care to be provided in the community. Harvey Thunderchild, a prison counsellor in Sault Ste. Marie, Ontario, questioned the policy that people jailed in Ontario for less than six months did not qualify for treatment for drugs or alcohol.

## Aboriginal Women

Aboriginal women appearing before the Commission noted that, in Aboriginal society, women had historically been treated as equals. Many societies were matriarchal, and women were respected and revered as first educators and life carriers. Although women played a domestic role in gathering food and raising children, they were also warriors and sat at the bargaining table – until these roles were destroyed by outside forces coming from European society.

Evelyn Webster, of the Indigenous Women's Collective had this assessment, in Winnipeg, Manitoba: "Today Aboriginal people are the most socially, economically, culturally and politically oppressed people in this country," she said. "Aboriginal women are even more so."

Many of the concerns of Aboriginal women related to social services and the disruption found in Aboriginal families and are dealt with under those topics. But overriding these particular issues was a general concern for the inferior status of women in Aboriginal society today, and a fear that this status will be perpetuated with self-government. A particular concern was that the gains made by Aboriginal women with the passage of Bill C-31 had still not given them full equality, and that any gains may be jeopardized if the *Canadian Charter of Rights and Freedoms* does not continue to apply under Aboriginal self-government.

At the Toronto hearings, Sharon McIvor, Executive Council Member of the Native Women's Association of Canada, asked that at least 50% of the Commission's research effort be devoted to the problems of Aboriginal women and that this research be carried out under Aboriginal control. Aboriginal women were still living under the impact of colonialism, and this impact should be examined by the Commission.

"The degradation of Aboriginal women in Aboriginal communities and in Canadian society is the direct result of colonization and the destruction of female roles by outside forces," she said. "Today, Aboriginal women live in a patriarchal state. We have not freed ourselves of those colonial shackles which swept away our way of life."

Although the Native Women's Association of Canada supported recognition of the inherent right of self-government, they were concerned that groups that did not represent nations would be empowered to negotiate agreements, and that communities and the four national political groups would become self-governing by default. The organization was also concerned at the threat that the protection afforded by the *Canadian Charter of Rights and Freedoms* might be removed. Any agreement regarding self-government should be entrenched, the Native Women's Association of Canada said, particularly with respect to the composition, jurisdiction, and legislative authority of self-government institutions.

These concerns were echoed by other women at many of the hearings. At Kispiox, British Columbia, for example, Alice Kruta of the Aboriginal Peoples Coalition expressed fears that the implementation of self-government without an appeal process would mean further subjugation of women from the leaders of their own people. She said individuals should be able to appeal and bring into account the actions of their leaders.

At Winnipeg, Manitoba, Marilyn Fontaine, Spokesperson for Aboriginal Women's Unity Coalition, also called for an appeal process and for means to ensure the accountability of the political leadership. The current system of governance was imposed, she said, and provided a voice only for elected Chiefs and Councillors, most of whom were male.

Sharon McIvor, Native Women's Association of Canada, noted in Toronto, Ontario, that 90% of the Chiefs in the Assembly of First Nations are male. "Aboriginal self-government means male power, male domination and the silencing of the lambs."

Aboriginal women also commented on the continuing inequity they had experienced under Bill C-31 and on difficulties they had experienced in receiving services or in returning to their communities after they had regained status. Many women who had obtained status under Bill C-31 could not pass it on to their children, a rule that was not being applied to men. In Saskatchewan, the Federation of Saskatchewan Indian Nations tabled a study demonstrating that the provisions of Bill C-31 would, over time, wind up reducing the population of status Indians rather than increasing it.

Sharon McIvor estimated that 70,000 people had been reinstated under Bill C-31, but only 2% of these women have been allowed to return to their communities – even though 50% of those living off reserve wanted to live in their communities. Other intervenors noted that funds for off-reserve housing programs had been transferred to communities after the passage of Bill C-31 but had been used to house people on existing waiting lists rather than people reinstated as a result of the 1985 Amendments to the *Indian Act*.

Concern was also voiced over the economic status of Aboriginal women. In her presentation, Sharon McIvor noted that many Aboriginal women had been banished from their communities when they married non-Aboriginal partners. As a consequence they had raised their children in settings where they were discriminated against and could not learn traditional Aboriginal culture. She said that unemployment among off-reserve women was 28%, almost triple the national average; the earnings of Aboriginal women off reserve were three-quarters of the national average for

women; and their families were larger than average.

The overriding demand put forward by Aboriginal women was for equality. As Charlotte Ross and Lillian Sanderson, of the La Ronge Native Women's Council, in Saskatchewan, put it, "women as keepers of the culture want to walk beside men in the healing and decision making process, rather than behind or ahead of them." Specific recommendations were made for more adequate child care and for shelters, counselling, and family education. Female prisoners in the Saskatchewan Penitentiary in Prince Albert, Saskatchewan, asked why they were prevented from being reunited with their children until at least a year after they had been released from prison; also, why women in a provincial institution received only \$2 a day basic spending allowance when men serving the same sentence in a federal penitentiary received a \$7 daily allowance.

## Aboriginal Youth

The situation described by young Aboriginal people, and other intervenors who spoke on their behalf, was comparable to that experienced by their parents: limited education, few jobs, loss of language and culture, frequent exposure to alcoholism and to violence, and a high rate of suicide. Through television they were exposed to non-Aboriginal culture in such quantity that they found it hard to know who they were. Some young people began to be aware of their Aboriginal identity only when they were brought into a group home.

Young people of school age were as much as 50% of the population in some of the communities where the Commission held hearings, double the proportion found in Canadian society as a whole. Many of these communities have limited job opportunities, even for the existing adult population, and few economic

prospects to provide for the sharp increase in numbers as the population of young people reach adulthood.

At Lac La Biche, Alberta, Peter Ponich, the Superintendent of Schools, described the situation of Aboriginal students who are the largest single group in Lac La Biche School District No. 51. Many Aboriginal families with school-age children live at or below the poverty level, with large numbers of students considered to be economically or socially deprived. Many of the students had serious personal, emotional, behavioural and attendance problems, often associated with alcohol or substance abuse. A high percentage of early school leavers were Aboriginal.

Today's Aboriginal young people had not been exposed to residential schools, but they were indirectly affected because of the experiences that parents and other adults in their community had gone through. Many young people still have to leave their communities to attend high school. A number of intervenors also expressed concern with the restrictions imposed under federal government funding for post-secondary education.

Most of the proposals relating to Aboriginal youth concerned education and are dealt with under that topic. There was a general concern to improve young people's self-esteem and sense of identity through language and cultural programs, through contact with Elders, and through the improvement of recreation programs and facilities. Some intervenors described suicide prevention programs that have recently commenced, for example in the Tseshah Reserve near Port Alberni, British Columbia.

Many of the inmates who intervened before the Commission at the Saskatchewan Penitentiary spoke of youth and young offenders. Their recommendations included healing and cultural programming for young offenders; Elder programs for young offender centres; alcohol

and substance abuse prevention; using ex-offenders as resource people to tell young people about prison life; and young offender centres for Aboriginal youth to be run by Aboriginal people.

## Elementary and Secondary Education

In the area of education, the major concerns at the hearing were with the quality and content of Aboriginal education, and the major demand was for Aboriginal control.

"If education was used as the measuring stick of the past relationship between Aboriginal peoples and Canadian society, the perception of Canada promoted internationally would be surely tarnished." This comment from Walter Madonick, Commissioner of the Day in The Pas, Manitoba, summed up the view offered by many intervenors.

In Fort McMurray, Alberta, a university student said that the education available to Aboriginal people in rural areas was sub-standard and second rate because teachers are inexperienced and culturally insensitive. According to intervenors in Labrador, students found that they were a year or two behind when they moved from their home communities to continue schooling in the South. But for Johnny Epoo, President of Avatuq Cultural Institute in Northern Quebec, the failure rate of Inuit students was to a large extent the result of their relocation to Southern communities.

Drop-out rates from high school of as high as 90% were cited and intervenors noted that there seemed to be no way for young people who had dropped out from Grade 10 and Grade 11 to find their way back into the school system. There was a general demand to offer high school as far as Grade 12 on reserves rather than making students leave their

communities or go by bus to non-Aboriginal local schools.

Although the Commission heard many problems concerning Aboriginal education, it also heard of some successes. These included the Children of the Earth High School in Winnipeg, Manitoba; the close liaison which had developed between the Tseshaht Band near Port Alberni, British Columbia, and the local school district since the Tribal Council took over direct responsibility for paying its education costs; the development of a new school by the Opasquia Education Authority in Northern Manitoba in which half of the teachers are Aboriginal, and the Gitksan immersion program for elementary children run by the Gitwangak Band in Northern British Columbia.

At other locations, however, the Commission learned of schools with little or no Aboriginal programming or content and with no Aboriginal teachers, even though the majority of students were Aboriginal.

The demand for greater Aboriginal control over education was universal. This was seen as a way to resolve many problems with education, but the mechanisms for control were generally not spelled out. In some cases intervenors were able to provide evidence of the benefits. This was the case with the Nuu-Chah-Nulth Tribal Council in British Columbia, for example, where the attendance and academic performance of Aboriginal students had both shown remarkable improvement since its new relationship was struck with the local school district.

At Waswanipi, in Northern Quebec, on the other hand, the community was still experiencing problems with its local school a dozen years after it came under the control of a Cree school authority. Children were losing their language, and there was a high turnover rate of non-Aboriginal teachers; some of the problems were blamed on too little delegation to the local community.

Intervenors consistently called for the inclusion of more Aboriginal language, culture and history in school programs as well as for the development of Aboriginal curriculum material and textbooks. At Eskasoni, Nova Scotia, Micmac poet, Rita Joe, said she would gladly give back her Order of Canada medal if it would ensure the development of Aboriginal curriculum. At Wahpeton, Saskatchewan, an educator deplored the fact that the funding available for Aboriginal curriculum development for all Saskatchewan would be barely enough to develop one program in one Aboriginal language.

At Inuvik, Northwest Territories, Leroy Omilogoituk spoke of the importance of students learning the cycles of the land and the difficulty of doing so during the regular school year. At Waswanipi, Quebec a school commissioner contended that the content of the education curriculum should be based more on traditional life skills, like a wilderness survival program, and should use the knowledge of the Elders.

In addition to more local control, there were strong demands that there be more Aboriginal teachers, that teachers be paid on the same basis as non-Aboriginal teachers, and that Elders teach Aboriginal language and culture. Several intervenors spoke of the need for support to be provided for students who have to leave their home community or go to a non-Aboriginal school. At Sault Ste. Marie, Ontario, Brenda Jonah, an Aboriginal community worker, noted that school counsellors are provided on reserves, but that counsellors were not available in the school when Aboriginal students went to non-Aboriginal schools.

Funding from DIAND was raised as a problem particularly for small schools, and for meeting the costs of new schools being built on reserves. Several intervenors told of a backlog of projects that was developing because of a cutback in capital funding for schools from DIAND.

At Sault Ste. Marie, Ontario, the education director for the North Shore Tribal Council described how the council had been forced to buy and equip three portable classrooms out of community funds because of delays in funding from DIAND. When the Council took over funding it found that the local school board had been automatically channelling Aboriginal students into high-cost special education programs as a means of getting greater support and capital funds from the federal department, regardless of whether these programs were appropriate.

## Post-Secondary Education and Training

The major concerns expressed with respect to post-secondary education were to improve access for Aboriginal students and to make post-secondary institutions more responsive to their needs. Recent changes in funding for post-secondary education imposed by the federal government were criticized for being arbitrary, too rigid, and unfair. Métis intervenors were particularly critical of the federal government's policy denying Métis students the post-secondary support that is given to other Aboriginal students.

There was some criticism of post-secondary institutions for taking tuition dollars from Aboriginal students while not providing value in terms of appropriate programs or services. Northern College of Applied Arts and Technology in Moosonee, Ontario, for example, had only one counsellor for 250 Aboriginal students and no Aboriginal instructors or courses in Aboriginal languages. A member of the Aboriginal Staff Student Network at the University of Manitoba brought forward figures showing that only 0.3% of the academic staff at the university was Aboriginal. The Aboriginal Studies Department, with two

full-time staff, had not grown since the 1970s despite sharp increases in the Aboriginal student body.

At Wahpeton, Saskatchewan, Gary Standing, a mature student at the University of Saskatoon, told the Commission that he had been informed of the federal government's new limits on post-secondary support only days before classes ended in April. The effect of the ruling was to limit support to eight months a year even if students like Mr. Standing wanted to continue studying and he would otherwise have had to seek social assistance.

A number of intervenors criticized the limit of four years on federal post-secondary support for Aboriginal students, noting that this handicapped a student who wanted to change programs after gaining some experience of university. Students could also require more than four years to complete their education because they had not had a fair chance to achieve the academic level needed when they first entered. The limits also affected students embarking on longer programs; in Iqaluit, Northwest Territories, it was noted that there are no Inuit doctors, nurses, architects, dentists, lawyers or social workers in the eastern Arctic, although there are some teachers.

At Winnipeg, Margaret King, a University of Manitoba student, reported that many students were forced to seek their own funding because of the application of the rules for post-secondary education. Some Aboriginal students had been compelled to take out Canada Student Loans, but they were not permitted to seek rebates like non-Aboriginal students. Some bands had dipped into money provided for student funding to offset deficits in other areas of activity, she said.

At Sault Ste. Marie, Ontario, representatives of the Ontario Métis and Aboriginal Association noted that DIAND provided post-secondary funding for 22,000 status Indian students but

made no provision for Métis students. They contended that Métis students should be funded for education on the same basis as students from other Aboriginal groups. People who had been reinstated under Bill C-31 were at the lowest level in terms of the distribution of band funds for post-secondary support.

The problems of mature students were raised on a number of occasions along with the need for counselling and more adequate support services. Mature students needed housing and child care which was often not provided in their post-secondary support. In Iqaluit, Northwest Territories, a representative of Arctic College noted that the average age of most students was about 30.

In Fort McPherson, Northwest Territories, a member of the Tetlit Gwich'in Council noted that housing for students at the nearest college, in Whitehorse, was reserved for Yukon residents first. In addition, students who went away to study often experienced stress because of their inexperience in budgeting and delays in receiving funding. Often the short notice that their request for support had been accepted also caused problems.

Specific proposals in this area included the creation of an Aboriginal University of Canada staffed by Aboriginal people, and the recognition of an inherent right to post-secondary education for Aboriginal people. A number of intervenors urged that Aboriginal languages and history courses be offered as an option at the post-secondary level and that cross-cultural programs be provided along with affirmative action programs to give better access to Aboriginal students.

With respect to training, the major concern was that training programs are too limited and are not relevant to Aboriginal needs. In Fort McPherson, Northwest Territories, for example, it was noted that 270 unemployed

people were willing to upgrade themselves but only 8 places for upgrading were available. In The Pas, Manitoba, Chief Harold Turner of Grand Rapids noted that community college courses such as welding, carpentry and mechanics do not require a high school diploma. As a consequence, they could not be attended by Aboriginal students through DIAND's program for post-secondary education and were available only if courses could be found through Canada Employment and Immigration Commission (CEIC).

Opinion was mixed over the CEIC Pathways to Success Strategy for training Aboriginal people, although some intervenors saw it as a step in the right direction that should be given greater funding. CEIC training allowances were seen as inadequate in the North because of the high cost of living, and the time limits on training support through Unemployment Insurance were seen as too short. In Inuvik, Northwest Territories, intervenors asked for the Commission's support to help reopen a sewing shop that had been providing training for Aboriginal women.

The recommendations related to training resembled those offered in other areas of education: more funding, more Aboriginal control, more flexible programs, more involvement of Aboriginal people as teachers, literacy training as a priority, and adequate support services and counselling for students.

## Health Services

The most comprehensive statement on health services for Aboriginal people was offered at Teslin, Yukon, by the Yukon Medical Association, which has made this issue a priority within the medical community. Dr. Chris Durocher, President of the Yukon Medical Association, asked that the health problems of Aboriginal peoples be emphasized by the

Commission and noted that there was no reference to health in its mandate.

Dr. Durocher said that in many areas of Canada, the health of Aboriginal peoples was equivalent to poor Third World standards, a fact of which most Canadians were not aware. The health problems experienced by First Nations people in the Yukon included tuberculosis, malnutrition, family violence, alcohol abuse, trauma and suicide. Although some of these problems required direct action, the overall health status of Aboriginal people was an outcome of social, economic, political, educational and environmental factors and in particular the relationship between poverty and ill health.

In its recommendations, the Yukon Medical Association put first priority on ensuring that health services are staffed by Aboriginal health care workers, especially in the Aboriginal community setting. The Yukon Medical Association felt that Aboriginal women working as community health representatives had proved to be indispensable in the delivery of effective health care in Aboriginal communities.

Dr. Durocher noted that the ratio of Aboriginal physicians to Aboriginal people in Canada was 1 to 30,000 compared to an ratio of 1 physician to 500 people in the population at large. Aboriginal nurses and other health care workers were also in short supply. Young Aboriginal people lacked role models and financial resources to train for health professions and, in many cases, their high schools did not offer appropriate courses in science. These obstacles should be overcome.

Dr. David Skinner, another spokesman for the Yukon Medical Association, said non-Aboriginal people had brought “a white ethnocentric health care system” to Aboriginal people. “Our white man’s medicine is very technically oriented, very symptom oriented,

very drugs and surgery oriented... (it) lacks something Aboriginal medicine has which we desperately need but don’t practise: spirituality, or a spiritual component.”

Dr. Durocher concluded that the Yukon Medical Association “strongly believes that self-determination for the Aboriginal people is a prerequisite for healing and development of wellness... of body, mind and spirit. Control of their cultural rights, land resources, education, justice system and health care delivery must come into the hands of Aboriginal peoples.”

The themes raised at Teslin, Yukon were echoed in most of the presentations related to health, with emphasis on the need for adequate funding, more acceptance of traditional medicine and of a holistic approach, and the need for many more Aboriginal health care workers.

A number of intervenors questioned the practice of medical evacuation from remote areas and asked whether it would not be more effective to provide health services in Aboriginal communities. Several spoke of problems receiving non-insured benefits such as dental services, particularly where the cost of transportation from an isolated community was a factor. Service needs that were identified included home care on reserves, addiction and abuse counselling, health promotion and family planning, and mental health programs. Some intervenors also spoke of basic needs such as clean water and provision of sewage service on reserves, and education on nutrition and hygiene.

At Pangnirtung, in the Eastern Arctic, concern was voiced about the practice of taking pregnant women from their communities four to six weeks prior to delivery so they could give birth in the hospital at Iqaluit, Northwest Territories. But at Inukjuak, in Northern Quebec, Johnny Naktialuk gave details of a new midwifery program run by the hospital at Povungnituk, Quebec, that makes it possible for

pregnant women to stay with their families rather than being flown to Montreal to have their babies.

At Port Alberni, British Columbia, Violet Mundy of the Ucluelet Band recommended that First Nations include health issues in land claims negotiations. She said that health was directly tied to issues related to education, justice, economic well-being and the land question. A dysfunctional community could not be healed unless the body, mind and spiritual connection was addressed.

This kind of approach was outlined to the Commission at Stoney Creek, British Columbia, where the Carrier-Sekani Tribal Council had prepared an integrated plan for community healing that involved all portfolios of the council. However, the council criticized the current Pre-Health Transfer Process of the Department of Health and Welfare Canada, Medical Services Branch, because it made no provision for liability coverage for bands and was taking place without proper training of people to implement it.

The question of AIDS was frequently raised at the Edmonton Round Table on Urban Issues. Participants talked of significant increases in HIV infection among Aboriginal young people, but also noted a lot of denial and misunderstanding of AIDS. HIV positive people in the Aboriginal community felt isolated. There is a need for hospices and AIDS education.

Concern over AIDS was also voiced in Toronto by Susan Beaver, President of the Two Spirited People of the First Nations. She said Aboriginal people were particularly susceptible to AIDS because of alcohol abuse and sexually transmitted diseases and that women of colour, a group that included Aboriginal women, were six times as likely as other women to be HIV positive.

## Housing

The concerns raised about housing focused on the need for Aboriginal control, the problems with current federal policies for Aboriginal housing, and the current housing conditions of Aboriginal people. In Saskatchewan, intervenors argued that because housing was a major activity on many reserves, it should be used as a tool for economic development and to create jobs for Aboriginal people. Most comments related to rural and reserve housing, but poor housing conditions for Aboriginal people living in cities were also noted.

Commissioners visited several private homes in Iqaluit, Northwest Territories. One was a well-kept, but overcrowded home with four bedrooms in which 12 people were housed. One of the occupants, had fallen behind on his rent after becoming unemployed and had to move back to his mother's home with his own family. No public housing was available and the rent for co-operative housing was beyond his means. Another home close to the shore housed three adults and a child in a single room 14 x 8 feet, had no running water and was heated with a kerosene stove. The family was on a waiting list for housing, but the assistant director of social services was unable to say when a more suitable home could be found.

Speaking in Port Alberni, British Columbia, Danny Watts, Chairman of the First Nations Housing Society of British Columbia, noted that the DIAND draft housing policy had recommended that control of housing be devolved to First Nations, but that this had not yet occurred. He said the Society's present housing program budget to deliver housing for all of British Columbia, was \$14 million, but that the projected need was at least \$580 million.

In Charlottetown, Prince Edward Island, Jacqueline Ellsworth of the Native Council of PEI criticized the limited authority delegated to the Aboriginal community by Canada Mortgage and Housing Corporation (CMHC). The current housing policy was not sensitive to Aboriginal needs or conditions, and control of housing should be transferred to the Aboriginal community in recognition of its self-government ability.

Leon McAuley, Manager of the Provincial Métis Housing Corporation in Saskatchewan, criticized CMHC's Rural and Native Housing Policy as being inflexible, over-regulated and hard to qualify for. Aboriginal groups needed to be consulted before rules and procedures were drafted, he said, and the program should encourage Aboriginal workers and contractors to be involved rather than putting up obstacles such as bonding requirements. Many Métis people do not like living in urban settings with their homes side by side, but this is not acknowledged by the federal programs.

The question of rents and how much to pay for housing was raised on several occasions. At Wahpeton, Saskatchewan, the band administrator questioned why band administrators were not permitted to charge rent for community houses occupied by welfare recipients, when DIAND would pay rent to a private landlord if the recipient moved to a non-Aboriginal community. In Pangnirtung, Northwest Territories, Pia Kooneelusie of the Pangnirtung Housing Association noted that people had not been required to pay rent when they moved to the community in the 1960s. Now they were facing a new rent scale beginning in 1993 in which rents would be as high as \$1,400 per month.

Intervenors questioned the housing allocations provided by DIAND and CMHC and the ceilings imposed on the cost of each unit. In Stoney Creek, British Columbia, it was reported that this policy had led to houses

being occupied without being completed. CMHC's housing standards were also criticized as inappropriate; in Watson Lake, Yukon, a band administrator told how the community had been denied funding for windows, doors and insulation material to permit building log houses from local forests because the finished homes would not have complied with Southern standards.

Waiting lists for reserve housing were reported as long as 10 years. Aboriginal women intervenors raised particular concerns because people reinstated under the 1985 Amendments to the *Indian Act* had been given no priority in the allocation of housing. Some small bands reported that their funding was inadequate for construction of even one house in a year, regardless of need.

A number of intervenors criticized CMHC's policy of refusing to grant new mortgages in Aboriginal communities where a mortgage taken out by another borrower had gone into default. They pointed out that the same policy is not applied in a non-Aboriginal community if one of a number of homeowners defaults on a mortgage. The policy of requiring Aboriginal people to pay 25% of their income for CMHC-financed housing was also criticized, because of the impact on families with low incomes. The Provincial Métis Housing Corporation in Saskatchewan noted that 60% to 70% of its mortgages in Northern Saskatchewan were in arrears and urged that these debts be written off.

# IV

## Governance and Aboriginal Rights

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Many interventions at this round of hearings related to Aboriginal rights, self-government, and to the terms and application of the *Indian Act* and other federal policies affecting Aboriginal peoples. These concerns frequently extended to the question of accountability, both with regard to the federal government and to Aboriginal organizations or structures that might be created under Aboriginal self-government. Concern was also expressed that Aboriginal leaders had failed to maintain contact with people at the grass roots, particularly during the current constitutional process.

Support was almost universal for the concept that Aboriginal rights are inherent, as was opposition to the federal government's policy of seeking to extinguish these rights through its Comprehensive Claims Process. As Alex Christmas, President of the Union of Nova Scotia Indians, put it at Eskasoni, Nova Scotia, future agreements "must be based on the recognition of our Aboriginal and Treaty rights, not their extinguishment." It was also urged that rights be interpreted in a modern sense, so, for example, Aboriginal people would not be confined to using outdated techniques for fishing.

Several intervenors commended the Commission for the Commentary issued in February, 1992 supporting the inherent right of

Aboriginal self-government. A number argued that the signing of Treaties presupposed the existence of sovereign Aboriginal nations and in Labrador, some Innu claimed that they were sovereign under international law.

Intervenors were consistent in maintaining that Aboriginal rights and the benefits that flowed from them should apply wherever Aboriginal people lived and not be confined to people living on reserves. Those from the Métis and non-status communities argued that all Aboriginal people should receive equal treatment and that people from their communities should have the right to a land base; little was said about these issues by people from First Nations.

### Self-Government

The discussion of Aboriginal rights focused on Aboriginal peoples attaining self-government and self-determination. Most intervenors wanted to see Aboriginal people controlling their own affairs through exercising their right of self-government. A significant number questioned the concept, however, or were concerned about how self-government would be implemented. Most of these were individuals. Aboriginal women were very concerned that self-government would lead to empowerment only for Aboriginal men.

Many alternative models of self-government were suggested but there was no consensus on what forms would be preferred on reserves, in the North, or for urban Aboriginal people. There is, however, substantial agreement on the principle.

At the Toronto hearing, National Chief Ovide Mercredi of the Assembly of First Nations took issue with non-Aboriginal critics who wanted to see self-government defined before deciding whether the concept could be accepted. He asked why Aboriginal people were always having to justify themselves. When Canada was established in 1867, he said, Aboriginal people were not consulted. Did this mean some people had greater rights of self-determination than others?

National Chief Mercredi said there needed to be an end to paternalism, an end to being treated as inferior. The tyranny of the majority was frustrating his people's right to self-determination. Answers would be found not simply by accepting perspectives of the dominant society but by adopting the perspective of Aboriginal people. This required a respect for co-existence and the right to be different.

In Winnipeg, Manitoba, Elijah Harper, Member of the Legislative Assembly of Manitoba put forward the case that the right to self-government for Aboriginal people is inherent. "Self-government is not (something) that can be given by any government," he said, "but rather...flows from our Creator... Self-government...is taking control and managing our own affairs, 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."

Cara Currie, in Hobbema, Alberta, expressed self-government this way "...don't tell us what we need, ask us. Ask us what we need. Ask us what we want. We will tell you how we want to govern our people. We have been given that responsibility to represent them."

Ron George, President of the Native Council of Canada, argued that Aboriginal government should be recognized as one of the three orders of government. The Indian Act should be replaced with traditional governments or with a mechanism of government that included all Aboriginal people.

A lot of the concern about self-government, he said, was because people believed self-government could only be reserve-based. He added that many people could not identify with that; self-government should be available to all Aboriginal people.

"We have never been interested in a pale imitation of self-government," he said. "We are definitely interested in self-government that will improve our economic and human conditions and hold intact our Aboriginal citizenship... To suggest that, after former governments stole our land from us, we can only exercise our right of self-government where our people now have exclusive land rights is intolerable and unjust."

Mr. George pointed out that any move to apply Aboriginal laws through mechanisms for self-government would have to be negotiated and could not be applied unilaterally. Existing federal and provincial laws would continue to apply until they were replaced by Aboriginal governments.

A number of intervenors suggested that Aboriginal people could do a better job of serving Aboriginal needs through self-government than the present system could. This theme ran through presentations on almost every issue, and many examples were offered to demonstrate the positive results of Aboriginal communities

taking control of their own affairs. Grand Chief Joe Miskokomon of the Union of Ontario Indians argued in Toronto that labels and Treaties and borders had divided Aboriginal people; the recognition of their inherent right of self-government would bring them together. Henry Wetelaine had a similar message in Sault Ste. Marie, Ontario: “If a Canadian is poor, what difference is it that his necessities are administered by us or the governments? The answer is that we can do it better. And what’s more, we can do it with pride, in the full knowledge that we are partners in Confederation.”

At the Edmonton Round Table on Urban Issues, Lloyd Barber, former President of the University of Regina, argued that the right to fail and to learn from one’s mistakes was a fundamental entitlement that had been denied to Aboriginal people.

“The paternalistic model of the *Indian Act*, the denial of self-determination, the denial of the right to fail, is at the root of what plagues not only the urban Indian situation, but also the situation on reserves,” he said. “No matter how benevolent paternalism is, ultimately it is soul destroying, it is devastating of self-esteem, it is devastating of any kind of human growth and human development.”

Self-government and the land claims process were seen as being closely linked in a number of areas, particularly the Yukon. Judy Gingell, Chairperson of the Council for Yukon Indians, urged that self-government agreements be considered as land claims agreements within the meaning of section 35 of the Constitution Act, and that they be entrenched and given constitutional status by being made part of the Yukon First Nations Umbrella Final Agreements. At Watson Lake in the Yukon, the Kaska Tribal Council took the same position, but also noted the difficulties that the nation faced both in service delivery and in claims

negotiations because its territory was divided by the British Columbia – Yukon border.

Several definitions of self-government were put forward at the hearings. Walter Madonick, an Aboriginal student leader at Brandon University, argued against a simplistic understanding of the concept, saying that “self-government is a broad concept for a culturally diverse peoples who have come to be known as the First Nations.” At Port Alberni, British Columbia, Violet Mundy of the Ucluelet Band put forward a comprehensive definition of self-government that linked the concept to spirituality, equality, language and culture, traditional approaches to healing, respect for self, family and nature and respect for Elders. Other intervenors also called for self-government to incorporate traditional values or to be based on traditional ways.

At Eskasoni, Nova Scotia, Alex Denny, Grand Captain of the Micmac Grand Council, put forward a model of self-government based on community design, control of priorities, and accountability. At Fort McPherson in the Northwest Territories, the emphasis was on ensuring the Aboriginal community has more control of decision-making processes and program responsibilities along with political and legal authority. The goal would be to develop the community’s capacity for self-reliance and self-sufficiency, both in socio-economic and political terms.

Many intervenors wanted the priority for self-government to ensure that Aboriginal people have control of key service areas such as health and social services, justice, education, housing, and economic development. It was also put forth that full self-government could apply only where Aboriginal people had a land base, but that urban tribal councils or other instruments could be created to provide Aboriginal services in urban areas.

There was no consensus on whether the base of self-government should be First Nations Bands, Aboriginal communities, tribal councils, individual First Nations with a common language or tribal base, or political organizations. Several Métis intervenors suggested that self-government be achieved through the passage of separate pieces of legislation for the Métis, Indian people and Inuit as a replacement for the *Indian Act*. Ron George, President of the Native Council of Canada, predicted that the dominant model in urban areas would be to have Aboriginal councils delivering services, as was occurring in Vancouver, British Columbia. But a number of structures might be employed, such as traditional governments, clans, Elders, and holistic structures as alternatives to governments created by legislation.

Sharon McIvor, Executive Council Member of the Native Women's Association of Canada, urged that negotiations for self-government take place on a nation-to-nation basis, starting from the 53 Aboriginal language groups. Women are concerned that membership codes in First Nations would exclude them and therefore wanted the participation of Aboriginal women guaranteed by legislation and in the Constitution of Canada.

At the Edmonton Round Table on Urban Issues, participants expressed fear that different Aboriginal groups might lose their individuality if they were pushed together through the creation of a status-blind process of self-government. It was pointed out, however, that urban Aboriginal people were considered as one group by the non-Aboriginal population and that some people might fall through the cracks if service delivery to Aboriginal people were handled by "political groups" rather than on a status-blind basis. Participants also asked why Aboriginal people in urban areas should seek the approval of the political groups when these groups had failed to include urban

Aboriginal people as players in discussing self-government.

Intervenors shared their experience of working with models of Aboriginal self-government that are already in place. Among these were the Lheit-Lit'en Nation in Northern British Columbia, which had developed a plan for "taking back control," adopted a Declaration of Self-Determination, and established a team to plan for a self-government agreement with the federal government. On July 1, 1992, the elected council of this nation was to be discontinued and replaced by a traditional Elders' council that would form the government.

Gerald Thom, Vice President for Zone 1, Métis Nation of Alberta, described the Framework Agreement that had been signed with the province and that provided a process for Métis to work toward determining the wants and needs of the Métis people of the province. He described this as a bottom up process aimed at supporting community based initiatives as well as educating the government about areas where its services to Métis are lacking.

Paul Connelly, Minister of Aboriginal Affairs in Prince Edward Island, described how his province was working with the Aboriginal Council of PEI to develop a Memorandum of Understanding that would cover initiatives to be included in self-government. He also spoke of the adoption of a national Treaty of reconciliation as the basis of a new relationship with Aboriginal peoples and the foundation for the self-government process.

In Toronto, Grand Chief Miskokomon of the Union of Ontario Indians outlined how Aboriginal people had arrived at a political accord with the provincial government in Ontario in the summer of 1991. Its aim was to determine how Aboriginal people should share in control of provincial resources and program areas, with the aim of their taking jurisdiction back from the province in areas that affected

them and developing a relationship of co-existence.

Grand Chief Miskokomon said he believed that provincial governments as well as the federal government had a fiduciary responsibility for Aboriginal people. A true sense of self-government could not be urban based, but there could be institutions of self-government in the cities. He also warned about the perils: "When we do obtain the Aboriginal self-government which we so eagerly seek, I hope we will not simply exchange white patriarchs for brown patriarchs. We must do more than administer our own oppression."

Additional concerns relating to self-government included the need for adequate funding and for a land base on which self-government could be exercised. As Albert Levi, Chief of Big Cove, New Brunswick, said: "We must create an Indian territory over which our Indian government has superior jurisdiction. We must start with the reserve as a land base and then build on that land base through a land claims process."

Intervenors in Ontario noted that Aboriginal people control less than 1% of the land area of a province which once was theirs entirely. At Kingsclear, New Brunswick, Richard Francis asked what was just when he contrasted land grants as large as 5,000 and 10,000 acres given when white people first settled in the area, compared to only 500 acres given to a whole Aboriginal community?

In Fort Chipewyan, Alberta, Chief Archie Wagan of the Mikisew Cree First Nation put priority on the need to honour the Treaties and was adamant that no new process of self-government should affect the spirit and intent. This view was supported by intervenors at a number of the hearings in the West.

In Newfoundland and in Labrador, concern was expressed that the current land claims process had come to a halt because the federal

and provincial governments had been unable to agree to a cost-sharing formula.

Concerns raised about self-government focused on the issue of accountability, in particular to the power that might be exercised over women by men. This was raised with great force by the Native Women's Association of Canada. Some intervenors wondered whether Aboriginal peoples were really ready for self-government. This question was asked at La Ronge, Saskatchewan, by Lillian Sanderson, who noted that Aboriginal leaders had been angry when Joe Clark proposed a 10-year delay in implementing self-government, then asked how they would handle it if self-government was granted tomorrow. Many Aboriginal leaders were dysfunctional, she said, and there was a lot of healing to do.

Outright opposition to the concept of Aboriginal self-government was voiced at Winnipeg by the Union Nationale Métisse St-Joseph du Manitoba, on the grounds that Métis people were Canadians. However the President, Mme. Augustine Abraham, supported demands for a Métis land base and for recognition of the Métis role in Confederation.

## The Constitution and Human Rights

While the Commission was holding hearings on Aboriginal issues across Canada, Aboriginal political leaders were intensely involved in the process of constitutional negotiations alongside the federal government and the provinces. These two processes overlapped on the final day of hearings in Toronto, when Ovide Mercredi, National Chief of the Assembly of First Nations, appeared before the Commission just after learning that the Premiers and Prime Minister had arranged a meeting to discuss constitutional issues without Aboriginal leaders present.

National Chief Mercredi asked the Commission to intervene in support of the right of Aboriginal leaders to be present. If Aboriginal peoples lost recognition of their inherent right to self-government in the constitutional talks, he said, then the role of the Commission would become meaningless.

Next to self-government, the key constitutional issue raised at the hearings was how the *Canadian Charter of Rights and Freedoms* should affect new institutions set up under Aboriginal self-government. This was of particular concern to women, to the point that the Native Women's Association of Canada said that the federal government should not be financing male-dominated groups – that is, the Aboriginal political organizations – which they said opposed the advancement of equality rights for women.

National Chief Mercredi responded that the Assembly of First Nations did not resist equality rights or individual rights. Its resistance concerning the *Canadian Charter of Rights and Freedoms* was in order to keep options open for traditional forms of government such as those based on clans, confederacy, or hereditary chiefs. The Assembly of First Nations advocated an Aboriginal charter of rights, but it did not want to see the *Canadian Charter of Rights and Freedoms* become another instrument of oppression.

The compromise that had been reached, National Chief Mercredi said, was that the *Canadian Charter of Rights and Freedoms* would apply except with reservations for traditional forms of government, and the inclusion of a notwithstanding clause for Aboriginal self-governments. Section 35(4) of the Canadian Constitution already guaranteed equal enjoyment of Treaty and Aboriginal rights to men and to women. National Chief Mercredi said this proposal had been agreed to by the Native Women's Association of Canada but that subsequently it had withdrawn its support.

The Assembly of First Nations now intended to put forward the amendment on its own.

Maxwell Yalden, Chief Commissioner of the Canadian Human Rights Commission, said in Winnipeg, Manitoba, that he saw no contradiction in the current *Canadian Charter of Rights and Freedoms* between individual and collective rights. He did not believe that Aboriginal leaders would oppose the list of human and universal rights contained in the *Canadian Charter of Rights and Freedoms*, and he would prefer to see the *Canadian Charter of Rights and Freedoms* altered to accommodate Aboriginal concerns rather than the creation of a separate Aboriginal charter of rights.

Apart from these interventions, the *Canadian Charter of Rights and Freedoms* received limited attention. In Winnipeg, the Indian Council of First Nations of Manitoba Inc. urged that the *Canadian Charter of Rights and Freedoms* should apply to self-government until there is a new charter. In Esquimalt, British Columbia, the Mid Island Tribal Council opposed the constitutional entrenchment of property rights because this might adversely affect Aboriginal land claims, and called for the recognition of Aboriginal peoples as distinct societies.

## Treaty Rights and Land Claims

The key issue at the hearings relating to Treaties between First Nations and the Crown was the need for governments to respect the Treaties and to interpret them fairly. On land claims, many intervenors were concerned at the delays in settlements and at what they saw as a one-sided process of negotiation with the federal government.

In Grand Chief Phil Fontaine's summation at Winnipeg, Manitoba, every single person that was involved or affected by the signing of

Treaties had experienced violations of one sort or another from the day that Treaties were signed. These violations included restrictions on rights to hunt, fish and trap, the limitation of Treaty rights to people living on reserves, and the restriction of education rights with respect to post-secondary support.

Treaties were signed between two sovereign nations, Grand Chief Fontaine said, and it was important that they be maintained in the way that they were first established. Aboriginal people expected certain guarantees; very few of these rights had been honoured. He said Treaties should be the top issue on the Commission's list of priorities. This was echoed in Hobbema, Alberta, where Norman Yellowbird suggests that there be discussions on the Treaties with the people of Treaties.

At Sault Ste. Marie, Ontario, Wallace Belleau of the Ojibwe Peacekeepers Society argued that Aboriginal people should take back the responsibility for protecting Treaties. Aboriginal people could not rely on the Government of Canada, he said; the federal government had criminalized the actions of the Mohawks at Oka when their objective had been to protect their lands.

There was general support that Treaty rights should be portable rather than confined to Aboriginal people on reserves. Treaties with First Nations within Canada should also override federal legislation such as the *Migratory Birds Act* in the same way as Treaties between Canada and foreign countries such as the United States.

Intervenors urged the Commission to set up a task force on Treaty issues and also called for programs of public education. An independent body or commission to deal with Treaty violations or disputes over the interpretation of Treaties was also proposed. Treaty money and the support of services promised in the Treaties should not be seen as handouts, one woman

said. These were payments for the enormous quantity of resources and land that Aboriginal people had given up to Canada.

The support for Treaties as the cornerstone for Aboriginal self-government was most strongly expressed in the Prairies. At Wahpeton, Saskatchewan, Tom Iron, 4th Vice-Chief of the Federation of Saskatchewan Indian Nations said that the Treaties were "sacred, living documents" and asked that their terms not be compromised by constitutional change. The interpretation of Treaties should be based on a broad legal construction that included the oral promises made alongside Treaties.

Chief Gerald Antoine, at Fort Simpson, Northwest Territories, was one of many intervenors who disputed the federal view that First Nations people had given up rights through signing Treaties. The Treaties with the Dene were clearly negotiated to provide for peace and friendship, he said; the Dene never surrendered their sovereignty or their lands. He said the present concepts of Crown lands in the Northwest Territories were unconstitutional, because they contravened the original relationship negotiated between the Dene and the Crown.

Alex Christmas, President of the Union of Nova Scotia Indians, spoke of the struggle that Aboriginal people had gone through in his province to apply the Treaties, some of which pre-dated Confederation. Their efforts had led to the Supreme Court ruling that the Treaty of 1752 gave Aboriginal peoples precedence over provincial legislation. In 1990, the Nova Scotia government had finally accepted the Aboriginal right to harvest deer and moose which the Micmac had affirmed through the courts. Treaty federalism, said Mr. Christmas, was different from the relation of immigrants and the Crown that was embodied in Confederation. The Treaties provided a constitutional base or Aboriginal people to exercise authority as governments.

Particular concerns were raised involving Treaties, or in some cases, the absence of any Treaty or land agreement with the Crown or the federal government. At Eskasoni, Nova Scotia, Mr. Christmas said that no Treaties had dealt with the surrender of lands or title, even though Canada had taken the position that title had been superseded by provincial legislation. At Sheshatshit, Labrador, Innu intervenors spoke bitterly of the treatment they had received from Canada. A self-governing people before the arrival of Europeans, they had never signed a Treaty to abrogate their rights. No one had asked them to split the Innu territory in two when the Labrador boundary was established in 1927, or to join Canada in 1949.

At Fort McPherson, Northwest Territories, Chief James Ross provided an overview of the comprehensive land claim agreement that the Gwich'in Nation had signed with the federal government. He said the agreement would be an addition to the existing Treaty #11 and would have constitutional protection. Treaty rights had been expanded with the Gwich'in land settlement while giving the community direct control. The Gwich'in retain their rights as Aboriginal people elsewhere in Canada: for example, the right to hunt and fish for food.

At Wahpeton, Saskatchewan, several intervenors from the Dakota Nation spoke of the difficulties they had experienced in trying to have their Treaty rights respected. Many had been treated as refugees from the United States and therefore were not entitled to reserve lands in Canada; the U.S. refused to consider historic Treaty claims from the Dakota people if they were residents in Canada. The Dakota people also encountered difficulties in crossing the Canada-U.S. border to take part in spiritual and cultural events. Chief Calvin McArthur of Pheasant Rump, Saskatchewan, described how his community had been forced off their land and onto another reserve at the turn of the

century. After 90 years, they were now moving back to their own reserve.

At Waswanipi in Northern Quebec, intervenors spoke of the difficulties Aboriginal people had experienced living under the James Bay Northern Quebec Agreement, known as the first "modern-day" Treaty. Intervenors generally valued the agreement but felt deceived by its implementation and by the failure of the federal and Quebec governments to live up to their commitments.

They criticized the fact that the agreement had been meant to protect their traditional way of life, but with industrial development such as the clear-cutting of forests, their traditions were endangered. Funding had not been provided to implement various sections of the agreement, particularly in the area of justice and decisions affecting resources had been made without consulting them on the impact on fishing, hunting and trapping.

On the issue of land claims, the federal government's Comprehensive Land Claims Policy was described as unconstitutional because it called for extinguishing Aboriginal rights. There was a strong desire to see land claims settled and there was frustration at delays that many believed were caused by the federal government.

Grand Chief Joe Miskokomon of the Union of Ontario Indians was impatient with the current system and with the distinction between specific and comprehensive claims. In his view, "a claim is a claim is a claim," but by the time the current outstanding claims were dealt with, "we'll all be dead and gone."

Chief David Keenan of the Teslin Tlingit First Nation in the Yukon called the negotiation process one-sided because Canada controlled the funding, timetables, policies and political will to negotiate and conclude agreements. Canada had made a commitment in 1870 to settle the claims of the Indian tribes of the old

Northwest Territories, he said, and this commitment was still alive today.

Chief Ross, at Fort McPherson, Northwest Territories, criticized the federal policy of protecting non-Aboriginal people by exempting what are called “third party rights” such as land staked by prospectors when land claims are negotiated.

Judy Gingell, Chairperson of the Council for Yukon Indians, who appeared at Teslin, recommended that the inequality of bargaining power be addressed by having the federal government negotiate with Aboriginal nations as one sovereign nation to another. There should also be implementation agreements and funding when land claims are settled, as the CYI was proposing in the Yukon. She and Chief Keenan both urged that the funds that had been loaned to Yukon First Nations to finance their participation in land claims negotiations be converted into a grant and not repaid, because many of these costs arose from delays because of changes in federal ministers or in government policies.

In Western Canada, Métis intervenors reiterated the Métis demand for a land base and recalled the promise of a half-million hectares which had been made to Louis Riel at the time of the *Manitoba Act* 120 years ago. The Métis needed a land base to create a cultural and economic base for their community. At Lac La Biche, Alberta, Gerald Thom, Vice President Zone 1, of the Métis Nation of Alberta urged that the eight Métis Settlements land base which already exist in Alberta be entrenched in the Canadian Constitution.

A potential for conflict over land between two Aboriginal groups was raised at the hearings at La Ronge, Saskatchewan and Fort Simpson, Northwest Territories. Denesuline intervenors asked the Commission to intervene to resolve their claims in the Northwest Territories before finalizing the Nunavut Settlement Agreement

with the Inuit, which is expected later this year. This agreement would bring a large part of the Treaty 8 and Treaty 10 area in the Territories under Inuit control, although it formed the traditional hunting grounds for Dene communities now living near the northern border of Manitoba and Saskatchewan and was not occupied by Inuit.

The Dene do not want to lose their traditional access to this area nor see their land claim superseded by the Nunavut Agreement. They rejected the federal government’s contention that their Treaty rights to land in the Northwest Territories are no longer valid and pointed out that the Treaties were signed before the provincial and territory boundaries had been created. The Inuit were receiving land that had never been theirs, they said, despite the federal policy that Aboriginal lands should not be allocated when there are disputed claims.

## **The *Indian Act* and Federal Administration**

The Commission heard generally negative comments about DIAND and a mixture of views about the *Indian Act*. Some intervenors wanted the Act abolished, but others argued it should be improved or amended and that abolition could undermine some rights now exercised by Aboriginal people.

Appearing at Winnipeg, Chief Damon Johnston of the Indian Council of First Nations of Manitoba Inc. summed up the views of a significant proportion of intervenors. The *Indian Act* was “a genocidal instrument clearly designed to destroy the culture and the integrity of the Aboriginal people of this land,” he said. “The only solution 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.”

In Toronto, Ron George, President of the Native Council of Canada was equally critical. He said it was an “apartheid policy” that the right to have access to the budget of DIAND was determined by status and called for a “Triple A” policy with respect to the Act: “Abolish, abolish, abolish.” “We must forever bury the destructive *Indian Act* system and the colonial policy it represents,” he said. The *Indian Act* system “cannot and shall not be the basis of the future relationship with the rest of Canada.”

Intervenors maintained that the *Indian Act* structure had created dependency within Aboriginal communities and created what some called an “*Indian Act* mentality”. The restrictions imposed through the reserve system had kept Indians corralled like animals in a kind of prison. Status distinctions had divided Aboriginal peoples from each other and created particular problems for women and others excluded from reserves before Bill C-31.

Métis and non-status groups called for the elimination of the distinctions in rights among different Aboriginal groups. Intervenors also noted disparities in rights in different parts of the country. Aboriginal people north of the sixtieth parallel, for example, were not exempt from taxation, because they did not have a land base. Aboriginal people who moved off their reserve lost access to most services covered by the federal government. Métis and non-status organizations received almost no federal funding to support their activities, whereas community and tribal councils had a regular source of finance.

Other intervenors, however, thought that the *Indian Act* was important for preserving Aboriginal language and culture and that self-government could be achieved without the Act being abolished. Albert Julian, President,

Eskasoni Economic Development Association, argued that despite its shortcomings the *Indian Act* was a protective statutory device.

Mr. Julian said change was in order, but that eliminating the Act would be devastating. Abolition would result in loss of the central registry to identify who was Indian under the *Indian Act* and entitled to its benefits. He felt it would also eliminate the federal government’s statutory responsibility to provide resources for many programs. The consequences could include greater poverty, loss of reserve lands, the introduction of taxation on incomes and property for people living on reserves, and the intrusion of non-Aboriginal people into community elections.

Intervenors expressed major criticism of DIAND because of its history of oppressing and mistreating Aboriginal people and because of current problems in dealing with DIAND. Many intervenors said DIAND should be abolished or given a caretaker role, with some saying that Aboriginal communities should deal directly with the federal government through Treasury Board or by means of bilateral government-to-government relations.

Some voiced criticism of tribal councils and saw them as creatures of DIAND or as agents for its policies. In the Northwest Territories, several intervenors criticized the Northwest Territories administration and said that services to Aboriginal people had suffered because the federal government had transferred delivery of all major programs to the territorial government. In Southern Canada, however, Métis intervenors praised the system used in the Northwest Territories because it made no distinction between the services provided to Métis and those provided to Indians.

Several intervenors expressed fears that DIAND would try to slow down the devolution of powers to Aboriginal communities. National Chief Ovide Mercredi blamed DIAND for

fuelling concern about the costs of Aboriginal self-government instead of helping to alleviate people's fears, in an attempt to block Aboriginal communities from achieving self-government through the negotiations on the Constitution.

There was general support for the federal government maintaining its fiduciary responsibility for Aboriginal people. Many individuals and groups spoke to the need for new or improved services which were held back because of restrictions on funding or short-term commitments. In Kispiox, British Columbia, Matt Vickers criticized DIAND's policy of downsizing because only a third of the money saved from closing its district office had been passed on as devolution funds.

At Winnipeg, Grand Chief Phil Fontaine was critical of DIAND because of its priorities: it spent \$132 million on social development for Aboriginal people in Manitoba compared to only \$10 million for economic development. This criticism was echoed at several other hearings.

## Governance and Accountability

Concerns about the accountability and the performance of band councils and of other Aboriginal organizations were raised repeatedly in many parts of the country. Intervenors complained that some Chiefs and councils were arbitrary and failed to consult, that there was a lack of community control and that there were abuses of power, elitism and even corruption. "We are oppressed not only by provincial and federal governments but by our own people," said one intervenor in Victoria, British Columbia.

One of the strongest statements was made at Winnipeg by Grace Meconse of Aboriginal Mediation, Inc., a group of 500 members that

opposed Aboriginal self-government because of what it called "oppressive and differential treatment" from Aboriginal leadership. Ms. Meconse said there was no recourse and no appeal process at the community level. The leadership at that level was a dictatorship and most community members did not know what Aboriginal self-government meant. She complained that money was being misspent, elections were conducted illegally, and Bill C-31 reinstated people were being blocked from leadership positions or employment at the band level.

Ms. Meconse said that Aboriginal leadership was a one party system. If there was going to be democracy, Aboriginal leaders would have to appreciate "that all political parties face opposition throughout the world."

Patrick Polchies of the Kingsclear Band shared these concerns. The band was operating under Alternative Funding Arrangements, but he questioned whether the federal government had contacted people of the reserve to see whether accountability mechanisms were in place. As an example, he noted that the building where the Commission's hearing was held had been built as part of a large economic development project that had gone forward without consulting band members. He said the Kingsclear Band had not had a general council meeting in 10 years.

Aboriginal women intervened expressing concern about the treatment they had received in trying to be accepted for membership in their band. In one case, in Labrador, the complaint eventually went to the province's Human Rights Commission.

Some intervenors complained that there were too many Aboriginal organizations and that too much organizational funding was directed to national and regional organizations at the expense of the grass roots people. As an alternative, it was suggested that funding be directed to band councils and other local organizations

that could decide how much to allot to political bodies at higher levels. This would also make those organizations more accountable.

Marilyn Fontaine of the Aboriginal Women's Unity Coalition, one of many women who questioned the male domination of Aboriginal political structures, called for full and equal participation of women and the integration of reserve and urban-based services. She said the Assembly of Manitoba Chiefs must address the lack of checks and balances within the current political structure. There should be ways to appeal decisions made by the Assembly, conflict of interest guidelines for Aboriginal child and family agencies, and models for resolving disputes within the Aboriginal community, she said.

At Eskasoni, Nova Scotia, Duncan Gould of the Membertou Band also called for a system of appeals to protect the rights of individual Aboriginal people, as well as seeking conflict of interest guidelines for elected Aboriginal officials. There should be a strict system of checks and balances for public moneys going into band councils and Aboriginal organizations.

Other proposals to ensure greater accountability included limiting the number of terms of elected Aboriginal officials, allowing all members to vote in band elections whether they lived on or off reserve, and creating more dialogue and trust within Aboriginal organizations.

Only a few comments were offered with respect to the administration and financing of Aboriginal organizations. Several intervenors criticized governments for their delays in completing funding agreements with band councils and other local organizations. At Waswanipi in Quebec, the band was still working on provisional funding three years after a five year funding agreement was meant to begin.

J. Barrie Ravenhill, Mayor of Watson Lake, Yukon, was one of a number of non-Aboriginal municipal leaders that expressed concern at how self-government would affect municipal governments in Aboriginal areas. He was worried that municipalities may cease to be considered the third order of government and felt that they had been ignored in the negotiation process.

A detailed model of self-government was offered by Don Ryan, Speaker of the Gitksan Wet'suwet'en Hereditary Chiefs, in Kispiox, British Columbia. He proposed that Aboriginal communities take the right of granting "citizenship" rather than "membership" since this implied a greater degree of sovereignty, and that Aboriginal lands should not just be held as property in fee simple but should held with the greater right of "title." As a third order of government, Aboriginal governments should enter into a global transfer arrangement with other governments similar to what the provinces now had with Ottawa.

The concerns of Aboriginal women with respect to discriminatory treatment as a consequence of Bill C-31 have already been mentioned. Young people also complained of discrimination, particularly that reinstated individuals were given low priority when bands allocated post-secondary funding.

The 1985 Amendments were seen as disruptive and as unjustified interference by some intervenors, whereas Aboriginal women saw the results as disappointing and Bill C-31 as being "too little too late." In Edmonton, Alberta, intervenors from Indian Rights for Indian Women contrasted the treatment of reinstated Aboriginal women who had not been accepted by their communities while non-Aboriginal women who had acquired Indian status benefited from services that the reinstated women were denied.

Several intervenors noted that the 1985 amendments had been enacted with the promise that no Aboriginal community would be adversely affected, but that the promise to provide adequate financial resources had not been kept. This was a particular strain for small communities, some of which had seen their membership double as a result of Bill C-31. One solution put forward was that extra land should be provided as well as resources to meet the needs of people reinstated.

One result of the *Indian Act* noted in Western Canada was that Indians cannot move easily from one reserve to another. At Wahpeton, Saskatchewan members of the Dakota Nation noted that the Act discriminates against them if they marry someone from the Dakota Nation in the United States, because the children of the marriage would not have full status.

# V

## Northern and Inuit Issues

◆ Many of the issues brought to the Commission in Northern Canada were similar to those raised in Aboriginal communities in the rest of the country. At Inuvik, Northwest Territories, for example, the concerns raised by intervenors included high unemployment, poor educational opportunities, the influence of residential schools, inadequate social assistance, substance abuse, and the need for more local control of programs and services.

These problems were compounded in many Northern communities, intervenors said, by isolation, the high cost of living, the lack of access to jobs and to training facilities, and the high costs of transportation.

Many Inuit have only recently gone through a radical change in lifestyle, moving from the country into settlements and changing from traditional hunting, fishing and trapping occupations to more regular employment where it is available. Many of the Elders were born in igloos or tents and had a traditional lifestyle that their grandchildren are unlikely to follow. A rapid increase in population lies ahead because of the high proportion of children among the Inuit population. These changes formed the subject of a number of interventions, particularly from Elders.

Concern for preserving language and traditional ways was very high in all the Inuit communities where the Commission held hearings. Proposals included accessing more funds to produce Inuktitut curriculum, expanding the use of Inuktitut in schools, bringing Elders into the schools to teach, changing the curriculum to allow more teaching in traditional culture, and making Inuktitut an official language.

Inuit people who were moved by the Government from Northern Québec to the high Arctic in the 1950s shared their experience with the Commission at Inukjuak. They asked for recognition of the wrongs they were forced to endure through some 30 years of exile, along with an apology and financial compensation from the Royal Canadian Mounted Police and the federal government. These demands were supported at the hearings in Toronto by Rosemarie Kuptana, President of the Inuit Tapirisat of Canada.

In the Western Arctic, concern was expressed at the federal government's delegation of authority to the territorial government. Chief James Ross, of the Gwich'in Council in Fort McPherson, Northwest Territories said this had led to the territorial government treating Aboriginal people on the same basis

as other residents of the Territories. The territorial government had refused to provide special programs for Aboriginal people and, as a result, non-Aboriginal residents got the most benefit. Of 700 post-secondary students funded by the territorial government, for example, only 120 were Aboriginal people.

Economic development was a major concern in Northern communities as was the number of skilled jobs that were filled by people from the South because trained Aboriginal people were not available. Chief Ross called for programs to support people willing to live off the land, such as the one now in force in the James Bay area, and said his community was looking for other opportunities to create work on its land, such as correctional centres and conference facilities.

In Pangnirtung, Northwest Territories, Kevin 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, and expressed concern that Southern companies were lobbying to bring large fishing vessels to the area.

At Sheshatshit, Labrador, Peter Penashue, President of the Innu Nation, told the Commission that since contact, the Innu, a people who had been self-reliant, had become totally dependent and lost control over their land and people. Of particular concern was the breakdown in land claims negotiations and Newfoundland's actions preventing the Innu from their traditional practice of hunting.

Innu intervenors made strong demands that the low level flying by fighters over their territory be eliminated. They sought to restore traditional life skills, values and language and raised the idea of a distinct Innu state separate from Canada.

# VI

## Métis Issues

◆ Métis were described at the hearings as the forgotten people and as the “most dispossessed” of Canada’s Aboriginal people. Métis intervenors at the hearings sought equal treatment for the Métis compared to other Aboriginal people including a land base, recognition and funding. As the first round of hearings concluded, the Commission heard that the Métis had made significant progress toward those goals during the constitutional negotiations.

At Winnipeg, Manitoba, Yvon Dumont, President of the Manitoba Métis Federation turned to history to justify the Métis demand for a land base, in particular the 1870 *Manitoba Act*. The commitments made to the Métis were not kept, he said, but violations were approved by white legislators after they had taken place.

The Métis demands for a land base and for recognition as a distinct people, culture and nation with a proud history were repeated whenever Métis intervenors appeared. This was coupled with demands for self government and for taking greater control over services to Métis. Local Métis organizations spoke of operating with almost no funding and asked for greater support. The Labrador Métis Association asked that the existence of Métis in the province be recognized by the Newfoundland government.

Particular concern was expressed with respect to Métis gaining the same rights to hunt, fish

and trap that are enjoyed by other Aboriginal people. Several intervenors said that because Métis are treated the same as non-Aboriginal people with respect to hunting and fishing, they are forced to poach or to hide their catch if they want to gather food in the traditional way.

Intervenors also questioned the federal government’s refusal to provide post-secondary funding for Métis students on the same basis as other Aboriginal groups. This was a particular problem for poor families and children of single parents.

Several intervenors said that the Métis Senate – a body of Métis Elders – should be a part of a structure for Métis self-government. They also emphasized the need for an enumeration that would provide an accurate count of the total Métis population. The numbers of Métis had been affected by people previously classed as Métis being reinstated in First Nation communities through Bill C-31.

Métis women in Saskatchewan, Alberta, and Manitoba expressed concern at being excluded from the constitutional discussions and becoming increasingly disempowered by Métis men. They asked for equal representation and for Métis governments to be democratically elected.

In Toronto, Ontario, Marc LeClair of the Métis National Council outlined the terms of a

Métis National Accord which had been tentatively accepted by the provinces during the constitutional talks. This accord, which would apply to Métis in Western Canada, called for the enumeration and registration of Métis and a promise to try and identify lands that had been committed to Métis under the *Manitoba Act*. It also included provisions for negotiating self government and for giving Métis support comparable to other Aboriginal people.

Mr. LeClair proposed that the Commission and Métis National Council carry out joint research into issues raised by the accord, such as the design of a registration system and the identification of lands that might be made available to the Métis Nation.

In Port Alberni, British Columbia, Jack McDonald, a Métis drew an analogy of Métis and First Nations people to the story of the goose. Geese fly in formation to make flight easier and faster, and protect one another if something should happen when they are flying, he said. In the same way First Nations and Métis people should work with each other, follow the same path and protect one another's interests.

# VII

## The Justice System

◆ Intervenors were strongly in favour of a separate justice system that would be controlled by Aboriginal people and reflect Aboriginal rather than non-Aboriginal values. This was the key proposal in the area of justice, although the Commission heard a large number of specific recommendations. There were many demands that the justice system be culturally appropriate for Aboriginal people and that, wherever possible, offenders be handled within their community rather than being sent away for trial or for sentencing.

At Winnipeg, Manitoba, Grand Chief Phil Fontaine of the Assembly of Manitoba Chiefs noted that the federal and Manitoba governments had refused to accept the recommendation of the Manitoba Aboriginal Justice Inquiry for the creation of a separate justice system. He blamed their reluctance on an unwillingness to share the power that these governments now exercised over Aboriginal people.

At La Ronge, Saskatchewan, Lillian Sanderson noted that the province had built five new jails during the 1980s and now had the highest incarceration rate of Aboriginal people except for the Northwest Territories. Putting money into these institutions isn't working, she said, and most Aboriginal people being sentenced were going to jail for crimes of poverty.

As an example of the justice system, Ms. Sanderson cited the six-year sentence

given to Beverley Johnstone for killing a white man who abducted and raped her. Ms. Sanderson contrasted this to the four-year sentence given to Carney Nerland, the head of a white racist organization who shot and killed Leo Lachance, an Aboriginal trapper, in Prince Albert, Saskatchewan.

Aboriginal prisoners made up approximately 48% of the inmates at the Saskatchewan Penitentiary and 90% of the women in a provincial correctional centre in Prince Albert which the Commission visited. In the women's institution, almost all of the offenses were drug or alcohol related. Intervenors felt that the justice system and the police were racist and discriminated against Aboriginal people.

In Toronto, Ontario, Sgt. Bob Crawford outlined a proposal by the Metro Toronto police to set up an Aboriginal Peacekeeping Unit made up of Aboriginal police officers and discussed other measures the force is taking to improve cultural awareness and encourage Aboriginal recruitment. Sgt. Crawford said he is the only Aboriginal liaison officer of Aboriginal origin with a Canadian police force.

The concept of Aboriginal justice was explored by Tony Mandamin in Edmonton, Alberta. He said there were strong differences between Aboriginal and non-Aboriginal responses to authority and wrongdoing. Aboriginal society admitted wrongful conduct and emphasized restitution, whereas non-Aboriginal society

was concerned with the protection of society before rehabilitation. At Port Alberni, British Columbia, Chief Earl J. Smith of the Ehattesaht Band, explained the concept of Aboriginal justice as a holistic process that would involve community solutions and counselling to both victims and offenders. He said the creation of a traditional Nuu-Chah-Nulth Nation justice system would be a key element in their land claim settlement, and would include having both the federal and provincial governments recognize their traditional justice and laws.

Occasional references were made to legal aid and to the court system. One inmate at the Saskatchewan Penitentiary had found that neither Saskatchewan nor Alberta legal aid would help him take an appeal to court because he came from Saskatchewan but his case had been decided in Alberta. It was also noted that unlike Alberta and Manitoba, there is no Aboriginal court worker program in Saskatchewan.

The costs of jailing Aboriginal people were frequently criticized. In Kispiox, British Columbia, a Band Councillor noted that the federal and provincial governments were spending \$1 million a year to keep members of his community in jail but provided no funding for prevention.

In the Saskatchewan Penitentiary, the Commission was told that often, Aboriginal people pleaded guilty to offenses in order to get out of jail and shorten the waiting period before their trial. Many prisoners had gone through foster homes or were victims of abuse. No aftercare facilities were available to support Aboriginal people after release from prison. On the other hand, as noted earlier, a Healing Circle program that incorporated Aboriginal spiritual values was having significant success.

Many of the proposals made at the hearings involved making the present justice system more responsive and more appropriate for Aboriginal people. These included giving Elders more status by recognizing and enhancing their role in the justice system, providing Aboriginal court workers, creating a healing lodge for male inmates, and arranging youth retreats, feasts, and spiritual activities for inmates. Most youth offenses should also be dealt with at the community level, intervenors said. There should also be more Elders on parole boards and community police in small Aboriginal communities.

# VIII

## Environment

◆ Students at the Athabasca Delta Community School in Fort Chipewyan, Alberta, brought issues of the environment home to the Commission with a morality play in which the polluters prospered and the protesters went to jail. Many of the interventions in their community, dealt with the impact on Aboriginal people, the environment, the Bennett Dam, forestry and oilsands development in Northern Alberta.

“Lake Athabasca is slowly turning into a dirty mud puddle,” said one of the students. “Tell the oilsands companies to stop dumping waste into the water and the air.”

Similar concerns were voiced at a number of the hearings, whether the threat to the environment was nuclear waste, toxic waste, pulp and paper effluent, clear cutting, flooding for hydro developments, or the exploitation of natural resources at an unsustainable rate.

Intervenors were concerned about the effect that development by non-Aboriginal people and corporations was having on the environment, and at the lack of involvement or even consultation with Aboriginal people when major projects went forward. Development and pollution were affecting Aboriginal rights and traditional life styles, some said, and were violating Treaty rights and areas covered under land claims. Resources were being exploited without compensation or consideration for resulting damage to the land and environment.

At Kingsclear, New Brunswick, Micmac Elder Wallace Labillois told the Commission that Aboriginal people had a special role in protecting the environment against over-development. Aboriginal people were not unsophisticated when the white man came but were being made to look like predators and rapists of nature, he said. “The real predators and rapists of nature are the proponents of the so-called modern civilized societies who have brought their instruments of industrialization to encroach upon traditional Indian territories.”

“The real Garden of Eden was right here on the North American continent,” Mr. Labillois continued. “We, the Indian people, are caretakers of this Garden of Eden. We are the living conscience of all that is called Canada.”

At Waswanipi, Quebec, Jack Blacksmith was one of several intervenors who told how clear cutting in the forests was affecting the traditional hunting and trapping activities of the Cree.

“One of our visions as a people has always been the land,” he said. “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?”

At Port Alberni, British Columbia, Simon Lucas, Chief Councillor of Hesquiat, explained in similar terms the relationship of his people with the sea. The ocean represented a tremendous life force that had sustained his people since time began, he said. The ocean provided them with their feasts, with survival and resources, and formed the basis for their traditional form of government. The health of the ocean is the health of our people and our state of mind, Mr. Lucas said. The hazards the ocean endures are people's greed for monetary gain. If the fish are poisoned, then his people are poisoned, too.

At Esquimalt, British Columbia, the chairman of a land claims committee told of the difficulties his community had gone through looking for a means to dispose of toxic waste from land that had been contaminated by a local sawmill. British Columbia had no facility to dispose of the special waste that would flow from a clean-up, and the community had explored alternative dump sites as far east as Sarnia, Ontario without success. Now it was stuck with poisoned land and toxic waste.

The most consistent recommendation on environmental issues was that Aboriginal people should be consulted and involved in the planning of new developments, particularly megaprojects like the tar sands development in Alberta. In elaborating this view, Mr. Labillois stated that Aboriginal people would not accept resource development policies that threatened the marine and natural resources upon which their survival ultimately rested. He insisted that new projects or expansions of existing developments should protect the resource base and be subject to rigorous examination based on specific environmental criteria.

Other proposals included the creation of a new position of Auditor General of the Environment, and the creation of summer employment for Aboriginal students to work on environmental projects.

The effect of flooding from hydro projects on Aboriginal communities was raised at a number of hearings. In Manitoba, some former residents of South Indian Lake said they had been seeking redress for 17 years for having to relocate from their homes because of a hydro diversion project. This group was initially excluded from compensation because it had left the community before eligibility lists had been drawn up. Kenneth Spence, speaking for the group, said people had lost their homes, traplines and livelihood and that their children were also affected because they could not be brought up learning to survive off the land.

# IX

## Economic Development and Resources

◆ Although many intervenors expressed concern about the poverty and high unemployment rates of Aboriginal peoples, most of the comments about economic development related to Northern communities and to reserves in isolated areas of Southern Canada. These comments focused on the conflict between development and traditional ways of life, on problems with Unemployment Insurance and other government programs, and on the need for education and training along with fresh approaches to Aboriginal economic development.

The federal government was criticized for putting too little funding into Aboriginal economic development relative to what it spends for programs of social assistance. Its Canadian Aboriginal Economic Development Strategy (CAEDS) was criticized at several hearings for being slow, cumbersome, and paternalistic. The Pathways to Success Strategy for Aboriginal people sponsored by the Canada Employment and Immigration Commission received some support and some criticism.

Many intervenors expressed concern about current restrictions on their rights to hunt, fish and trap as Aboriginal people and about the impact of development, of hydro dams and of forestry projects on these industries. Of particular concern in Atlantic Canada were problems that Aboriginal people had experienced in the Atlantic fishery, much of which was shut down

soon after the hearings ended because of the government ban on cod fishing.

A common complaint was that resource development had adversely affected traditional occupations and provided few benefits to Aboriginal people. At La Ronge, Saskatchewan, Max Morin, Chairperson of the Gabriel Dumont Institute Board of Governors, cited the Key Lake mine which had only 5% Aboriginal workers after promising that 60% of its workforce would be Aboriginal. "International corporations have more rights to the land than the Aboriginal peoples who occupy it," he said.

At Fort McMurray, Alberta, Chief Dorothy Macdonald calculated the benefits that the Fort McKay Band had received from the Syncrude tar sands development, located only six kilometres from the reserve. "We are out in the cold," she said. Community members had been cut out of the resource development boom because of second-rate education and had received only labouring and janitorial contracts. "We need to train our people to be managers and supervisors – jobs they can be proud of."

Chief Macdonald said the oilsands projects had devastating effects on the lifestyle and living conditions of her community. "The government says there is no pollution; we say they are wrong because we've seen the changes in the environment."

Unemployment rates of 80% to 90% in Aboriginal communities were reported to the hearings at Big Cove, New Brunswick; Moose Factory, Ontario; La Ronge, Saskatchewan; Lac La Biche, Alberta; and in the Eastern Arctic. Unemployment rates among Aboriginal people in urban areas were reported to be about three times those for non-Aboriginal people. The proportion of Aboriginal women in the work force was much lower than for the population at large. According to one estimate, only 10% of the Aboriginal work force in Winnipeg had well-paying, permanent, full-time jobs.

At the Edmonton Round Table on Urban Issues, Lloyd Barber, former President of the University of Regina, said the situation of urban Aboriginal people who are employed had been aggravated by the reduction in unskilled, entry-level positions that provide any degree of job satisfaction. The resulting lack of skills was a problem that affected many groups in urban society, but was seen as a “racial failure” in the case of Aboriginal people. The shifting job market became a double burden when combined with the barriers people experienced when they migrated to the city. It was “unacceptable if not downright disgusting” to see this as a failure of Aboriginal people.

In workshops at the Round Table, a number of factors were identified as holding back economic development and the economic empowerment of urban Aboriginal people. These included a lack of education, lack of funding and training support from federal and provincial governments, a lack of cultural sensitivity toward Aboriginal people, and a lack of self-confidence reflected in the small number of Aboriginal entrepreneurs.

Racism in government, business and the urban community was seen as systemic and as the number one obstacle holding Aboriginal people back from their goals. There were too

few Aboriginal people at the decision-making level on bodies such as governing boards and police commissions, yet many Aboriginal people accepted discrimination as normal. One participant noted that Aboriginal people played a major role in events at the Calgary Stampede, yet there were no Aboriginal people on the Stampede board.

The Round Table also heard comments about “self-discrimination” by Aboriginal organizations that were reluctant to hire qualified Aboriginal people for job openings, and concern about discrimination within the Aboriginal communities, for example by Indians against Métis. Special problems were noted for Inuit in Montreal because they did not fit into existing Aboriginal programs or into francophone culture.

At La Ronge, Saskatchewan, Marg Beament, Northern Co-ordinator for NorSask Native Outreach, an agency that provides job counselling in Dene, Cree and Michif, outlined some of the obstacles to employment for Aboriginal people in non-urban areas. These included poor self-concepts, little or no history of employment or training, lack of transportation and lack of child care and of quality housing.

At Waswanipi, Quebec, Innu construction workers testified that contractors discriminated against Aboriginal workers. They were paid less than non-Aboriginal workers. Provincially regulated wage rates did not apply when they were working on reserves, and the provincial regulations did not recognize the hours worked on reserve by Aboriginal workers when they wanted to apply at other construction sites.

The Commission was told at Inukjuak, Quebec, that houses were being built almost entirely by companies and workers from the South because the Inuit did not have accreditation for construction jobs. Intervenors at a number of hearings spoke of employment

equity programs for Aboriginal people and said they were ineffective.

Complaints about unemployment insurance focused on the application of rules that were inappropriate for Aboriginal communities. In Labrador, for example, Unemployment Insurance benefits for fishermen were cut off on May 15 – the same date as the rest of Atlantic Canada – even though it was impossible to fish because the harbours were still frozen over. A special program for trappers in the James Bay, Northern Quebec area was criticized because the required period to qualify of 200 days in the bush was seen as too long.

Many intervenors stated that the funding for Aboriginal economic development was inadequate.

Most Aboriginal people now live in urban areas, the Commission was reminded, but the majority of federal government's funding for Aboriginal economic development is available only for projects on reserves.

The rules that restrict Aboriginal people from finding food or making a living off the land were bitterly resented. As one intervenor put it in Esquimalt, British Columbia: "If we take a tree for our fires, the companies charge us. If we shoot a deer for our food, we are poachers, and if we fish, we are charged under fisheries laws."

This situation was changing as a result of the Supreme Court's *Sparrow* decision of 1990. This had resulted in Aboriginal people co-managing wildlife resources with the province in Nova Scotia and, in certain cases, applying restrictions to salmon fishing by their own members on community territory in order to preserve the stock.

In Charlottetown, Prince Edward Island, the Native Council of PEI called for a co-management agreement with the Department of Fisheries and Oceans in order to enhance the Aboriginal right to fish. The Department

had responded that it could sign agreements with Aboriginal peoples living on reserve but not those off-reserve. The PEI Fishermen's Association said it was not opposed to the Aboriginal right to fish for food or for commerce, but asked that existing fishermen be compensated for their licences if Aboriginal people became commercial fishermen.

At the hearings in Labrador, intervenors spoke of the crisis in the fishing industry and said that Aboriginal fishermen in Labrador were neglected by the federal and provincial governments. Provincial government regulations did not recognize the Aboriginal right to hunt, and people's rifles would be confiscated if they were "caught" by wildlife officers or by the RCMP. One of the consequences was that Innu residents often went from Labrador to Quebec in order to hunt caribou. Without recognition of the Aboriginal right to fish and hunt, the Commission was told, communities like Makkovik, in Labrador, were in a state of crisis.

The Alberta Trapper's Association in Lac La Biche, Alberta, and intervenors in La Ronge, Saskatchewan, urged that the federal government take a firm stand against the European Economic Council for its bill banning the import of wild furs from countries still using the leg-hold trap, beginning in 1995. The Association said that no devices have yet been proved that will completely eliminate the leg-hold trap, even though Canada was considered a leader in new trapping technology. The problem is that a lot of people making regulations have no idea of the realities of trappers in the bush.

Several trappers expressed anger at the unfairness of the federal government program requiring the use of Conibear traps. Most full-time trappers had between 300 and 500 leg-hold traps and they found it unacceptable that they were offered only 12 Conibear traps as replacements. If leg-hold traps were

illegal, Richard McKay asked at La Ronge, Saskatchewan, why were they still allowed to be sold in stores?

The value of hunting and trapping was noted by a representative of the O mushkegowuk Harvesters Association in Moose Factory, Ontario. It estimated that 85% to 90% of the community's residents participated in the harvesting lifestyle and that it created an equivalent of \$6 million a year in economic activity.

In Edmonton, Alberta, the Alberta Fish and Game Association questioned the unlimited hunting and fishing rights given to Treaty people, and said that a small number of Aboriginal people practised unethical means of hunting and fishing. It recommended that limits be placed on subsistence hunting and fishing and that off-reserve hunting be subject to provincial regulations.

With respect to taxation, it was noted that only First Nations people have tax-exempt status and that people in this group often have difficulty receiving tax exemptions at businesses located off reserve. Many First Nations people are not tax-exempt because reserves do not exist in their area, for example in the Northwest Territories. The Goods and Services Tax was cited as contributing to the high cost of living in Northern communities, particularly because it was added to the already heavy costs of transport on goods shipped to these areas.

At Fort McPherson, Northwest Territories, Chief James Ross talked about the tax system as a whole to put the issue into perspective. Before you attack Aboriginal people, he said, look at the tax breaks given to white society, such as the concessions given to oil drilling in the Beaufort Sea which had helped to build the skyscrapers in downtown Toronto. At Sault Ste. Marie, Ontario, an intervenor estimated that the taxes paid by Aboriginal

people across Canada more than equalled the total budget of DIAND.

Many proposals relating to economic development focused on small-scale development based on the resources available to Aboriginal communities or on services now being provided by non-Aboriginal people. In making this case at the Edmonton Round Table on Urban Issues, Lois Frank, Chairperson of the Treaty Seven Business Development Centre, Calgary, Alberta, said it was necessary for Aboriginal people to develop stable economies on the reserves, to develop their own human resources, and to take back the responsibility for their own lives.

Industries in which development by Aboriginal people was proposed included tourism, wood industries, arts and crafts, greenhouses to provide fresh food in the North, and a revival of traditional activities on the land. Aboriginal co-operatives and credit unions were being ignored by governments but should be encouraged. In Toronto, an Aboriginal entrepreneur told the Commission that Aboriginal crafts were under-priced and marketed, while the Canadian Native Arts Foundation said the potential for Canadian Aboriginal art in countries like Germany and Japan was unlimited.

Training of Aboriginal people was stressed, particularly to take jobs in Aboriginal communities that are now occupied by non-Aboriginal people. Many intervenors made the case for more priority and funding to be given to economic development; this included proposals for a First Peoples' Equity Fund, for small business "incubators," and for a revolving loan fund that would be part of a Métis Development Corporation. Government programs should be less paternalistic and should allow Aboriginal peoples to make their own decisions and mistakes. Government funding for Aboriginal economic development should be available more readily in urban areas

as well as for projects on reserves, and funding for Aboriginal economic development authorities should be committed for several years at a time so that these bodies would not be scrambling for funds every year.

Chief Harold Turner, at The Pas, Manitoba, noted that Aboriginal people on reserves are exempt from taxation as individuals but that corporations owned by Aboriginal people are not, even if they are located on reserve land. He said the taxation of First Nations corporations should be removed or First Nations governments should have the power to implement their own taxation.

On the final day of hearings Ron George, President of the Native Council of Canada, called for an economic recovery program aimed at creating a sound, vibrant Aboriginal economy. This should include a reordering of priorities so that those most in need were helped first, not just those who could lobby and gain attention.

White society, he said, should be prepared to share assets and skills with Aboriginal partners as Aboriginal people had shared when the Europeans first came to Canada. A new partnership was needed, based on the sharing of resources.

# 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>



# Annexe 1

## Liste de la première série d'audiences publiques

- |  |   |
|--|---|
| Winnipeg, Manitoba,<br><i>Les 21, 22 et 23 avril 1992</i>          | Pangnirtung, Territoires du Nord-Ouest<br><i>Le 28 mai 1992</i>       |
| Charlottetown, Île-du-Prince-Édouard<br><i>Le 5 mai 1992</i>       | La Ronge, Saskatchewan<br><i>Le 28 mai 1992</i>                       |
| Inuvik, Territoires du Nord-Ouest<br><i>Les 5 et 6 mai 1992</i>    | Inukjuak, Québec<br><i>Le 8 juin 1992</i>                             |
| Eskasoni, Nouvelle-Écosse<br><i>Les 6 et 7 mai 1992</i>            | Moose Factory, Ontario<br><i>Le 9 juin 1992</i>                       |
| Fort McPherson, Territoires du Nord-Ouest<br><i>Le 7 mai 1992</i>  | Lac La Biche, Alberta<br><i>Le 9 juin 1992</i>                        |
| Kingsclear, Nouveau-Brunswick<br><i>Le 19 mai 1992</i>             | Waswanipi, Québec<br><i>Le 9 juin 1992</i>                            |
| Le Pas, Manitoba<br><i>Les 19 et 20 mai 1992</i>                   | Moosonee, Ontario<br><i>Le 10 juin 1992</i>                           |
| Port Alberni, Colombie-Britannique<br><i>Le 20 mai 1992</i>        | Hobbema, Alberta<br><i>Le 10 juin 1992</i>                            |
| Big Cove, Nouveau-Brunswick<br><i>Le 20 mai 1992</i>               | Edmonton, Alberta<br><i>Le 11 juin 1992</i>                           |
| Esquimalt, Colombie-Britannique<br><i>Le 21 mai 1992</i>           | Sault Ste. Marie, Ontario<br><i>Le 11 juin 1992</i>                   |
| Victoria, Colombie-Britannique<br><i>Le 22 mai 1992</i>            | Makkovik, Terre-Neuve et Labrador<br><i>Le 15 juin 1992</i>           |
| St. John's, Terre-Neuve<br><i>Le 22 mai 1992</i>                   | Goose Bay, Terre-Neuve et Labrador<br><i>Le 16 juin 1992</i>          |
| Iqaluit, Territoires du Nord-Ouest<br><i>Les 25 et 26 mai 1992</i> | Kispiox, Colombie-Britannique<br><i>Le 16 juin 1992</i>               |
| Wahpeton, Saskatchewan<br><i>Le 26 mai 1992</i>                    | Fort McMurray, Alberta<br><i>Le 16 juin 1992</i>                      |
| Fort Simpson, Territoires du Nord-Ouest<br><i>Le 26 mai 1992</i>   | Sheshatshit, Terre-Neuve et Labrador<br><i>Les 17 et 18 juin 1992</i> |
| Prince Albert, Saskatchewan<br><i>Le 27 mai 1992</i>               | Fort Chipewyan, Alberta<br><i>Le 18 juin 1992</i>                     |
| Teslin, Yukon<br><i>Le 27 mai 1992</i>                             | Stoney Creek, Colombie-Britannique<br><i>Le 18 juin 1992</i>          |
| Watson Lake, Yukon<br><i>Le 28 mai 1992</i>                        | Toronto, Ontario<br><i>Les 25 et 26 juin 1992</i>                     |