

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

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"for the record..."

STENOTRAN

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INDEX

	PAGE
Opening Prayer	320
Opening Remarks	
By Mr. Lou Desmarais, Moderator	320
Presentation by Chief Russell Kwasistak	321
Presentation by Ms Livina Lightbown	340
Presentation by Mr. Matthew Stewart	376
Presentation by Mr. Tom Lalonde	434
Presentation by B.C. Medical Association	469
Presentation by Mr. Vance Peavy	492
Presentation by Ms Rhea Joseph	512
Presentation by Native Homemakers Association of B.C.	551
Presentation by Native Brotherhood of B.C.	568
Presentation by Native Fishing Association	575
Presentation by Lower Fraser Valley Fishing Authority	592
Presentation by B.C. Fisheries Coalition	651
Closing Prayer	678

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Vancouver, British Columbia

2 --- Upon commencing on Thursday, June 3, 1993 at 8:40 a.m.

3 MR. LOU DESMARAIS, MODERATOR: Good
4 morning, ladies and gentlemen.

5 Okay. We are going to start the second
6 day of presentations to the Royal Commission on Aboriginal
7 Peoples. We, as is our custom, would like to start with
8 a prayer. So I will now call upon our Elder Vince Stogan
9 to lead us in a brief offering.

10 ELDER VINCENT STOGAN: Good morning,
11 everyone. Welcome to this conference here. I am hoping
12 that everything went well yesterday and is going to go
13 a lot better today.

14 --- Opening Prayer

15 MR. LOU DESMARAIS, MODERATOR: Okay.
16 Just before we begin with the presenter of the morning,
17 I just have a couple of things -- housekeeping things.

18 I want to remind any presenters who may
19 be here who have not submitted the written version of
20 whatever it is they intend to present, if they could do
21 that by presenting their papers in advance to Tammy Saulis,
22 who happens to be just walking down the middle here, or
23 to any other staff member of the Royal Commission it would
24 be really appreciated. Copies have to made in advance
25 and that is why we are making this request at this time.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Our first presenter this morning is
2 Chief Russell Kwasistak and I would like to call upon
3 Russell to come forward at this time.

4 **CHIEF RUSSELL KWASISTAK:** (Native
5 language.)

6 Good morning. I would like to thank the
7 people that organized our brief testimony here today.
8 I think the first thing I will comment to is when the topic
9 is this sensitive pertaining to the future of our children
10 of all First Nations people, I think that under oath
11 testimony would have been preferential for our
12 presentation this morning. Because what we are about to
13 talk about is the truth of a legacy that has -- creates
14 genocide on our people, specifically our children's
15 future.

16 I also said in my language, I am grateful
17 and respect the Elder and also the ancestors of the Chiefs
18 of what is referred to as the Sahalish people. We as the
19 Laich-Kwil-Tach nation do not call the Sahalish people
20 by that. The name we refer to them in general is Sutlees
21 (PH).

22 We would have had a proper presentation
23 -- international commitments and federal court the last
24 two months has prevented that. But I will have this
25 typeset and submitted to the Royal Commission.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 This is our first appearance in the
2 Commission so I will be brief in a couple of areas, but
3 I wrote this last night and this morning.

4 We will address the Commission in
5 principle about our experience through the colonisation
6 and the assimilation format of the colonial government
7 from Vancouver Island to the Dominion government and also
8 the assimilation colonial act called the Indian Act, which
9 greatly affects our lives.

10 Because of the nonaccountability for
11 justice for Native individuals in what is said to be British
12 Columbia, the Laich-Kwil-Tach Nation has no treaty with
13 the dominion government or colonial government. There
14 are pirateering laws for Native associations, national,
15 regional, district, tribal council and band council. They
16 are afforded legal honoraria slush funds and accountable
17 to no one but themselves.

18 We have been legally involved with the
19 federal lawsuit two months researching, et cetera, last
20 five years. Not one cent was ever given by the Department
21 of Indian Affairs test case funding or legal services and
22 legal aid.

23 To date we have spent 200,000 plus --
24 has been spent by us, travel, hotel, office space,
25 photocopiers, law books. We have not found a firm to date

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 in B.C. who is prepared to fight a legitimate property
2 case against Indian Affairs Canada. And two band councils
3 suing for the land our family owned from pre-Confederation
4 of the colony of Vancouver Island.

5 Laich-Kwil-Tach Nation is non-treaty.

6 It appears that all legal firms in the said B.C. are
7 aligning themselves to the economic politics of the B.C.
8 Treaty Commission which isn't legal under the Really (PH)
9 Treaty Law.

10 The treaty law I am referring to in that
11 part is the International Treaty Law, the International
12 Treaty Act itself, which is Canada is a signatory to.
13 Or they don't wish to endanger their contracts with the
14 B.C. or federal government.

15 One, this is a suggestion. There must
16 be guidelines and laws regulating equal justice for all
17 Native persons, not just the sons or daughters of the Indian
18 Affairs Canada. The test case funding must be split 50-50.

19 Split for persons and the other 50 could go to the
20 institutions that it has been going to, those mentioned.

21 This part is critical because of -- I
22 will cite our disposition with another disposition in what
23 is called British Columbia. Another group of hereditary
24 Chiefs was given a loan of 7.2 million to deal with their
25 lawsuit. This was in a period of about six and a half

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 years.

2 Canada, because we have used as
3 Laich-Kwil-Tach people the fullest capacity of law
4 available, refuses to fund our case in a Canadian court
5 system. And a couple of the Ministers belligerently and
6 racistly changed the guideline policy to test case funding,
7 after the other group in British Columbia had already been
8 funded.

9 That is not right under law. That is
10 discrimination. That is what we are talking about. Not
11 about that other First Nation's ability to have got six
12 and a half million, but we should have had the same
13 opportunity because we have the same case practically.

14 Two. Band councils and tribal councils
15 and regional and national associations must assume their
16 natural roles as program administrators. Leave the
17 politics to the inherent governments and all legal property
18 agreements.

19 Prior -- prior to 1952 in
20 Laich-Kwil-Tach country there was no such thing as band
21 councils. They were arbitrarily brought in by the Indian
22 agent Mr. Todd. When we lived under the customary system,
23 we had the four hereditary Chiefs of each village, we had
24 the family heads, we had the matriarchs of the village.
25 That is how our village life was networked. No decision

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 was made in the closet. They were made in the open forum
2 in the band hall or the big house.

3 That is the inherent government I am
4 talking about. I was old enough to have witnessed some
5 of those things going on yet in the early '50s. Some of
6 the meetings were not in band offices, they are moved from
7 house to house and they are hosted by each different family
8 on each given -- given meeting.

9 Access to the --access to private gain
10 by band council must be removed from the present
11 opportunity. Separate -- separate the lands and make a
12 trust lands office board. An office from band office.
13 Likewise for the band-owed corporations.

14 These trend has created a vacuum. The
15 rich get fatter and the poor become poorer.

16 Now, an open comment. Yesterday I heard
17 about prostitution, suicide and drug addiction. Most of
18 the leaders of the district where I come from are only
19 influenced by the Department of Indian Affairs, and there
20 only concern is for their immediate Nanimeh (PH), nuyuks
21 (PH), their own family.

22 When I was groomed as an hereditary
23 Chief, I was taught to look after all my people. House
24 by house, family by family. There is no leadership program
25 for the colonial act called the Indian Act. There never

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 was a grooming or nothing for the leadership
2 responsibility.

3 In my district there are coke dealers
4 on council. There are child molesters on council. We
5 are a national disgrace and pardon my country for our
6 failure to address these things ourselves and impeach these
7 people. But this is what goes on through the electoral
8 system of the Indian Act. Some of these families even
9 quarantine themselves through the politics of the band
10 council resolution that supports RCMP involvement in our
11 villages.

12 When families that are independent of
13 the RCM police, contact the RCM police they go directly
14 to band council over the complaint, rather than
15 investigating the complaint of some of the drug dealers
16 in the village who are nephews or nieces of band
17 councillors. That is wrong.

18 Some of the child molesters that are in
19 the villages are the in-laws or family of the social worker.
20 That is why RCM police are never involved in investigation
21 and are obstructed by band council.

22 Conflict of interest, I have titled
23 number 4. In 1988, John Hall inquiry of the West Bank
24 Indian band in his reports stated:
25 "Charges could not be laid against the Chief in that case.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 The Indian Act overrode the
2 Criminal Code of Canada."

3 So it is okay for the band councillors
4 to go on stealing tribe moneys since 1988. This report
5 was completed. Not one of the 16 recommendations has ever
6 been implemented. Why?

7 I listened to the ladies group last
8 night. Very interested in their concerns for part of it,
9 to only understand that the report from this Royal
10 Commission will be coming late '94. And we looked at the
11 date from 1988 to 1994.

12 Why are we not, as First Nations
13 citizens, gullible to conclusive, complete law and order
14 and fiscal management. Because of the paternalism of
15 Canada and the subjugated attitude it has towards its
16 directors and ministers of Indian Affairs. This isn't
17 the first time that this particular sentiment has been
18 stated publicly, by me or by others that I've heard in
19 my life. I've been politically involved 22 years now.
20 I'm 42 years old this August.

21 The government doesn't feel it's
22 necessary yet to have the laws and fiscal management of
23 the treasury dollars for Native peoples. Recently I heard
24 a statement by people that had did a study into the three
25 billion whatever it was that was spent on the Department

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 of Indian Affairs, only for me to learn that 10 per cent
2 of that money made its way into British Columbia for Native
3 people.

4 And this is -- this is a valid report
5 that was done by one of the B.C. universities. That is
6 not correct, because that money leaves the Treasury Board
7 for Native people, not for the non-Native benefit.

8 We recommend -- we recommend that the
9 points referred to make your final report, this is
10 regarding the John Hall inquiry, the Commission has access
11 to that document. And from us we would like the Royal
12 Commission to peruse that document and if we are
13 continuously to be at the rails of prostitution of the
14 Indian Act, at least, arbitrarily put the conflict of
15 interest guidelines that Mr. Hall was referring to in his
16 report.

17 In closing, sir and madams, let us share
18 my last experience with a terrorist squad Canadians used
19 against First Nations people called RCM police. This is
20 not the only instance I could cite. I could stay here
21 for two days citing incidences similar to this that I have
22 knowledge about because I am a person that B.C. Natives
23 fall back on when they have a problem of this nature.

24 I attended the United Native Nations AGM
25 last July only to learn that the executive president,

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 secretary-treasurer had a loaning, stealing, and giving
2 moneys to employees and their friends to the tune of 60,000
3 to 100,000 plus dollars. The vice president of the
4 association resigned before his office -- his term of
5 office was up. The president moved into the Native Council
6 of Canada and is their present president.

7 I filed a complaint with the RCM police
8 Special Crimes Section, Vancouver, B.C. Seven and a half
9 months later the corporal of the office phoned me and said
10 they would not lay charges against that president and that
11 secretary-treasurer.

12 We, as members of the association, there
13 were 22 of us that filed this complaint, believe firmly
14 that Canada's government and ministerial levels interfered
15 with the prosecution of those two at the time. The
16 president was acting as a Fuller Brush man for Joe Clark
17 on the referendum October, 1992. He was selling that
18 package for the government.

19 And I will go back on what I said. We
20 firmly, without a question of doubt, believe that the head
21 administration of RCM Police Canada had contacted the
22 Constitutional Minister's office pertaining to this issue
23 that we were complaining about.

24 I received a one line letter from the
25 RCM Police Canada on my theft complaint laid against those

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 two. They didn't have the decency to say why the
2 investigation ended or what the investigation did and their
3 reasoning for not pursuing criminal charges.

4 I also took the liberty to address the
5 B.C. media after -- the day after I filed the complaint
6 for the theft of those dollars. The British Columbia media
7 was negligent in this issue. It was covered when I was
8 out of the country, when I couldn't comment on the story
9 that was put in the Times Colonist, six months later, after
10 I had talked to the media, when the referendum was well
11 over.

12 I think that equality for all pertaining
13 to the press laws in this country for First Nations people
14 should be adhered to once and for all. The deal with
15 Pacific Press -- we had sit-ins in Pacific Press. We
16 occupied CHEK-TV in Vancouver Island in the last five years
17 to convey our message, our side of our story of our struggle
18 on what is called Vancouver Island.

19 One part we've been dealing with is
20 because of the decimation of our environment by the B.C.
21 logging practices, by practices by the B.C. government
22 in their TFL logging leases and mining permits.

23 Between 1898 and 1924 some of mother and
24 father's family were criminalized for practising the laws
25 and religious rights of our ancestors. I would ask the

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Committee to pursue or report pardons for those who were
2 arrested in what is called the Anti-potlatch law. And
3 I have experience with my Laich-Kwil-Tach bothers in the
4 prairies. It is also -- it was outlawed, I believe, in
5 the Sundance. But in this case I am talking about my actual
6 grandfathers and great grandfathers and one great
7 grandmother was incarcerated in Ocala prison for
8 practising their religious beliefs and the laws of our
9 people and that.

10 And Canada has given pardons to people
11 in that. And our people don't need a pardon, but I want
12 my family's criminal record struck from the record of
13 Canada.

14 A report on the revocation of our
15 ministerial management rights by band councils, tribal
16 councils must be commissioned for British Columbia so that
17 Native communities may know first hand, along with the
18 Royal Commission, the damages that Section 69 have occurred
19 since 1967 to 1993. The Section 69 part I am referring
20 to in the Indian Act is when band councils have breached
21 their fiduciary trust responsibility to tribal funds and
22 accounts -- band accounts and that.

23 I don't think that the Royal Commission
24 could make a fairer decision in some areas that we're
25 suggesting without subpoenaing the records for the Royal

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Commission. I can only say British Columbia because I
2 only have knowledge of British Columbia. I am not just
3 a civil servant for our First Nations people in the
4 Laich-Kwil-Tach Nation. There are five or ten nations
5 around me that come to me sometimes when they have fiscal
6 mismanagement problems.

7 I also -- I also would ask that the
8 discriminatory practice of the Ministers of Indian
9 Affairs, regional directors and district management cease
10 after this Royal Commission's report.

11 In 1910, Canada took a group of
12 hereditary Chiefs to court in Ontario. They were
13 successful in stripping those Chiefs of their rights.
14 In 1977, there was a case called Isacc v. Davies and the
15 Department of Indian Affairs funded the Crown's position
16 against hereditary Chiefs. It is now a time in First
17 Nations' history from Malaceet (PH) to Nooka Island, east
18 cost to west coast that we give the proper, legal,
19 legitimate respect to our hereditary Chieftains, both
20 female and male.

21 There was discussion of a healing
22 process yesterday. We will not heal until we learn to
23 miequah (PH) (respect each other). And that law, that
24 respect was stolen through the Canadian court system away
25 from our people to the point of just about no return where

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 people today believe that us hereditary Chiefs or lady
2 hereditary Chiefs don't have a responsibility for the
3 community. Don't command a respect as the King and Queen
4 of England. But we do.

5 We are the descendants from the time
6 the Creator put us in our lands to be that figure, to be
7 that role model in our community. But it was stripped
8 away by Canada's racist laws.

9 Also in those institutions that were
10 taken was the indoctrination of leadership itself. That's
11 why in some essence we seem like we're leaderless people
12 in this country. We flounder around. We have no
13 destination because we -- us, ourselves as First Nations,
14 do not educate ourselves through our old peoples'
15 leadership roles.

16 The Indian Act should be quashed because
17 of the racist discrimination it aids. Section 12(1)(b)
18 is one. The disrespect and nonrecognition of hereditary
19 Chiefs is another -- the individual right as opposed to
20 the communist communal right.

21 Our people weren't communists. Our
22 people were aristocrats. Our people were free societies.
23 We all had our rank and file in society. We all respected
24 each other.

25 A First Nations Act should be drafted

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to meet all our political and new laws that we must live
2 -- just a minute, I've missed a line.

3 The First Nations Act should be drafted
4 to meet all our political aspirations and social and
5 customary laws and the new laws that we all must live by.

6 Our mothers -- our forefathers, mothers and fathers were
7 not thieves and we have to end this part of our history.

8 It's not our history.

9 It is a historical ingredient that has
10 been supplied by the genocide of the Indian Act. I want
11 to be clear on that. We cannot fingerpoint another Native
12 person in this country for this piracy that we have now
13 adopted -- stealing and so forth from each other, from
14 the Indian Act. (Native language) All my relations have.

15 **MR. LOU DESMARAIS, MODERATOR:** There
16 may be questions.

17 **CO-CHAIR GEORGE ERASMUS:** I would like
18 to thank you for your presentation and I would really look
19 forward to more information being -- being sent to us.

20 **CHIEF RUSSELL KWASISTAK:** Excuse me,
21 sir. There is one part I forgot.

22 I was an elected tribal council. I
23 resigned. I was a Native core worker. I resigned. I
24 was a social worker in East Hastings here in Vancouver
25 for four years. I resigned because it was all band-aid

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to the needs of our people.

2 I believe that the real healing process
3 for our people be compensated land similar to the Nunavit
4 deal immediately so as that our people will get off the
5 welfare programs of Canada. It is our belief, as a
6 Laich-Kwil-Tach tribal council that consists of 11
7 hereditary Chiefs and all the family heads, that the power
8 comes from the land and the healing will come from the
9 land.

10 We know we won't get all our land back,
11 but we view the reservations as internment camps. And
12 that is where all the animosity and the non-existent
13 unanimity was created. That is our belief. Not by our
14 people but by being held in those reservations.

15 **CO-CHAIR GEORGE ERASMUS:** I was trying
16 to figure out. Are you in court right now?

17 **CHIEF RUSSELL KWASISTAK:** That is
18 correct.

19 **CO-CHAIR GEORGE ERASMUS:** Okay. And
20 you said something about you could not get a lawyer. So
21 you are defending yourselves?

22 **CHIEF RUSSELL KWASISTAK:** That is
23 correct.

24 **CO-CHAIR GEORGE ERASMUS:** Could you
25 provide us with your court documents?

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **CHIEF RUSSELL KWASISTAK:** What I will
2 do is we will send you a brief and we'll give you a copy
3 of our legal document that is before the court. And legal
4 aid has agreed to pay for a lawyer. But there is not one
5 firm in British Columbia, at this point in time, this is
6 two months into the trial, that is prepared to come in
7 on our side on this case.

8 **CO-CHAIR GEORGE ERASMUS:** And you have
9 gone to all the typical lawyers that have done other cases?

10 **CHIEF RUSSELL KWASISTAK:** Native
11 experts they're called.

12 **CO-CHAIR GEORGE ERASMUS:** You said
13 that.

14 **CHIEF RUSSELL KWASISTAK:** No, they say
15 that.

16 **CO-CHAIR GEORGE ERASMUS:** That is
17 interesting.

18 Is your traditional system -- I know that
19 the imposition of the Indian Act, Chief and council system
20 in the early '50s must have had a devastating effect. But
21 you talk like your traditional system is still intact.

22 Could you tell us a little bit about
23 that?

24 **CHIEF RUSSELL KWASISTAK:** Yes, my late
25 mother, Elizabeth Kwasistak, own words said, "Traditional

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 government simply went underground after they were
2 outlawed." And they resurfaced in 1953 or '54. That is
3 our statement in federal court that we have never stopped
4 practising our rights as a government -- inherent
5 government.

6 **CO-CHAIR GEORGE ERASMUS:** You still
7 have a Chief and council election process though on top
8 of that?

9 **CHIEF RUSSELL KWASISTAK:** The Indian
10 Department does in Reserve 11 where we are forced to live.

11 **CO-CHAIR GEORGE ERASMUS:** Okay.
12 Viola?

13 I guess we have no further questions.
14 We will look forward to the extra information and if you
15 are going to present to us again sometime.

16 Thank you.

17 **CHIEF RUSSELL KWASISTAK:** Thank you.

18 **MR. LOU DESMARAIS, MODERATOR:** Okay.
19 The agenda was written in such a way to indicate that
20 Patrick Stewart of the First Nations Housing Society was
21 going to make a presentation.

22 I am informed that that is not the case
23 and the time allotted on the agenda will now be given to
24 Livina Lightbown, who I understand wants to come up and
25 make a brief presentation.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 So, Livina, if you would join us up here
2 please.

3 **CO-CHAIR GEORGE ERASMUS:** Please go
4 ahead whenever you are ready.

5 **MS LIVINA LIGHTBOWN:** Thank you very
6 much and good morning to everybody.

7 I only found out a few minutes ago that
8 this was going on. People like myself have been left out
9 of all the meetings that have been going on a long time.
10 And I have been an active person in the Indian movement
11 for 50 or some odd years. But because I am a hereditary
12 person and a traditional person who still believes in our
13 sovereignty and that the system that they're using now
14 to treaty with us is not agreeable to me; I have not been
15 notified of anything for a long time.

16 I want to speak on our sovereignty.
17 That the governments must recognize our sovereignty. And
18 when we talk about self-government, we're not talking about
19 self-government under the two systems or the three systems
20 that they have. We're talking about a separate system
21 to govern ourselves. With a percentage of the GNT to
22 govern ourselves because those moneys come off our lands
23 and our resources.

24 I have been in the circle for a long time.
25 I remember what those who went before me said. They're

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 not looking for to be subject to those who impose their
2 systems on us. And I still remember what it was like to
3 be free.

4 I want to be free again. I want my
5 children to be free again. I want my grandchildren to
6 have a land that they know is theirs. And I want the
7 freedom that goes with it from this system that was imposed
8 on us that has criminalized most of us and taken away
9 everything that we believe in.

10 Even now as they talk self-government,
11 they talk about imposed systems. That's for us to decide
12 as nations, but we must organize into nations again. Not
13 as band councils.

14 Band council government, and all of them
15 aren't the same, but most band council governments are
16 the ones they're talking to. That's a part of their
17 system. They shouldn't even be negotiating with a part
18 of their system. That only perpetuates what has been
19 imposed on us.

20 The kind of self-government, legally,
21 that they've imposed on us, for instance, in Vancouver
22 the beginning of it who stated how it should go. I can't
23 seem to find out. And besides that, each Nation has their
24 own way of dealing with legalities, as you call it.
25 Responsibility, as we call it.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 The imposed structure right now is made
2 up of people from out of province, from out of other
3 nations. Each nation must take on their own
4 responsibility in dealing with things that are the nation's
5 responsibility, not outside of it.

6 The problem I see right now is that most
7 leadership is working more for government than they are
8 for its people. I worked in the changes of the child act
9 last year and the imposed system, I can't think of one
10 thing I like in the system that would do us any good.

11 We've learned a lot from them, yes. But
12 they have a lot to learn from us too and we haven't been
13 given that opportunity with the environment crisis and
14 the land being exploited as badly as it has. We need strong
15 leadership that will step in and put a stop to all of this
16 until the land question is settled.

17 As for bringing people in from other
18 countries, that continues and now they want to exclude
19 certain people as they've excluded us. It is not a good
20 system that we have in Canada. It is a colonial system
21 with a colonial mind set. And there is no way that I want
22 a treaty with a people that don't honour their treaties.

23 There's no way I want a treaty with a system that still
24 thinks they're going to oversee what we do.

25 I've seen in the papers recently how they

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 treat us and how they think of us. A full grown man died
2 of -- died of heroin in the past few days. A lot of people
3 have died from heroin. A full grown man's little piece
4 in the paper says they can't give his name or any
5 information about him. And yet they put our 15 year old
6 girl right on the front page and I don't hear one leader
7 saying anything about that.

8 They put her on the front page and they
9 put her on the inside page later on. That's how we're
10 being treated in our own country. This is our country.
11 We don't have an agreement with Canada that we legitimize
12 the theft of our land.

13 I don't want to legitimize the theft of
14 our land. We have no right to give away just because
15 government gives us some money. That's our money they're
16 giving to us. And over a 20 year period in the James Bay
17 agreement it worked down to less than welfare.

18 I have so much to say to you and so little
19 time to talk about a lifetime of struggle. In a few minutes
20 it's impossible. And I'm of the oral culture and I'm blind
21 now and I can't read, I can't write any more.

22 I think we need more time than has been
23 given to talk about all of the things they have. The legal
24 system that we ask for to take over our own laws and we
25 know what our laws are. Before all the old people are

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 gone that know the laws and know the traditions, they have
2 to turn over the responsibility to us. So that we can
3 guide those who are going to be sitting in judgment of
4 our people. Right now it's worse than even the white
5 people did to us because they've structured it wrong.

6 Our cultures are different. Our
7 languages are different. Our form is different within
8 each nation. Each nation must organize themselves to take
9 on their responsibility.

10 The band council government cannot take
11 over. I agree that they should negotiate the services
12 because that's all they've been taught to do. But I don't
13 believe that hereditary people should be excluded from
14 this whole thing, because we were brought up to know what
15 the laws are, what the principles are and how we conduct
16 our culture.

17 Our cultures and our traditions aren't
18 just singing and dancing. I want the world to know that.
19 We had systems that serviced us until the imposed system
20 came on stream we were doing okay. And I know we can do
21 well again.

22 There's going to be some rough times
23 because we've been under the thumb of the system for so
24 long that we have not faced up to our responsibility.
25 And most people that want to deal on the government's terms

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 are people that don't want to take on the responsibility.
2 They only want to take the white man's system into our
3 self-government and we cannot have that and be able to
4 heal our people. There's a lot of healing to be done.

5 The healing must not be just drug and
6 alcohol healing. The healing that has to take place and
7 will not be complete until we get our lands back. We have
8 no right to give away our lands because it belongs to our
9 forefathers. It belongs to all of our ancestors whose
10 spirits still remain with us. And it belongs to the future
11 generations who also have a right to all of our lands.

12 We can't give away some of -- one-third,
13 two-thirds of our land like they made them do in Inuit.
14 We can't do that with the Inuit people.

15 They can't force us to give away our
16 lands. They have no right to do that. The only legality
17 they have in Canada, as far as I can find out, is that
18 they have authority over their own people. They have no
19 authority over our lands. They have no authority over
20 our people by their own laws. They ignore their own laws
21 to have their way. And they will continue to do that as
22 long as we're under their thumb.

23 So we need a separate system. Not
24 somebody that's going to decide how much money we get to
25 service ourselves. Not off our resources which have been

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 depleted almost to nothing within our areas.

2 We've been forced to live in a reserve
3 system with no economic base since the white man came.
4 And we be -- still have pockets of rich people and pockets
5 of poor people which is not the Indian way, if we continue
6 in the way we're going now. I am not satisfied in any
7 way with the way we're going right now.

8 The academics think that because your
9 academia you know how these things should go. They say
10 respect your Elders, but I've never been called.
11 Everybody knows I've been in the struggle for a very long
12 time. And if I do come into a meeting, they restrict me
13 in every way they can because money is what counts with
14 us now. We've been systemized.

15 The abduction -- legalized abduction of
16 our children have continued over all these years and we
17 finally got it changed last year. I worked on that. I
18 chaired that for a very good reason. And now they choose
19 to take somebody from the Ministry to put it in place.
20 I want to be the one who puts that in place, because I
21 know how it should be.

22 They've taken somebody from the Ministry
23 that is from out of province that has lived in our province
24 for a long time to put it in place. And I was so very
25 proud of Joan Smallwood when she left us alone all year.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Because I told her that the changes have to come from
2 our people and that our people will be the ones who decide.

3 She left us alone because I told her.

4 I wanted a separate process for our people, not to be
5 lost within the larger committee. She agreed to that.
6 I told her that I'm working for my people and not for the
7 Ministry. She agreed to that and they left us alone and
8 we did a darn good job considering that I had people that
9 were undermining me right where I was working -- who I
10 was working with.

11 Now, when it should be put in place, I'm
12 hearing all kinds of different things and I don't like
13 it. So when we go to work for government let's please
14 say that we're going to work for our people and not with
15 government. The fact that they have only -- they only
16 want to talk to band councils is a good indication of how
17 they want to keep on being in charge of all our thoughts
18 and all our governments.

19 It will not be self-government if we come
20 under their jurisdiction. They have no jurisdiction over
21 us. They have no jurisdiction over our lands by their
22 own people. They only have jurisdiction over their
23 people.

24 And the reason I'm talking at you because
25 I know you must be here because you're interested. And

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 I don't get a chance to talk about our traditions or our
2 practices, as they used to be within our freedom a long
3 time ago.

4 I want you to bear with me for awhile.
5 As you know, I only got -- five minutes ago I was notified
6 that this was on. I have a lot of things that I want to
7 talk to you about. Sitting for five minutes is not the
8 way to go for Native people. We stand in a long house
9 if we have to, or stand in our family structure until we
10 have resolved our problems.

11 The court system they're putting in
12 place for our people is not a right one. Each nation has
13 their own way of dealing with things.

14 Within my nation, the family structure
15 was the one who dealt with the problems within the family.
16 You didn't get people from all kinds of nations and come
17 in and resolve your problems. You can't resolve them that
18 way. The white man's system doesn't work for them, it
19 won't work for us.

20 The kind of self-government that they
21 want to impose on us will come into being for us and will
22 be another hundred years of struggle if we let that happen.

23 And so you must organize as nations and state how you
24 want it within your nation.

25 Band council governments have had a

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 taste of some power and they don't want to let go of it.
2 And there are a lot of good people within the band
3 councils. I know that. But they're conditioned to
4 serving the government and not our people. I've seen it
5 in many areas. I've been to many places. And I'm not
6 putting them down when I say that. It's the system --
7 it's the system that makes them do that.

8 The unemployment rate in our reserve
9 level -- at our reserve levels have been mostly 93 per
10 cent, as we found out a few years ago, when we did some
11 research through a person within the government.
12 Ninety-three (93) per cent of Native people on reserves
13 had no jobs.

14 They have taken everything away from our
15 men until our men don't feel like very much. They've
16 outlawed the fishing. They've outlawed our hunting.
17 They can't go whenever they want to. They've told us how
18 much fish we can take and what we have to do with it.

19 Who in the "hell" do they think they are!

20 They have no right to tell us what we
21 do with our fish. Whether we eat it or sell it to buy
22 some other food is our business. It's not theirs. If
23 we need meat. We go and get it. It's not for them to
24 give us a piece of paper that gives us a right to go out
25 and hunt.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 I was the first woman -- I tried the
2 elective system. I was the first woman in Canada of the
3 First Nations -- of all of the First Nations, not those
4 who are excluded and those who are inside, but all of the
5 First Nations, to be elected as head of my nation.

6 But because of what government has done
7 to us in dividing us in every way possible, and that I
8 was a non-status Indian, although I've married twice and
9 I married Indians both times, and I didn't ask them if
10 they had any rights. So I lost my rights.

11 And yet I come from the highest Chief
12 of the Haida people. My grandfather was the highest Chief
13 of the Haida people. So I could never walk away from the
14 responsibility that I feel. That I was taught that, from
15 the cradle, what my responsibility is.

16 My name is St'hay'gus (PH). I wear the
17 name of Livina White because of the system. St'hay'gus
18 (PH) means the "sound of many copper shields." Only those
19 who had responsibility were supposed to have copper
20 shields. And my name implies that. Many copper shields.
21 The sound of many copper shields means my responsibilities
22 are many. It doesn't say I'm rich. It says my
23 responsibilities are many.

24 The system that was in place for our
25 people -- I think the white man has a lot to learn from

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 that. Because the poorest in your -- those that were under
2 your responsibility, the poorest of them had to be looked
3 after. And the conditions of your people is a reflection
4 of the kind of leadership that you've had.

5 And we live by the honour code. We dealt
6 honourably with each other. And we lived by our highest
7 philosophy of sharing.

8 And the white man took advantage of our
9 sharing philosophy and he stole our lands, while they made
10 us take over their religions. And while we had our heads
11 bowed, our lands were taken.

12 They've given us a lot of drug and
13 alcohol money to prove that we're not capable of governing
14 ourselves. All kinds of money for drug and alcohol. They
15 continue to take our kids away. And if you talk to the
16 kids that have been taken away, you know what they've been
17 put through, all kind of abuse. Mental, physical, sexual,
18 name it. All the abuses are there. They come back as
19 ruined children.

20 They might be older. They might be 30,
21 40 because it's been going on for a long time. But they
22 come back as a child with a lot of problems. And our people
23 reject -- some of our people reject them.

24 You have to take them in and heal them.
25 But it's not by choice that they were away. It is not

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 by choice that the Bill C-31 people have to live within
2 the urban areas.

3 And I thank those people from out of
4 province who are heading all of these things. And I'm
5 talking because Lou is here. He's one of them.

6 I want to thank them for doing what
7 they're doing, but they would do a lot better if they went
8 home and helped their people at a time when they need all
9 the help they can.

10 We must head our own things in this
11 province. It's our turn. We can't just put this system
12 into place that already exists and call it self-government
13 and have somebody from another nation come and be the head
14 of it. We can't do that any more.

15 Education, health, I don't care what it
16 is. The people of British Columbia are talking about
17 making agreements within the federation of Canada. That
18 is not our system. We don't want to be within the
19 Confederation of Canada.

20 The hereditary people will take some
21 action. We don't have the money that the system gives
22 to those who are not hereditary. The hereditary people
23 have been excluded for a very long time, even by band
24 councils and by families. It depends on how large your
25 family is. Under their system you can get anybody you

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 want into it as long as you have a large family. And that
2 is not a good way to do things.

3 The system that they're imposing on
4 people in this city right now for going through the healing
5 circle instead of going through the system of justice,
6 as they call it in Canada, those people are going to be
7 harder on our people than the system was because they don't
8 know how to do it. They don't realize that when you put
9 somebody into the long house, or whatever system your
10 nation has, you're not judging them, you're not punishing
11 them. That's the white man's way of thinking. You're
12 healing them.

13 How they put together the people that
14 are doing this now. They are called Elders. I didn't
15 see any Elders there. There were no Elders. You don't
16 become an Elder just because you're old. You don't become
17 a healer because you said you are a healer. It is a gift
18 from the Creator and you are born with that gift of healing.

19 The people that were healers within our
20 nations were spiritual people and they were healers. They
21 weren't judgmental. They weren't punishers.

22 And the system that these people that's
23 supposed to be the circle of justice, thinks that anybody
24 can give a potlatch. It's not like that. They're
25 demanding of these people that they give \$40-\$50,000

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 potlatches to restore their dignity. That's not the way
2 you restore your dignity. You can go through potlatch.
3 I like that. But that's not the way to restore your
4 dignity.

5 Our people came to the cities because
6 there was no work at the home level. Because there is
7 no economic base and our resources had been outlawed to
8 us. So they come to the cities and we lose them to our
9 nations. And when they get to the cities, there is no
10 work for them, unless you join the system.

11 We have a lot of capable people within
12 British Columbia that can head our educational system and
13 they're from here. They can head our health systems.
14 They can head all of the things, and I don't like calling
15 them systems because that's the white man's way of doing
16 things.

17 The terminology that we use, we've been
18 conditioned to use, is something we should put aside.
19 In the child care changes I tried to get rid of all the
20 terminology, because it's horrific the terminology that
21 they lay on even children.

22 In the imposed systems you have
23 illegitimate children. We've never had any such thing.
24 They don't let grandmothers take over children. They
25 don't let aunts and uncles take over children. They give

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 them to the white man so he can sexually abuse them or
2 abuse them mentally or physically. That's been the lot
3 of our children in this country, while we're sitting around
4 looking for per diems.

5 I've tried many times over the years to
6 get leaders to make a statement in regards to what was
7 happening to our children. We need strong leadership
8 right now. We need leadership that knows what they're
9 doing. Not the ones that are going to do to us, so we
10 could have pockets of poverty and pockets of poor people.
11 No way.

12 Their system doesn't work for us. It
13 doesn't even work for them as I've found out because
14 everything is separate. They'll keep you running around
15 to all the different separations that they have and you
16 never resolve anything. I don't want to see their system
17 put in place for our people and even if the head of our
18 nation has made agreements with governments, I'm going
19 to keep working as long as I draw a breath towards what
20 we saw as older people, and towards what our grandfathers
21 and our grandmothers and all of those who struggled ahead
22 of us, where they were heading. That's where I'm heading.

23 And I hope to be able to talk to young
24 people. I hope to be able to -- I hope to be able to
25 convince them that our way has to be our way.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 The other day I was talking to someone
2 who said can we go on reserves as a Chinese person or a
3 white person, can we go on reserves. I said there were
4 a lot of crazy laws that were put on us maybe so on the
5 books, but they're not enforced any more some of them.
6 Maybe they're still on the books for all I know.

7 I asked one lady that was working for
8 the U.N.N. one time to look at all the policies and all
9 of the laws that were imposed on us a people and put them
10 together so that our people would know. It was never done.

11 The person that I asked now is at the big decision making
12 area.

13 Those who are systemized cannot rule us.

14 Those who are systemized by the system that was imposed
15 on us cannot make the decisions for us. We, as a people,
16 must make the decisions and it takes all of the people,
17 not just a few.

18 At the time that South Moresby became
19 an issue, I went to an environment meeting because I have
20 concerns about the environment. I go to even world level
21 meetings on that. Because I think for a change, they're
22 going to have to listen to Native people, otherwise,
23 there's no turn around for our environment.

24 And the reason that we have to push our
25 sovereignty right now is to organize the indigenous people

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 of the world so that we can take back our responsibility
2 about the environment and how Mother Earth is treated.

3 The balance that we had in decision
4 making is gone. I know I was at a meeting where they were
5 talking about forming a Native congress and I went to the
6 mike and I asked them to bring back the balance that we
7 used to have in decision making. That the women had to
8 be involved in the decision making and not just one that
9 was acceptable to the men. Not just one. We needed half
10 and half.

11 I talked to one of the leaders about it
12 and he said, "Yeah, I think it's good enough. One woman,
13 nine men." And I couldn't help but be acting like
14 Mulroney. I was mouthy. I said, "Yes, I agree with you
15 that one woman is worth nine men." I didn't really mean
16 that but I was making a point.

17 And yet, they still went ahead and got
18 one woman and nine men because the leader for the women's
19 group got up and nominated a man.

20 So we need to talk to each other as to
21 what our responsibilities are. But nobody wants to face
22 the responsibility. They only want the prestige and the
23 power and the control. That's the white man's game.

24 We don't want any of that in our systems.
25 It's too important a time to play the game of exclusion.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 The hereditary people must be able to have funds to come
2 to these serious meetings where we are making decisions.

3 As for the fishing, the white man is
4 threatening. They're telling us that we can't sell our
5 fish. They're telling us how much we can take. We own
6 a hundred per cent of that fish. We will be the ones who
7 decide how much they get.

8 I told them that in their own meeting.
9 There was 800 of them. And there was only two of us that
10 were Native people that walked into that meeting. And
11 they were very racist and I told them you better stop
12 thinking about being racist because we're the ones who
13 are going to decide how much fish you get and what you
14 do with them.

15 There are very powerful people in place
16 in Canada that don't belong to our nations that are making
17 decisions. There is one on -- there is some on fishing.

18 There is some on child care. There have been a lot of
19 huge homes that were paid for by our children -- the
20 legalized abduction of our children. Because every time
21 they take a Native child, they say it's a special needs
22 child and so they get more money for looking after them.

23 And when we take that away, because it's
24 a big industry, we're going to have a tough job. So we
25 must work together, not exclude each other.

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Those people that have been taking our
2 children and buying huge homes or having good lifestyle
3 off of the money they make out of it, comes to an end.
4 They can't face that. They don't want to face that.
5 They're going to do the same thing as the white fisherman
6 does. They're going to give us a bad name.

7 Media has always been negative against
8 us. Media is going to do to the Native people. They're
9 going to talk about all of the things we do wrong and put
10 it on the front pages of the whole country, because they
11 control.

12 And because corporate people want to
13 come into partnership with us and the banks want to come
14 into partnerships with us right now, because they think
15 we're going to take money instead of our land. They're
16 going to force us to give up some of our lands. We don't
17 have to give us any of our lands. We have no right to
18 do that.

19 We can share. But they got to
20 understand what sharing is. Not for ownership. Land to
21 them is a commodity. Most ordinary people in Canada cannot
22 now buy a home because they've commercialized what we call
23 life -- land. Land, air, water, that's life. You don't
24 sell it. You don't trade in it. You share it. But you
25 have to keep the responsibility within your nation in

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 regards to the lands and the resources and its people.

2 The corporate structure would like to
3 go into partnership. As soon as we make a small mistake
4 they'll get it all back. They want to put taxes on us
5 so that if we fall behind a little bit, they'll take all
6 the lands back. They'll take everything back.

7 It's a system we cannot trust. The
8 treaty making is a system we cannot trust. They've never
9 honoured any of their treaties. And why do we want to
10 treaty with them.

11 The giving up of our lands is
12 unnecessary. I was sorry to hear that it's still
13 continuing. As a settlement they are saying they gave
14 the Inuit people one-third of their land. They gave the
15 Inuit people. That's what the media says. The media
16 should be saying that they retained one-third of the lands
17 that belonged to them and government forced them to give
18 away two-thirds of their land. Turn it around. Not say
19 government gave them their own lands. How can they give
20 them something they already own.

21 I want the armed forces off our island.
22 They've been intimidating the Native people on our island
23 -- the Haidas. We had a demonstration there one time and
24 they threatened to wash us into the sea. And yet, they're
25 still there. They never got the consent of our people

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to come onto our island.

2 The armed forces were used against the
3 Mohawk people. It was against the law for them -- against
4 their own laws for them to use the armed forces against
5 its own citizens, as they call us. I am not a citizen
6 of Canada. I'm a citizen of the Haida nation. But they
7 consider us their citizens. Our Indians, they call us.

8 And yet, they used the armed forces
9 against its own citizens. Their own laws say that they
10 cannot do that. But they ignored that, and they changed
11 it. I phoned a lot of people that I know are very
12 knowledgeable activists throughout Canada, and I don't
13 mean Indians, I mean their own people. They changed that
14 law to read that the provinces can use the armed forces
15 against its citizens if they chose. That's how they got
16 out of obeying their own law.

17 And so they were able to come onto the
18 Mohawk people the way they did, which a lot of white people
19 are ashamed of what -- of Canada and what they did to them.

20 And it hasn't changed much there. The same kind of
21 aggression is being practised by the -- by the police force.

22 **CO-CHAIR GEORGE ERASMUS:** Excuse me.

23 Could we ask you to wind up. I know you
24 were wanting to ---

25 **MS LIVINA LIGHTBOWN:** Yeah, well, I

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 guess we can do things the white man's way. And we can
2 talk for a long time and resolve all of our problems in
3 this kind of a situation. But I know you have a tough
4 job to do and I feel sorry that this is the system.

5 **CO-CHAIR GEORGE ERASMUS:** I'm not
6 trying to do anything in anybody's way. We were just --
7 I think we have given you a reasonably fair time and I
8 am just asking you to wrap up what points you wanted to
9 make to us. I have noticed you are starting to repeat
10 a number of things. So I would like ---

11 **MS LIVINA LIGHTBOWN:** There are some
12 things that need to be repeated.

13 **CO-CHAIR GEORGE ERASMUS:** M'hm. They
14 have been all across the country for a little over a year.

15 So if you just want to make a few points
16 and we can ask you some questions.

17 **MS LIVINA LIGHTBOWN:** You can go ahead
18 and ask me some questions because I have a lot of other
19 things that I wanted to talk about. But I will go to other
20 meetings again.

21 **CO-CHAIR GEORGE ERASMUS:** Sure.

22 I was trying to get an idea of what it
23 is you would support. You say you are against the treaty
24 process here in British Columbia, I presume. You did not
25 clarify. But I presume you are talking about ---

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MS LIVINA LIGHTBOWN:** In British
2 Columbia.

3 **CO-CHAIR GEORGE ERASMUS:** Yes.

4 **MS LIVINA LIGHTBOWN:** That's where I'm
5 from.

6 **CO-CHAIR GEORGE ERASMUS:** Could you
7 tell us what it is you find at fault with that treaty
8 process?

9 **MS LIVINA LIGHTBOWN:** Because again,
10 they're dictating. They're going to deal with band
11 council governments, not with the nations as was planned
12 throughout all the years I've been involved in British
13 Columbia.

14 And I don't like to call it British
15 Columbia. That's the other thing I would like to say
16 before I close. Is for us to take back all of our names
17 onto our lands, onto our mountains, onto our rivers. For
18 they have their own names. They didn't have some man's
19 name.

20 As long as they have their names on our
21 lands, our rivers, our mountains, they're going to believe
22 that's their land. Hawaii has it's own name. We put our
23 name Haidi Gwai back on our land. It's not Queen
24 Charlotte.

25 And I would like to see all the Native

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 people of Canada do the same thing. Hawaii, even it's
2 streets has its own names. It's very attractive to
3 tourists.

4 In order for us to take our country back
5 and change the mind set of colonial people, we must put
6 our names back on the lands, the rivers and the mountains.

7 And I request that of even this group here to pass on
8 that word.

9 Now, I'll take some questions.

10 **CO-CHAIR GEORGE ERASMUS:** Could you
11 tell me what it is you are saying that you are having
12 problems with in relation to the treaty process? Is it
13 the process of making treaty or is it the people that are
14 involved in the treaty process?

15 Are you saying that if the treaties were
16 being made with the traditional leadership that you would
17 be in support of the treaty process, or is it the treaty
18 process itself that you think is wrong?

19 **MS LIVINA LIGHTBOWN:** I guess the first
20 thing that I would say is that they've never honoured any
21 of their treaties. So why are we treatying with them.

22 **CO-CHAIR GEORGE ERASMUS:** Yes, we
23 understand that. But how are you going to go into the
24 future. What ---

25 **MS LIVINA LIGHTBOWN:** That they must --

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 they must understand and recognize that we have -- we had
2 a system and still have in many areas.

3 **CO-CHAIR GEORGE ERASMUS:** How? What
4 does Canada do to acknowledge that? If they are not going
5 to sign a treaty, what do they do to acknowledge that?

6 **MS LIVINA LIGHTBOWN:** What do they do
7 to acknowledge their own? They must recognize within
8 their system that we do not want to sit on their
9 governments. We do not want to sit in their house. We
10 don't want to sit in -- I've been asked many times to run.
11 I've even been asked to run as Premier of this province
12 a couple of times and I laughed. I said, "No way I would
13 want to share in your system."

14 They are talking about a few seats in
15 the house. They're talking about a few seats in -- in
16 different areas of the government of Canada. That's not
17 where we were heading. What happened? What turned things
18 around?

19 By their own laws, they were supposed
20 to stay off our lands before they came -- make agreements
21 with us before they came onto our lands. There is no legal
22 process that ever took place that turned that around.
23 That now we have to go them and talk about our lands.
24 They're supposed to come to us and they're supposed to
25 talk to us. In British Columbia they have not done that.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 They have to talk to us about our lands. That's before
2 any kind of treatying takes place.

3 **CO-CHAIR GEORGE ERASMUS:** So you say
4 before treatying takes place. So under certain conditions
5 you would agree with treaties?

6 **MS LIVINA LIGHTBOWN:** I would agree if
7 they weren't into excluding certain people, which is the
8 hereditary people. There are some hereditary people that
9 have run.

10 I was one of the hereditary people that
11 was forced to run one year. I became head of our nation.

12 But because I was a non-status person, the people that
13 wanted the power began undermining me. And because they
14 looked at it as a power struggle and not responsibility.

15 And so we need to have a good look at
16 the systems of each nation and talk to the heads of the
17 nations, both hereditary and elected. I'm saying -- the
18 elected people I don't blame them for anything. I blame
19 the system.

20 And I know that they should be the ones
21 that are negotiating the services because that's what they
22 do. But they also must recognize that the hereditary
23 people are the ones that are going to make the decisions
24 on the lands.

25 They depleted our resources almost

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 completely and nobody cares because of the colonial mind
2 set. How are we going to talk to colonial -- a colonial
3 government, because that's what we have.

4 I've even been working on their system
5 and talking to people so they can change their systems
6 for themselves. That's how interested I am in seeing a
7 decent country run in our beautiful lands. We need to
8 change their systems.

9 I go to universities. I talk to them.
10 I go to high schools. I talk to them. They need to change
11 as well as we do. We need -- we need our own way back.

12 **CO-CHAIR GEORGE ERASMUS:** Do you talk
13 ---

14 **MS LIVINA LIGHTBOWN:** But the system
15 that they've used has been a total failure so far. So
16 why are we heading into it. They take ---

17 **CO-CHAIR GEORGE ERASMUS:** I'm just
18 waiting for you to finish that is all.

19 **MS LIVINA LIGHTBOWN:** They've taken --
20 they force you to give up some of your lands. You don't
21 have to do that. You can just make an agreement to share
22 it. That they can live on it and share it as long as they
23 don't overstep into -- the way they've been doing.

24 **CO-CHAIR GEORGE ERASMUS:** Yes. You
25 talk about systems of government. That they are being

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 imposed or something. I was not sure if you were talking
2 about the Indian Act, the way it was -- has been around
3 for over a hundred years, or if you are talking about
4 something new.

5 What is it that you are objecting to?

6 What is it that you want?

7 **MS LIVINA LIGHTBOWN:** I object to the
8 system as it exists. I object to the controls that they
9 still want to have on us.

10 The hereditary people must be brought
11 in to speak on certain issues. The people that do services
12 must become issues. We have never been able to seem to
13 separate our services from the political.

14 Services, every Canadian has a right to
15 those services. We don't need to negotiate. Our lands
16 are non-negotiable. Our sovereignty is non-negotiable.

17 All we need is the recognition by the governments that
18 are here. We need the recognition from them. The
19 statement from them -- of Canada to make that statement
20 to us that they recognize our nations, they recognize our
21 sovereignty.

22 If we can resolve the sovereignty issue,
23 we've got most of the problems resolved. And yet,
24 everybody is afraid of talking sovereignty. Why?

25 **CO-CHAIR GEORGE ERASMUS:** How would it

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 work? You said that you are ---

2 **MS LIVINA LIGHTBOWN:** Within each
3 nation you decide that.

4 **CO-CHAIR GEORGE ERASMUS:** No, I do not
5 mean that. I mean in relation to Canada. How would
6 Aboriginal sovereignty be dealt with in such a way that
7 Canada could live with it?

8 **MS LIVINA LIGHTBOWN:** Well, look at the
9 state of Georgia. They have their sovereignty. There's
10 no problem.

11 We make agreements with Canada on who
12 is responsible for what. That's what the state of Georgia
13 does with theirs.

14 They can recognize our sovereignty. We
15 can govern ourselves. We can govern our lands. We can
16 govern our resources. We make agreements with them on
17 how much of our resources and we review that every now
18 and then, because once you get something in writing that's
19 it, as far as they're concerned.

20 We dealt it by the honour code and they
21 have no honour and we can't trust them. So we got to get
22 things in writing, I guess. But it has to be reviewed every
23 now and then. Because we have people also that want power
24 and control. And that's why I think it is really necessary
25 to bring the hereditary people in who have always had a

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 traditional way of doing and thinking. That's been
2 missing for a long time.

3 **CO-CHAIR GEORGE ERASMUS:** Okay.

4 **MS LIVINA LIGHTBOWN:** And each nation
5 must decide for themselves whether they take on the white
6 man's system or their own systems. And the agreements
7 that we make with them doesn't mean we give up our lands,
8 because we have no right to. It belongs to the future
9 generations too. They have as much right to that land
10 as we do. We don't have a right to give up our lands.

11 **CO-CHAIR GEORGE ERASMUS:** Well, thank
12 you.

13 Viola?

14 I guess those are our questions.

15 **MS LIVINA LIGHTBOWN:** You don't have any
16 more questions?

17 **CO-CHAIR GEORGE ERASMUS:** Thank you for
18 spending some time with us.

19 **MS LIVINA LIGHTBOWN:** Okay. Thank you.

20 **CO-CHAIR GEORGE ERASMUS:** Thank you.

21 **MR. LOU DESMARAIS, MODERATOR:** I would
22 now like to call upon Kekinow Housing and Luma Native
23 Housing. The representatives, I understand, are with us.
24 Matthew Stewart as well as Robin Henry.

25 Are there others who would like to be

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 involved in the presentation?

2 Okay. Because we are running a bit
3 behind we will get right into it. Matthew, you can make
4 your own introductions and begin your presentation, if
5 you will please.

6 **MR. MATTHEW STEWART:** Thank you.

7 I think first I would like to clarify
8 something. And that is that the presentation and the brief
9 that we have submitted, the presentation we're making is
10 actually on behalf of the National Aboriginal Housing
11 Committee.

12 While it is not a registered
13 organization, it is an organizing committee that was struck
14 at the National Aboriginal Housing Symposium here in
15 Vancouver last February or March. And we have been, up
16 to this point, working on getting the national organization
17 incorporated.

18 We have 14 member groups across Canada
19 that are either rural Native housing groups or urban Native
20 housing groups that is on this committee. And so I just
21 want to make the point first that this is a national brief
22 and a national presentation.

23 I know you have had others. I know you
24 saw our -- spoke with our counterpart in Prince Rupert,
25 Ken Harris, and, in fact, that the urban Native groups

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 are individually making presentations.

2 However, on behalf of the committee
3 we're not looking to be redundant with regard to some of
4 the foibles and problems with delivery and our relations
5 with CMHC. We are actually looking at the demise of the
6 urban Native and rural Native housing programs with a
7 national scope. Particularly, the focus on moral and
8 legal obligations of the federal government of Canada,
9 to not only Aboriginal people, but especially to -- in
10 the area of housing.

11 So if you will allow us -- our format
12 for the presentation is, I would like to go through and
13 hit the high points of our brief and our position and Robin
14 Henry of Keginow Native Housing who is also a committee
15 member will deal with solutions, recommendations.

16 If I may introduce, on my left is Wayne
17 Clark who is one of the co-authors of our brief and was
18 one of the original organizers and facilitators for the
19 urban Native, rural Native housing programs in this region.

20 Across from me is June Laitar who is
21 president of Keginow Native Housing, the lady with the
22 glasses. And next to June is Susan Bacque who is a director
23 of Na-Me-Res Housing in Toronto, who is here to make sure
24 I do a good job.

25 So with that, I believe you've all got

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June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 copies of our brief "First Our Lands, Now Our Homes --
2 A response to the Urban and Rural Native Housing crisis
3 created by Canada's Federal Budget cutbacks." It was
4 commissioned by the committee for presentation to the
5 Commission.

6 I think maybe I should clarify too that
7 when I say the urban Native housing program and the rural
8 Native housing programs, of course, they are two programs
9 out of many that were created by an act of parliament
10 through amendment to the National Housing Act of Canada
11 in 1979. The two programs in their areas of responsibility
12 are engendered in their name.

13 Urban Native Housing Society such as
14 Kekinow and Luma Native Housing are -- and Vancouver Native
15 Housing are responsible for delivering Unipath -- rental
16 units to low income people of Aboriginal descent in the
17 urban areas. And the rural Native, which is represented,
18 I understand you've already heard from the B.C. Native
19 Housing Corporation and this region delivers the rural
20 Native.

21 The crux of our brief and I guess the
22 problem that we're addressing is the recent announcement
23 by the federal government of budget cutbacks. The federal
24 government's '93 budget announced on April 26th,
25 provisions affecting social housing programs. It

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 confirmed new funding for commitments for Native
2 on-reserve housing will continue as planned.

3 The major impact on both of the Native
4 off-reserve programs -- and I'm reading from the Preface
5 actually, page 1 -- was contained in the directive that:
6 "As of January 1, 1994, no additional funding for new
7 commitments under all other CMHC
8 social housing programs will be
9 provided."

10 And, of course, that includes the RNH
11 and UNH programs.

12 A little bit of background. I've
13 already mentioned that the National Aboriginal Housing
14 Symposium was convened in March prior to the federal budget
15 announcement. We haven't had a great deal of time to
16 prepare and I think we've done fairly well in the brief
17 to address the major problems.

18 The brief -- oh, I guess I should say
19 that the Committee commissioned Luma Native Housing
20 Society to prepare this report, this brief for the Royal
21 Commission Hearing as part of a national strategy to remind
22 the federal government of Canada of its legal and moral
23 obligation to Aboriginal peoples and to persuade Cabinet
24 to rescind the decision which will eliminate new unit
25 allocations for those programs as of January 1st, '94.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 The National Housing Act section that
2 provides for the urban Native and the rural Native housing
3 as well as the on-reserve housing program is engendered
4 in Section 56.1. And there are other programs -- the
5 mainstream non-profit social housing programs are also
6 covered under that section.

7 Some facts and background about the
8 delivery societies or delivery agents who operate under
9 the auspices of the urban Native and rural Native housing
10 programs. Since 1979 through to this year, 1993, there
11 were 13,700 off-reserve Native housing units brought
12 online. That includes a mixture of apartments complexes,
13 townhouses and single family dwelling units -- houses.

14 And another 1,139 units are on the way
15 in this year's allocation. There are 92 off-reserve
16 Native non-profit housing societies existing and operating
17 in Canada today. And collectively they own and operate
18 a national portfolio worth in excess of \$500 million.

19 The figures I'm reading to you are
20 actually conservative. We did a poll of all 92 and we
21 got a response of almost 50 per cent. We've allowed for
22 10 per cent for the balance and I'm sure that it's quite
23 a bit more. So these are very conservative figures.

24 So there's a national portfolio in the
25 UNH/RNH in excess of \$500 million and this year alone we

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 paid over five million dollars in property taxes across
2 Canada. Collectively we employ more than 2,000 people.
3 And most of them are Aboriginal, of course. And almost
4 all of them are long-term, stable employees who contribute
5 to their local economies.

6 Just a bit of acknowledgement, I guess,
7 about the track record of these delivery agencies. And
8 it's worth noting because our argument actually bears this
9 out. And that is that all of the societies, all 92
10 societies, have shown high levels of management skills
11 and consistent financial responsibility. It is widely
12 acknowledged the Urban Native and Rural Native Housing
13 programs are the most successful programs ever delivered
14 by CMHC. CMHC admits that themselves.

15 In terms of financial responsibility of
16 efficiency and effectiveness of service, the Native
17 housing societies have outperformed all expectations.
18 They are many times more efficient and effective than
19 comparable government or mainstream non-profit society
20 administered operations.

21 And as an example, the 1991 report of
22 the Auditor General cites the fact Canada's Minister of
23 Housing paid out to market lenders \$111 million in 1991
24 for private sector loans that went sour. In the same year,
25 the loan guarantees for off-reserve housing loans that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 went bad was \$0 -- there were none.

2 It's -- on behalf of the National
3 Aboriginal Housing Commission, it is our submission that
4 the federal government has a moral, ethical and legal
5 responsibility to continue funding Native housing both
6 on and off-reserve, until at least such time as parity
7 in living conditions between Natives and non-Natives is
8 achieved. Our consideration advances on three fronts.

9 Firstly, we submit that the decision to
10 stop providing social housing to off-reserve Native people
11 is morally, ethically, and logically irresponsible and
12 unsupportable.

13 Secondly, we submit that such a decision
14 runs afoul of international covenants, conventions and
15 modern usages.

16 And thirdly, we submit that the decision
17 is constitutionally invalid, for a variety of reasons.
18 Ceasing to provide adequate affordable housing is contrary
19 to the federal government's special constitutional
20 relationship with Native people and populations, and of
21 the corresponding constitutional expressions or
22 protections of those rights and relationships.

23 The decision to eliminate the programs
24 impacts disproportionately on Native people, thereby
25 constituting a discrimination and a tangible threat to

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 the life, liberty and security of a significant number
2 of Native people in Canada today. We can get into those
3 numbers later.

4 Our submission deals with issues of
5 importance to off-reserve Native social housing. There
6 is only one issue at this point that we are addressing
7 basically, and that is will there be such a thing as
8 off-reserve Native social housing in the future?

9 Firstly, and by all accounts Native
10 people are the most socio-economically deprived group in
11 North America today. I'm sure the Commission is well aware
12 of that fact. There's been numerous reports and other
13 commissions who have established the same finding.

14 Secondly, the language of the
15 international covenants, accords and other instruments
16 collectively compel the government to take proactive
17 measures to correct the admittedly unacceptable situation.

18 And to put it in plainer words as one
19 of our housing administrators have explained that we're
20 dealing with an issue, of course, of Aboriginal
21 self-government. In his words:

22 "Aboriginal housing is not social housing for Aboriginal
23 people. It is not the objective
24 of this program to be a program that
25 provides housing to people who

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 happen to be Aboriginal. That's
2 not what we're doing here. This
3 is about the preservation and
4 promotion of our languages and
5 culture, and our proper social
6 relations. It's not something
7 anyone else can do. We're the only
8 ones who can do it."

9 In the brief we identify three areas,
10 or three sections. In the first section we consider the
11 law. And I would like to spend a bit of time dealing with
12 that section.

13 In the second section we consider the
14 facts. And in the third section we apply the law to the
15 facts and we consider the impacts of the decision that
16 affects both of those programs.

17 Under the first section, the law, page
18 8, we have made the case that the federal government of
19 Canada, again, has a number of obligations to carry out
20 its relationship on the international community. There
21 are a number of legal points to be made in that respect.

22 In order to satisfy its international
23 obligations, the government must, to the maximum extent
24 of its available resources, take steps to progressively
25 achieve the full realization of off-reserve Native

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 peoples' rights, which include (but are not limited to):
2 -the right to steady economic, social and cultural
3 development;
4 -the right to the widest possible protection and assistance
5 of the family, and most
6 particularly so while it is
7 responsible for dependent
8 children;
9 -the right to an adequate standard of living for one's
10 self and one's family, including
11 adequate food, clothing and
12 housing; and
13 -the right to the continuous improvement of living
14 conditions.

15 We go into, on page 9, the International
16 Covenant on Economic, Social and Cultural Rights.

17 Canada is signatory to the International
18 Covenant on Economic, Social and Cultural Rights, adopted
19 by the General Assembly of the United Nations on 16th of
20 December, 1966.

21 The States Parties to the Covenant (such
22 as Canada) recognize the inherent dignity and the equal
23 and inalienable rights of all members of the human family,
24 in accordance with the principles proclaimed in the Charter
25 of the United Nations.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 States Parties also recognize and I
2 quote:
3 "...that, in accordance with the Universal Declaration
4 of Human Rights, the ideal of free
5 human beings enjoying freedom from
6 fear and want can only be achieved
7 if conditions are created..."

8 And I emphasize "are created."
9 "...whereby everyone may enjoy his economic, social and
10 cultural rights, as well as his
11 civil and political rights."

12 It is important to note the positive
13 language of the Declaration, "if conditions are
14 created..."

15 What rights and freedoms are recognized
16 in the Covenant?

17 The Covenant provides that:
18 "The widest possible protection and assistance should be
19 accorded to the family, which is
20 the natural and fundamental group
21 unit of society, particularly for
22 its establishment and while it is
23 responsible for the care and
24 education of dependent children."

25 The Covenant recognizes the right of

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 everyone to an adequate standard of living for himself
2 and his family, probably should read herself and her
3 family, including adequate food, clothing and housing and
4 to the continuous improvement of living conditions.

5 Not only are those rights recognized in
6 the Covenant, the States Parties are to take appropriate
7 steps to ensure the realization of this right. So there
8 is an actual commitment required to be made when they sign
9 on -- sign the Covenant.

10 While the Covenant on Economic, Social
11 and Cultural Rights does not confer any enforceable rights
12 on citizens directly, it does require that the Member
13 States Parties (such as Canada) report periodically to the
14 Secretary General. Just a note that the National
15 Committee has prepared and, in fact, intends to submit
16 to the United Nations a copy of this brief, if necessary.

17 Under the Charter of the United Nations,
18 Member States (such as Canada) are obligated to promote
19 universal respect for, and observance of, human rights
20 and freedoms.

21 The Covenant on Economic, Social and
22 Cultural Rights provides that all peoples have the right
23 of self-determination.

24 And the States Parties shall promote the
25 realization of the right of self-determination, and shall

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 respect that right in conformity with the provisions of
2 the Charter of the United Nations.

3 Each State Party to the Covenant
4 undertakes to take steps "to the maximum of its available
5 resources", something else we need to emphasize, "the
6 maximum of its available resources" with a view to
7 achieving progressively the full realization of the rights
8 recognized by all appropriate means, including
9 particularly the adoption of legislative measures.

10 The States Parties also undertake to
11 guarantee that the rights recognized in the Covenant will
12 be exercised without discrimination.

13 The States Parties also undertake to
14 ensure the equal right of men and women to the enjoyment
15 of all economic, social and cultural rights set forth in
16 the present Covenant.

17 And as a note, while it doesn't bear
18 directly on our case, it will, if things continue. And
19 that is the reference to the UN Working Group on Indigenous
20 Populations is drafting a Draft Universal Declaration on
21 Indigenous Rights. And there was one article that we
22 thought was worthy of mentioning at this forum and that
23 is Article 23 -- the proposed Article 23:

24 "Indigenous peoples have the right to determine, plan and
25 implement, as far as possible

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 through their own institutions,
2 all health, housing and other
3 economic and social programs
4 affecting them."

5 We -- it is our submission that Canada
6 cannot reduce spending on Native social housing and remain
7 within the bounds of its international obligations. As
8 I've delineated in the preceding.

9 Under Canadian Constitutional Law.

10 In 1982, the Constitution was amended
11 to include the recognition and affirmation of existing
12 Aboriginal and treaty rights.

13 Given the language of the international
14 instruments, and their vintage, it is unreasonable to
15 assume that the rights associated with, or indeed dependent
16 upon, the availability of affordable housing as a necessary
17 prerequisite could be argued by the Crown to not be
18 "existing" rights as of the date of the coming into force
19 of Section 35.1.

20 And, in fact, the Report of the Standing
21 Committee on Aboriginal Affairs considers the effects and
22 to quote from their report:

23 "Before the enactment of s.35 of the Constitution Act,
24 1982, that the federal government
25 through ratifying legislation such

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 as the Migratory Birds Convention
2 Act, could abrogate treaty
3 obligations to aboriginal people.
4 These decisions have now been
5 called into question by recent
6 court decisions holding that s.35
7 requires that aboriginal rights
8 take precedence over conflicting
9 international treaty
10 obligations."

11 And the point we're drawing -- the
12 relevant point we're drawing here is the recognition of
13 the interplay between domestic law and the international
14 covenants to which Canada is a signatory and has
15 obligations.

16 Continuing on, the Canadian Charter of
17 Rights and Freedoms, I would like to read one provision
18 that is relevant to this situation that we address in the
19 brief.

20 Section 15 guarantees that everyone has
21 the right to be free from discrimination on the basis of
22 race, ethnic origin, gender and various other grounds.
23 Case law regarding the meaning of the term "discrimination"
24 in this context has settled that it is unnecessary that
25 a law or policy be intended to discriminate, it is only

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 necessary that it does in effect discriminate by operating
2 or impacting disproportionately on a protected group.

3 And attached, there is a section here
4 with a statistical overview of Native populations, which
5 dramatically illustrates several key factors in this
6 argument. Firstly, by not funding off-reserve Native
7 social housing, women and particularly single mothers in
8 or near large urban centres will be most seriously impacted
9 by the decision to eliminate those programs.

10 Recent case law finalizes the principal
11 that, while the Courts may or may not order proactive action
12 of government, if government undertakes an initiative,
13 it may not institute it in a discriminatory manner so as
14 to impact adversely on a protected group or a part thereof.

15 The principle, when applied to this
16 case, dictates that it is not permissible to fund
17 on-reserve housing and not to fund urban and rural
18 off-reserve housing.

19 Our opinion that it is doubtful that
20 Canada could stop funding Native social housing altogether
21 without running even more seriously afoul of domestic law
22 and its international obligations.

23 To quote from a 1988 report of the Human
24 Rights Commission of Canada:

25 "Lack of financial support from government cannot excuse

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 a failure to correct a
2 discriminatory arrangement that
3 was caused, in the first instance,
4 by government."

5 That is the gist of our legal case.

6 Just some reference to some of those
7 stats real quickly. In 1981, less than 60 per cent of
8 all Status Indians lived on-reserves and currently about
9 40 per cent of the fast growing Native population lives
10 in 25 urban centres.

11 According to the Parliamentary Standing
12 Committee on Aboriginal Affairs, Aboriginal people living
13 off-reserve have far less access to government programs
14 and services than the on-reserve population. And yet,
15 they suffer similar socio-economic deprivations.

16 Off-reserve Aboriginal people are often
17 caught in the middle of federal-provincial disputes over
18 legislative jurisdiction and government responsibility.

19 And in the meantime, the quality of life of many
20 urban-based people, Native people, is shockingly poor.

21 One in six Native homes are crowded, that
22 means more than one person per room, as opposed to one
23 in 43 non-Native homes.

24 Native households are three times more
25 likely to include extended family members or members of

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 another family.

2 For example, oh, about income levels.

3 The household size is not directly related to income
4 level. For example, in 1980, five-person Native
5 households averaged an income of \$21,300 per year. Those
6 with eight persons averaged only \$19,700.

7 The Parliamentary Standing Committee on
8 Aboriginal Affairs also considered the issue of housing
9 under its own head. Their conclusions seem inconsistent
10 with the present decision to move away from funding social
11 housing. The Committee reports observes:

12 "It would be difficult to overstate the importance of
13 adequate housing to the challenge
14 of substantially improving the
15 quality of life for aboriginal
16 people in Canada. The critical
17 need for adequate housing on and
18 off-reserve continues to be one of
19 the most difficult problems facing
20 aboriginal people and government."

21 The Parliamentary Standing Committee
22 also went on to say:
23 "The figures that are available dramatically demonstrate
24 the magnitude of the housing crisis
25 in aboriginal communities both on-

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 and off-reserve, a crisis that has
2 an impact on other concerns such
3 as health and education. Housing
4 conditions for the aboriginal
5 population have always been
6 significantly below those of other
7 Canadians, a fact that says more
8 about their socio-economic status
9 than perhaps anything else."

10 We go on in section 3 to talk about the
11 impact that these programs or the dissemination of these
12 programs are expected to have, page 41.

13 The Downside to Inadequate Housing.

14 For families to qualify for existing
15 Native housing units as they come available, they put their
16 names on Wait Lists. And one of the largest groups within
17 the Native housing world, of course, is those people who
18 are waiting to get in. There are much more or many more
19 of them than there are who are being housed.

20 Some of the Wait Lists are several years
21 long. Luma Native Housing, we've got three people on a
22 two-year Wait List. And while they wait, most Wait List
23 families are forced to live in substandard housing.

24 Others are compelled by finances and availability to reside
25 for months in motels and hotels, which they often must

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 vacate during tourist season. Still others "camp out"
2 or live on the streets, literally.

3 The shortage of housing, of course, is
4 particularly frightening for parents. If they become
5 homeless, they risk their children's health and wellbeing
6 or, much worse, having their children apprehended.
7 Fearing this last consequence above all else, most Native
8 families cut into the support portion of their
9 income -- whether welfare or wages -- to pay the rent.

10 Welfare money is allocated for shelter
11 and support, with the latter, of course, applying to food,
12 clothing and transportation. When the shelter portion
13 of their welfare allowances fails to cover the rent, they
14 must take from their food or clothing portion to make of
15 the extra.

16 For those family fortunate enough to
17 receive a pay-cheque, it's not uncommon for them to be
18 squeezing out 75 per cent of their income for shelter and
19 shelter-related costs.

20 The federal government standard for
21 qualification for subsidized housing is if anybody's
22 making more than 30 per cent -- or paying more than 30
23 per cent of their income for housing or shelter costs.
24 Some people are paying 75 per cent.

25 In some cases, with only 20 per cent of

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 their income left for food and other basics, it is almost
2 more cost-effective for wage earning families to go on
3 welfare.

4 The decision of the federal government
5 to eliminate both of those -- or the Urban and Rural Native
6 Housing programs in 1994 will have its greatest impacts
7 on the working poor. This is especially true for single
8 working mothers. With the extra costs of transportation,
9 daycare supplements and housing, the majority cannot
10 possibly make enough money to survive. The decision will
11 mean housing is now beyond the financial reach for those
12 who try to break out of the downward welfare spiral.

13 We'd like to also give you at this point,
14 some other factors that we have found in our research,
15 in discussion with other -- our counterparts across Canada.
16 And there's a couple of things that have come up.

17 One of the -- the largest affordable
18 housing society in the core area of one major Canadian
19 city, a city where Aboriginal people make up 41.7 per cent
20 of the entire population, has only three Aboriginal people
21 housed in this 300 plus units. This is a non-Native social
22 housing organization.

23 This non-profit, non-Native housing
24 group has taken the position, and I'm quoting here, that
25 "Indians are low priority because there is a Federal

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 program to take care of their needs." It was pointed out
2 to this organization that no urban Native units in -- there
3 were no urban Native units in the core of the city. And
4 their response was, "Well, don't you think you should
5 pressure the Federal government for some projects in this
6 area?"

7 Further research among 21 other
8 non-Native social housing projects indicated that the
9 numbers of Aboriginal tenants varied between 0 to 3 per
10 cent. That's non-Native social housing.

11 The commercial market attitude we find
12 even more noxious. A five day random review of available
13 rental units in a major metropolitan area examined the
14 apparent willingness of landlords and building managers
15 to rent to Native families. When told that the people
16 seeking to rent a particular unit were Native, 54 per cent
17 of the respondents immediately gave various reasons why
18 the unit was not available at the time. Of units that
19 were available, rental costs were significantly higher
20 than what the majority of Native families could afford.

21 I spoke earlier in the brief about the
22 Wait List. I draw your attention on page 44 to a story.

23 There's two stories in this brief. I remember the program
24 on television back in the '50s and '60, The Naked City.

25 And it says there's a million stories in this city and

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 this is one of them.

2 Well, that's what the content of Betty's
3 story illustrates. The damages that can occur for our
4 Wait List people who are waiting to get into social housing,
5 who can't afford the market rents and end up going into
6 apartments or houses that are in disrepair and, in fact,
7 dangerous.

8 If we may, we'd like to go on to talk
9 about Native child apprehensions, more fallout for the
10 demise of the urban Native/rural Native programs, page
11 48.

12 A particularly pernicious impact of the
13 federal freeze on development of new urban Native housing
14 will be its effect on Native children and their
15 apprehension by the machinery of state. The problem of
16 Native children being apprehended by the Ministry of Social
17 Services has a direct correlation to the housing program.

18 We were fortunate to get some statistics
19 from the B.C. Ministry of Social Services which reveals
20 that 2,386 off-reserve Native children are in temporary
21 and long term care. The Ministry of Social Services states
22 that 30 per cent of these children would be returned
23 immediately if their families could provide safe, decent
24 and affordable housing.

25 The parents of these children, the

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 parents whose children have been apprehended, when these
2 parents are in a position to resume their rights of
3 parenthood they will not be allowed to, until the Ministry
4 and the Family Courts are satisfied they can provide
5 acceptable housing.

6 It has already been established
7 elsewhere in this document the attitude of both the
8 non-Native non-profit housing industry and the commercial
9 or marketing housing industry toward accommodating
10 Aboriginal families, much less those who are marginally
11 functional and under the scrutiny of legal authorities.

12 This is one of the most common syndromes
13 that runs throughout the small universe of Native
14 off-reserve housing or Native social housing that an
15 applicant can get her children back when she provides proof
16 she is residing in decent affordable housing, but under
17 CMHC program criteria for tenancy, she cannot get into
18 Native non-profit's decent affordable housing until she
19 has her children in her care. Kind of a Catch 22 that
20 exists across Canada.

21 Many of the Native housing societies
22 bend or stretch the rules to some extent in such cases
23 on compassionate grounds. But this only works with a
24 sufficient stock of housing units to ensure vacancies are
25 available in any given two to three month period to

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 accommodate the compassionate cases. With the
2 elimination of new housing stock, the incumbent tenants
3 are certain to remain secure in their current tenancies
4 for the long term, thus reducing or entirely eliminating
5 vacancies.

6 Following is Thelma's story, and I'd
7 just like to draw your attention to a comment that this
8 Native lady who lives in an urban Native housing project
9 makes on the bottom of page 53.

10 She tells her story and it's a typical
11 story in urban centres of Native women who come with their
12 families and don't have family or resources here to obtain
13 for support. The story, of course, speaks about how her
14 life was turned around when she was accepted and moved
15 into an urban Native housing project. And her conclusion
16 is that, "you know," and I'm quoting here:

17 "You know, since we found this place to stay, all of these
18 good things are happening. It's
19 just like we are a real family."

20 Just some comments about the economic
21 -- the greater economic price.

22 The elimination of the national housing
23 allocation is certain to prove that -- and that's the
24 National Native Off-Reserve Housing Allocation -- is
25 certain to prove that an economic price will have to be

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 paid. Reduction of social housing units will cause
2 dramatic shortages of available rental units across the
3 land and especially in the larger urban areas.

4 The rental housing market operates on
5 a cyclical basis the same as any other enterprise.
6 Although at present there is a vacancy rate with a high
7 of two to three and a half per cent in Canada's major urban
8 areas, analysis clearly shows this is the bottom end of
9 the current cycle.

10 The social housing picture -- or its
11 negative demise -- is much larger than any single factor.

12 One problem with the federal government using a snapshot
13 of the marketplace is that it fails to bring into focus
14 extenuating factors like higher interest costs in the
15 future, the influx of continual offshore immigration, and
16 the internal migration of Native and non-Native Canadians
17 into large urban centres.

18 Given the capriciousness of such factors
19 and the elimination of new social housing stock, under
20 these conditions any prominent Canadian metropolitan area
21 could potentially see 3,000 or even 4,000 rental units
22 disappear in as short a time as two months.

23 Employment. The federal cutback in
24 housing in these programs has a -- will have a negative
25 effect on Native employment. Many of our people have used

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 the Rural and Native Housing Programs to get jobs with
2 contractors where they apprentice and develop high skill
3 levels in the construction trades. In essence what has
4 developed is an entry program into the building trades
5 for Aboriginal people associated with off-reserve Native
6 housing. And, of course, this door is now being slammed
7 in their face.

8 Another opportunity lost: the Urban
9 Native Housing Program hires residential building managers
10 for each of their multi-unit projects. A majority of these
11 positions are held by Native women. With very few
12 exceptions, all of these people acquire the necessary
13 training on the job -- supplemented by employer-paid
14 janitorial, maintenance and administration courses -- to
15 eventually go out into the job market and compete on a
16 level playing field.

17 In the construction trade itself with
18 the elimination of the housing allocation, it will have
19 a negative impact on contractors, lumberyards,
20 subcontractors, pavers, landscapers, architects, et
21 cetera. It is fair to estimate, with the elimination of
22 the Rural and Urban Native Housing Programs, one thousand
23 man-year jobs will be lost in each province.

24 On -- just to comment on the rate of the
25 allocation since the 1960s. The provision of new housing

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 on-reserve has not been at a rate sufficient to provide
2 housing for the expanding population, let alone keeping
3 up with the replacement of outdated or deteriorated units.

4

5 The major migration of Native people
6 from reserves to urban centres is based on many factors.
7 One of them being, and remains today, the lack of decent
8 on-reserve housing. In other words, we're inheriting the
9 problems with the on-reserve housing program here in the
10 urban areas and the rural areas.

11 We would like to particularly draw the
12 attention of the Commission to page 58, CMHC: Redefining
13 its Roles and Responsibilities.

14 In the 1991 Annual Report to the
15 Parliament of Canada, Canada Mortgage and Housing
16 Corporation noted:

17 "Since housing is a determinate of our overall quality
18 of life, issues such as housing
19 affordability and community
20 equality are fundamental to the
21 wellbeing of our Nation."

22 However, it is our position that there
23 is undisputable evidence that the government of Canada
24 has chosen to reverse this policy. It has chosen to bring
25 about institutional inequality with the elimination of

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 further development in the Rural and Urban Native Housing
2 programs.

3 Historically, the "national disgrace"
4 has ever been the Department of Indian Affairs. Not to
5 belabour the point at one more forum, there are some figures
6 that we would like to present.

7 DIA's insidious policies aimed squarely
8 at eliminating "the Indian problem" were not tempered by
9 the fact it spent 82 per cent of its annual budget on
10 administering itself and a mere 18 per cent went to the
11 people in the form of programs and services.

12 Recently, another federal entity is
13 vying for the title. The federal budget for the past eight
14 years showed an average annual cost of \$2 billion for
15 off-reserve Native housing. The actual amount paid out
16 to the Native groups who plan, build, administer, maintain
17 and manage all of the units, such as Kekinow and Vancouver
18 Native and Luma Native Housing and the other 90-some odd
19 across Canada, has averaged only \$130 million, or a mere
20 6.75 per cent of the total that Parliament has approved.

21 The federal government, in other words,
22 its agencies and Crown corporations retained 92.2 per cent
23 of the \$2 billion, or, a little more than \$1.8 billion.

24 One of the things that we're trying to find out is what
25 do they spend \$1.8 billion on.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Our groups are relegated to performing
2 and administering and managing and maintaining the
3 properties on only \$130 million dollars. We've never had
4 a failure. We're the most successful management and
5 delivery group in all of CMHC programs. And yet, all we
6 get of the budget allocated for the programs is 6.75 per
7 cent. We find that amazing.

8 Canada Mortgage and Housing Corporation
9 is returning to its old role as an approved lender. Its
10 "AAA" rating allows CMHC to acquire money on the New York
11 market for five per cent and in turn lend it to the
12 non-profit housing groups marked up to six and half to
13 eight and a half per cent.

14 CMHC in the role of an approved lender
15 picking up existing mortgages as they come due for renewal
16 is a good practice that may save the taxpayers of Canada
17 billions of dollars over the lives of the existing social
18 housing mortgages.

19 We give an example of what that will mean
20 in the long run. I won't go into that example. There
21 is one thing that we would like to point out, is that the
22 formula which qualifies the actual savings to be realized
23 by CMHC in its projected five year plan goes like this.

24 Using the five year plan projected by
25 CMHC, as a direct lender, the interest savings would

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 amount, it's calculated to between \$1.8 to \$3 billion.
2 CMHC claims that it will have a \$100 million savings over
3 the five years. We recognize an inequity in this statement
4 and in the calculation.

5 One of the question that this brings rise
6 to is, "Does the Federal government have specific plans
7 for savings over the \$100 million they project?" We
8 project \$1.8 to \$3 billion. They claim they'll save \$100
9 million in the budget in an information release entitled
10 Budget Measures Pertaining to Housing, which is contained
11 in the appendix.

12 We make the -- give the opinion that to
13 be sure, it would be an immoral proposition if the
14 government of the day was, in fact, creating a cash cow
15 to be milked for any other purpose than affordable housing
16 for Aboriginal peoples.

17 Additionally, aside from the cash
18 question, another major concern which needs clarification
19 is what the future plans of the federal government are
20 for Canada Mortgage and Housing Corporation. We're aware
21 that major downsizing is taking place in the Corporation's
22 structure.

23 In Vancouver branch, in the social
24 housing, the delivery department alone of CMHC in one week
25 last April, I believe, they -- CMHC laid off 30 people

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 and they were left with a staff of three. We knew that
2 that was the sign of impending doom as far as the delivery
3 of units.

4 Well, can such cost-saving measures,
5 such as downsizing, in other departments may be laudable
6 in light of the increasing housing crisis in this country
7 such a move is detrimental to the public good. It is a
8 non-solution for those Canadians in serious need of livable
9 housing now, and especially the growing numbers of
10 off-reserve Aboriginal people.

11 It's our position, of course, that
12 morally and legally it is indefensible for CMHC, given
13 its authority as a moneylender, to break its trust
14 relationship with Aboriginal peoples by using their
15 profits for anything except affordable housing.

16 And just to back that up, on page 63,
17 in a report by a community panel of family and children
18 services conducting a legislative review in October, 1992,
19 the section on housing relating to Native people living
20 off-reserve clearly shows that:

21 "The single biggest problem facing this group is affordable
22 housing. Over 80% of the families
23 said that adequate and affordable
24 housing was an on-going struggle.

25 Once they do find housing there

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 is little security: rent
2 increases, property sales and
3 disputes with landlords frequently
4 force Native families into another
5 move."

6 Overall landlords and building managers
7 will simply not rent to Native people. And there appears
8 to be little will on the part of provincial governments
9 to recognize the problem. A prevalent attitude among
10 provincial legislators is that the Native people are the
11 responsibility of the federal government and not the
12 provinces.

13 The statistics that we have gathered
14 cover a great many years. Just one final statistic.

15 Seventy-six (76) per cent of the Native
16 population of Canada now living off-reserve indicates the
17 need for more off-reserve housing units is greater than
18 ever. These are Statistics Canada figures.

19 StatsCan figures for Natives living
20 off-reserve in 1986 was 62 per cent. So they've gone from
21 62 per cent to 76.

22 Migration to urban areas is happening
23 at an alarming rate. If the present trend continues, 85
24 per cent of all Native people in Canada will live
25 off-reserve by the year 2000. Where and how to house these

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 people will become an even bigger problem than it is today.

2 And yet, the federal government is taking a route that
3 will exacerbate the dilemma by completely abolishing all
4 new off-reserve housing allocations from 1994 onward.

5 We fail to see the logic.

6 We offer by way of a solution, and then
7 my presentation is -- of the brief is complete, and that
8 is that Stats B.C., as of February 1st, shows there were
9 5,967 children in care of the Ministry of Social Services
10 in British Columbia, of which 1,286 were Native children
11 who were voluntarily surrendered into care, because their
12 parents could not afford to properly house them. At an
13 annual cost of \$38,465 to keep each of these children in
14 care, the total annual cost to the two senior levels of
15 government works out to \$49,456,990. Almost \$50 million.

16 Now, it would be less costly if these
17 families were given, outright, at present mortgage rates,
18 \$400,000 homes at full subsidy. These figures do not
19 factor in the obvious that many of the children turned
20 over to the care of the Ministry are sibling groups.
21 However, assuming that many of them are, it would be safe
22 to assume that it would be cost effective to house each
23 and everyone of these families in half million dollar homes
24 and they would then not need to pay any shelter costs.

25 The last case in point regarding these

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 families, is the estimate by the B.C. Ministry of Social
2 Services that over 85 per cent of all off-reserve Native
3 children in B.C. who come into their care do so for
4 socio-economic reasons, with inadequate housing playing
5 a role in every one of these cases.

6 That's our case as presented in the
7 brief. We actually do have some solutions. We didn't
8 actually have time to put them in the brief. We've been
9 working on this brief for two weeks and decided we would
10 focus on the problem and establish the case.

11 However, we have since, in deliberation
12 with other housing groups, have come up with some potential
13 solutions. And, in fact, some of the machinery to put
14 them into effect is already begun. And with that, with
15 your indulgence then, if I may, I'd like to turn the mike
16 over to Robin Henry who will explain some of those potential
17 solutions to the Commission.

18 **MR. ROBIN HENRY:** Thank you for giving
19 us the opportunity to speak to you today.

20 First, and foremost, you'll notice that
21 Matthew said right away that there are no solutions
22 outlined in the brief. The reason why that's so is because
23 not all the groups that are represented on the National
24 Aboriginal Housing Committee in your Appendix, have had
25 a chance to provide input. So we're not going to be that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 presumptuous and go ahead and make solutions on behalf
2 of the National Committee.

3 Having said that, I am also the Executive
4 Director of Kekinow Native Housing Society in Surrey, B.C.

5 And we do have our own unique position. And I can give
6 you some recommended solutions given our situation in
7 Surrey.

8 We originally started off when we were
9 going to do our submission, we had a whole pile of
10 recommendations for the government and more units and
11 better consultation and the whole bit. But since the
12 budget came down with the announcement that the program
13 would cease January 1st, 1994, there is only two obvious
14 solutions at this point and I'll just read them to you.

15 First, and foremost the federal
16 government must immediately restore the urban and rural
17 Native housing programs. Not only must they do that, there
18 also must be the units provided to ensure that there is
19 adequate housing for the numbers of people on our waiting
20 lists, both on and off-reserve.

21 One of the rationales when the budget
22 came down is that the federal -- the on-reserve housing
23 program would continue. We have -- we have waiting lists
24 that are probably made up of 80 per cent of people who
25 migrate from those reserves and rural areas. So we don't

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 see the rationale for a government cutting one part of
2 the program while retaining the on-reserve program. It
3 doesn't add up.

4 So that's the first part. Matthew had
5 mentioned previously that of the two billion CMHC operating
6 budget, 93 per cent of that goes towards the Corporation's
7 administration itself.

8 There's lots of talk around these days
9 about self-government and it's about time the Indians were
10 given control to manage their own affairs. What we're
11 saying today to you is that we have to be given -- we should
12 be given the opportunity, which I think we've proved in
13 the past, Matthew mentioned again the \$130 million unit
14 allocations last year with zero defaults.

15 We've proven in the past that we're
16 capable and efficient managers of housing dollars. What
17 we're saying is we should be given the opportunity to
18 administer that \$2 billion which currently CMHC
19 administers. We have the knowledge. We have the
20 capability and we have the people to take that over.

21 Like I said before, we had many other
22 recommendations, but those recommendations were written
23 before the announcement came down.

24 That's pretty well all I have to say as
25 far as recommendations go.

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June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. MATTHEW STEWART:** I guess to the
2 Commission -- the urban Native and rural Native housing
3 delivery groups, the 92 across Canada, we have established
4 and it's indisputable. CMHC does not dispute it that it
5 is the most successful program.

6 The people who are involved in the
7 program on the delivery end, the agencies, are very
8 capable, educated, experience now that we've been
9 operating for 10 years and the -- one of the possibilities
10 that we're exploring is the possibility of setting up a
11 national structure.

12 What we're looking at and what Luma and
13 Kekinow has agreed at our next committee meeting is to
14 explore and discuss the potential for the national
15 off-reserve housing organization to administer the \$2
16 billion that we've been talking about. We find it amazing
17 that we're able to, on the front line, maintain and manage
18 these -- the national portfolio on a \$130 million. And
19 I should qualify the \$2 billion is only for operating.
20 It's not development. The development is not an issue
21 at this point as far as the cost goes.

22 The issue that we're bringing to light
23 and that we realize that we need to look at now and that
24 we would like you to convey to the powers in Ottawa, is
25 that the 2,000 plus people involved in off-reserve social

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 housing, Native social housing, are fully capable given
2 the time and the start up resources to administer that
3 \$2 billion much better than CMHC can.

4 We've done it on the front line with \$130
5 million. Again, it just boggles the mind. What are they
6 doing with the \$1.8 billion. And that's only for the two
7 off-reserve housing program -- Native programs. That's
8 not for all the other programs. That's only for the Native
9 programs.

10 So what we're going to be discussing at
11 our next national committee meeting is the potential to
12 set up a national structure and regional structures to
13 deliver the program ourselves. And we'll work on the terms
14 of reference, but something that Luma and Kekinow has
15 agreed to promote is that one of the conditions would be
16 that we would not deal through CMHC, but deal directly
17 with Cabinet.

18 We figure that we could probably better
19 manage the \$1.8 billion and let CMHC have the \$130 million.
20 Let them take the small pie -- part of the pie -- the
21 6.75 per cent for whatever they might need for their
22 overhead. Because if they're cutting the programs, or
23 if our plans work, I don't know what they would even need
24 that amount for, and let us do it.

25 And the prediction is -- my prediction

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 is we won't need to \$2 billion to do it. That with the
2 efficiencies that we have learned to incorporate in our
3 management at the community level, we can make it work
4 on the national level.

5 Thank you.

6 **CO-CHAIR GEORGE ERASMUS:** Well, thank
7 you for your presentation. It was very well done.

8 The \$2 billion, are you serious that this
9 is only for the Aboriginal housing part?

10 **MR. MATTHEW STEWART:** The comment I got
11 to make to you, George, is that we found it so amazing
12 that we phoned Ottawa and they confirmed. Wayne has done
13 a review of their annual reports. That also confirms it.
14 And just to be sure I checked with somebody at region
15 CMHC yesterday and they confirmed it again.

16 **CO-CHAIR GEORGE ERASMUS:** Overall, how
17 much did they actually spend then, beyond the \$2 billion?
18 I mean what ---

19 **MR. WAYNE CLARK:** Last year, it was 44.6
20 billion in total. But 90 per cent of CMHC's activity now
21 is in the private marketplace with only about 10 per cent
22 being in the affordable housing sector.

23 **CO-CHAIR GEORGE ERASMUS:** Right.

24 **MR. MATTHEW STEWART:** So out of 40-some
25 odd billion we're getting two billion and that's

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 manageable.

2 **MR. WAYNE CLARK:** For example, George,
3 in the private housing sector, the Minister did loan
4 guarantees for upscale housing totalling \$11.4 billion.
5 They have consistent -- these commercial loans have
6 consistently ran at a level of about eight per cent failure,
7 while the off-reserve Native housing programs have, by
8 and large, you could very well say is at a zero rate failure.

9 There have been maybe one or two single
10 family homes in the rural housing program that have
11 returned to the portfolio. However, in the urban Native
12 program there have been absolutely not a single unit
13 returned.

14 **CO-CHAIR GEORGE ERASMUS:** Okay. I
15 think you have made a good point there. We will look into
16 that.

17 You started off with saying you had half
18 a billion dollars worth of ownership of units across the
19 country. With that existing equity already, can you not
20 turn around that and leverage it for more units?

21 **MR. MATTHEW STEWART:** Yeah, just one
22 liner. CMHC won't allow us.

23 You can elaborate, Wayne.

24 **CO-CHAIR GEORGE ERASMUS:** Why not?

25 **MR. WAYNE CLARK:** As a loan guarantor

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 they will not allow any second mortgaging or leveraging
2 of equity at all on any -- any properties whatsoever until
3 the loans are completely paid out, or the mortgage is
4 amortized.

5 **CO-CHAIR GEORGE ERASMUS:** And you do
6 not -- you are not making any recommendations to do anything
7 different? You like that?

8 **MR. WAYNE CLARK:** Well, our
9 recommendation is that if we took over the program that
10 we would definitely use the equity to leverage. I mean,
11 a person would be foolish not to. That's a heck of a lot
12 of leverage.

13 **CO-CHAIR GEORGE ERASMUS:** I would have
14 thought so.

15 **MR. WAYNE CLARK:** I think, George, you
16 know, in the recommendations that Robin had talked about,
17 these are still things that have to be developed by the
18 National Housing Committee and they will be over a very
19 short period of time. But I think it's self-evident to
20 all of us that are involved in off-reserve housing that
21 this is the way of the future.

22 I mean, you build up equity in any given
23 area and once you reach a sustainable point where you don't
24 need to subsidize why not use that equity that you have
25 to leverage more homes.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **CO-CHAIR GEORGE ERASMUS:** It seems very
2 obvious.

3 Yesterday I tried to find out from the
4 local housing association, which is I noticed, one of the
5 members. I tried to find out who actually owned the units.
6 Was it CMHC? Was it the Aboriginal Housing Association?
7 And I am still completely unsure.

8 **MR. MATTHEW STEWART:** There's actually
9 two answers.

10 **CO-CHAIR GEORGE ERASMUS:** Okay.

11 **MR. MATTHEW STEWART:** If you have a
12 house, do you own your house? If you bought a house, unless
13 you won the lottery, it's a regular market loan that's
14 guaranteed by the Minister. But the ownership, the legal
15 ownership is with the society as the Minister as a
16 guarantor.

17 **CO-CHAIR GEORGE ERASMUS:** Right.

18 **MR. MATTHEW STEWART:** Where we, I guess,
19 where the, I don't want to say control, but where the
20 safeguards are for CMHC is we enter into 35 year contracts
21 -- operating agreements -- where they provide subsidies
22 to offset some of the operating and also to offset some
23 of the rental levels to make the thing viable.

24 But, in fact, the society owns and the
25 land title office registers the society as the owner.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 But, of course, without CMHC -- at this point under the
2 current regime and the current process, we need -- we're
3 partners with CMHC in many respects to make the thing work.

4 **CO-CHAIR GEORGE ERASMUS:** Why were 35
5 year mortgages gone into as opposed to a much shorter
6 mortgage so you can own the units sooner and being able
7 to leverage it sooner? Is that so the monthly payments
8 are lower? Is that the only reason?

9 **MR. WAYNE CLARK:** Actually it wasn't.
10 In being involved in the early days, we put as much
11 pressure as we could on the federal government to go into
12 short term mortgages and we were literally telling them
13 that by putting a few more dollars up front we could
14 amortize these mortgages over a 14 or 15 year period.

15 However, the major lenders across the
16 country have a lot more weight than we did and going back
17 to the late '70s and the early '80s when interest rates
18 were running at 18, 19 and some mortgages as high as 22
19 per cent, they went out over us and our arguments and the
20 federal government bowed to their wishes.

21 And consequently, some of the major
22 lenders who had gotten their money at five per cent were
23 making as much as 17 points on the mortgages. So, of
24 course, they wanted to stretch a mortgage out as long as
25 possible.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **CO-CHAIR GEORGE ERASMUS:** Of course.
2 Fifty (50) years, maybe 100. Keep paying even after the
3 house is down.

4 **MR. WAYNE CLARK:** Exactly. So that's
5 -- that's the reason for it. It just, you know, the federal
6 government has really put itself in the position, as I
7 say, where short term gain for long term pain with these
8 long mortgages. And they just can't go on.

9 It's total insanity that they're putting
10 themselves into a position where they'll have to -- they'll
11 have to be given subsidies through a lot of these units
12 for possibly 25, 26, 27 years until the units are paid
13 down enough that the societies can charge a rent that are
14 sufficient to carry the mortgage themselves.

15 **CO-CHAIR GEORGE ERASMUS:** Can you go
16 into the bank and change the length of your term if you
17 wanted to? Could you go in and ask for a shorter period
18 in which your mortgage is amortized over at renewal times?

19 **MR. WAYNE CLARK:** No.

20 **CO-CHAIR GEORGE ERASMUS:** Why not?

21 **MR. WAYNE CLARK:** When you sign your
22 56.1 agreement, the term of the mortgage is set in your
23 agreement.

24 **CO-CHAIR GEORGE ERASMUS:** This is an
25 agreement you sign where CMHC ---

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. WAYNE CLARK:** With CMHC.

2 **MR. MATTHEW STEWART:** The legal
3 instruments we're talking about is the mortgage document
4 and the 56.1 operating agreement.

5 The 56.1 operating agreement has
6 stipulations about our mortgages and about insurance and
7 things like that. And one of them is that one, they get
8 approval and approve these things. And also that we're
9 turning over five year mortgages.

10 **CO-CHAIR GEORGE ERASMUS:** What is the
11 purpose -- what is the logic behind this theory?

12 **MR. MATTHEW STEWART:** I don't know
13 enough background. Wayne may know.

14 **MR. WAYNE CLARK:** It's strictly profit.

15 **CO-CHAIR GEORGE ERASMUS:** For who?

16 **MR. WAYNE CLARK:** For the lenders.

17 **CO-CHAIR GEORGE ERASMUS:** The banks?

18 **MR. WAYNE CLARK:** Right. The banks and
19 the insurance companies of Canada become a major player
20 in Native off-reserve housing.

21 **CO-CHAIR GEORGE ERASMUS:** This is
22 called non-profit housing.

23 **MR. WAYNE CLARK:** Well, it sure as hell
24 is not non-profit for ---

25 **CO-CHAIR GEORGE ERASMUS:** Native

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 people.

2 **MR. WAYNE CLARK:** For the big lenders.

3 **CO-CHAIR GEORGE ERASMUS:** In the worst
4 financial situation possible they are making the poor pay
5 longer than anyone else.

6 **MR. MATTHEW STEWART:** Yes. Well, not
7 only -- we now under -- there's a new program under
8 financing your mortgages now. We have to go with -- CMHC
9 stipulates who that lender will be. They do it on approval
10 basis, of course. And they go out and mortgage annually
11 all their, you know, units that are coming up for
12 remortgaging in that particular year.

13 And yeah, there's some savings there but
14 we have no part in it, of course. I guess that's the part.
15 We have no part in it. We can't go out to the market
16 and find a good deal.

17 There is some savings there. I don't
18 know if we would be able to find a better deal. But the
19 point is we don't have any say in the matter at all.

20 **MR. WAYNE CLARK:** Mr. Chairman,
21 actually the ideal situation would be for the federal
22 government to use CMHC as an approved lender and with their
23 "AAA" borrowing status, go to the money markets of the
24 world.

25 And I looked at the latest figures

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 yesterday morning. They were at 5.11 per cent. They
2 could very well loan the money back to the non-profit groups
3 and even the on-reserve groups at even two to three points
4 above what they're getting the money for, in fact, it would
5 be a very profitable business for the federal government
6 if they chose to do it this way.

7 **CO-CHAIR GEORGE ERASMUS:** Well, very
8 good. Very, very interesting information.

9 If you have anything further to add as
10 you, you know, work out over the next couple of weeks or
11 month in your national organization and any
12 recommendations you can think of at the financial level,
13 we would appreciate it very, very much.

14 **MR. MATTHEW STEWART:** Our intent, Mr.
15 Chairman, is actually because of the short time frame we
16 had to develop this thing, we identified the problem.
17 We actually are intending on revising it and expanding
18 it and putting end notes and the recommendations in it
19 as well.

20 **CO-CHAIR GEORGE ERASMUS:** Thank you.
21 I guess that is it for our questions.
22 Thank you.

23 **MR. MATTHEW STEWART:** I guess, just one
24 final note and I felt like saying this. When I've been
25 reading this material, putting this brief together, that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 whole area of the two billion and 93 per cent of the budget
2 and CMHC and us getting the 6 point per cent. And it
3 occurred to me that that comment by -- in the movie Network,
4 "I'm made as hell and I'm not going to take it any more"
5 really applies here because we've just had it for the whole
6 situation.

7 And, in fact, talking with groups across
8 Canada asking them how far do you want to go with this
9 thing and they said let's go all the way. Well, we're
10 prepared then to take it to court if we need to. We
11 certainly feel that we have a legal case.

12 **CO-CHAIR GEORGE ERASMUS:** Well, good
13 luck in Court.

14 **MR. MATTHEW STEWART:** Well, thank you
15 for this hearing. I hope not to see you there.

16 Thank you.

17 **MR. LOU DESMARAIS, MODERATOR:** Thank
18 you very much.

19 We are going to take a very short coffee
20 break, but before we do that I want to, on behalf of the
21 Chairman and the Commissioner we have with us, to just
22 take a couple of minutes having heard about the problems
23 of housing and yesterday having heard of some other
24 problems and this afternoon and tomorrow about to hear
25 of some more problems.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 What it is really all about are people
2 who really cannot do a hell of a lot for themselves. This
3 morning at 10:30 a young woman by the name of Melissa,
4 they are holding a funeral for her. She was an Aboriginal
5 woman. She was one of the nine people who lost their lives
6 in recent days through overdose of heroine.

7 At the health round table held here some
8 months ago, we had a moment of silence for a young man
9 who had very recently passed away due to aids. And I would
10 ask that in respect of the memory of Melissa and the other
11 Aboriginal people who are included in the outrageous number
12 of deaths that we've had very recently through overdose
13 of heroine, if we could spend a few moments just reflecting
14 before we go for coffee about the lives of those people.
15 --- Upon recessing at 11:10 a.m.

16 **MR. LOU DESMARAIS, MODERATOR:** Thank
17 you very much. We will reconvene in five minutes.

18 --- Upon resuming at 11:27 a.m.

19 **CO-CHAIR GEORGE ERASMUS:** Could we ask
20 people to come back into the room please?

21 **MR. LOU DESMARAIS, MODERATOR:** Joining
22 us now are representatives of the Louis Riel Metis Society
23 who will be making their presentation to the Commissioners
24 now.

25 Just one brief note. The Society of

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Native Indian Firefighters have agreed that they will
2 appear tomorrow morning in the time slot which was
3 initially set aside by or for Native health.

4 So I am going to turn the floor over to
5 Tom Lalonde who will introduce the people he has brought
6 with him as well as start his presentation.

7 **MR. TOM LALONDE:** My name is Tom
8 Lalonde. I am president of the Louis Riel Metis
9 Association. On my left is Mr. Lyle Letendre. Lyle is
10 the president of the Kelly Lake Metis Council. On my right
11 is Mr. Fraser Hall. He is the director of -- technical
12 director for our association. And Derwin Calliou from
13 Kelly Lake as well.

14 I wanted to begin briefly by just giving
15 a brief summary as to the status of Metis people in British
16 Columbia. As the Metis moved west into British Columbia
17 back at the turn of the century, our population started
18 to settle certain areas.

19 Kelly Lake is probably one of the first
20 and largest areas that were settled by the Metis. It is
21 recognized as a Metis settlement and Lyle will be speaking
22 to that briefly.

23 The Metis in British Columbia, in some
24 ways they are seen as a bit of an anomaly. Quite often
25 people are very surprised to find out that we live and

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 exist in British Columbia. Quite often, even from
2 government, there is a bit of a surprise when we call them
3 up and tell them that we're here.

4 However, numbers of Metis in B.C. are
5 probably in the 30,000 person range and we're a significant
6 portion of the population of the lower mainland of
7 Vancouver, Surrey, Langley, et cetera.

8 We recently, did a means study for the
9 Canada Employment Centre looking at the employment and
10 education needs for Aboriginal people in the Surrey,
11 Langley, New Westminster area. And one of the things that
12 came out of that survey was a recognition of a very
13 significant Metis population and off-reserve population
14 as well, non-status.

15 Proportionately, as far as our accessing
16 dollars, the Metis here virtually received nothing in the
17 way of any kind of core funding. It stops us from having
18 any kind of basic infrastructure and it greatly disables
19 our communities. The moneys that we do access for training
20 programs, et cetera, generally tend to come through Canada
21 Employment Centres, through training programs and even
22 there we see a very, very disproportionate allocation of
23 moneys for the Metis and non-status off-reserve
24 communities.

25 In our survey one of the things that came

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 out very clearly was that while the off-reserve community
2 of the lower mainland represented about 85 per cent of
3 the Aboriginal population in the 1992, for Aboriginal
4 management disbursement of funds, we received less than
5 five per cent of all the total funding that was made
6 available.

7 So it makes it very difficult for us as
8 Metis people to try to come together as a community and
9 provide the necessary infrastructures that will allow us
10 to function in a proper manner.

11 As most of you will know, Metis people
12 do not have any land base per se, other than Kelly Lake.

13 And as a result we end up basically being urban
14 populations. And that places all kinds of constraints.

15 That said, however, I think that there's
16 a new awakening or happening amongst Metis people. We're
17 finding, looking at the figures across Canada, that the
18 number of people identifying themselves as Metis is
19 increasing on a -- quite a fantastic rate actually. And
20 we are very surprised.

21 The Louis Riel Metis Association is an
22 autonomous Metis organization here in British Columbia.

23 There exists two predominant Metis groups in this
24 province.

25 The Pacific Metis Federation, which is

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 an affiliate of the Metis National Council. And the Louis
2 Riel Metis Association, which has approximately 3,000
3 members in this province and is affiliated with an
4 organization called the Metis Confederacy, which is a
5 confederacy of non-aligned Metis organizations across
6 Canada, through Labrador, Quebec, Ontario and small
7 pockets throughout the Prairies and here in British
8 Columbia.

9 Recently, our organization along with
10 the Pacific Metis Federation and the Vancouver Island Metis
11 Association have come together to form a secretariat for
12 the purposes of tripartite negotiations and we have, in
13 fact, served notice on the province that we wish to enter
14 into tripartite negotiations. And we're now awaiting word
15 from the government to do that.

16 Our position is that Metis people are
17 continuing to be disadvantaged by both levels of
18 government. We do not receive the kind of recognition
19 or do we get the kind of equal treatment that we feel that
20 we should deserve. We have taken a position that we are
21 going to carry on a very high profile campaign to have
22 the existence of the role of Metis people in this province
23 recognized.

24 We've recently developed a protocol
25 agreement with the Ministry of Social Services, which has

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 basically allowed us to enter into an agreement to try
2 to work together for the return of Metis children to their
3 community. This came about after a rather long battle
4 with the Ministry, the whole area of recognition.

5 We've taken the position that Metis
6 children belong in the Metis community and we do not
7 recognize the right of provincial government ministry to
8 exercise jurisdiction over our children.

9 We had an incident last June where three
10 Metis children were, in our opinion, being abused in a
11 non-Aboriginal foster care facility. We took it upon
12 ourselves to remove those children and have them examined
13 by a doctor, which resulted in the investigation by the
14 RCMP.

15 Unfortunately, during that time the
16 children were put in our office in Surrey and our office
17 was surrounded by the RCMP. And there was a 13 hour seige
18 that ensued after that. But we are proud to announce that
19 we emerged victorious.

20 But those are the kinds of things we have
21 to encounter. Up until a year and a half ago, the Ministry
22 of Social Services in British Columbia did not even
23 recognize that Metis children existed and were not included
24 in any of their policies as far as Aboriginal children
25 were concerned. And it's a never ending battle that we

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 have to go through.

2 It's just indicative of the overall
3 problem that we do face and it's something that we're going
4 to have to address in the future. However, I think that
5 forums like this are a good opportunity for the Metis
6 communities to come forward and be heard and make our
7 presence known.

8 Mr. Hall is going to touch on some of
9 the more technical data that confronts our people in the
10 areas of unemployment and education needs. Fraser.

11 **MR. FRASER HALL:** Thank you.

12 Once, again my name is Fraser Hall. I
13 am the technical director for the Louis Riel Metis
14 Association. Thank you for the opportunity to attend and
15 speak to this Royal Commission.

16 As Mr. Lalonde mentioned, last year the
17 Louis Riel Metis Association undertook an employment and
18 training needs study financed by Canada Employment. Some
19 of the figures that came from that study confirmed what
20 the association suspected for quite some time but didn't
21 have any solid data to back up.

22 The figures, as you will see, are rather
23 disturbing and indicate that action should be taken to
24 rectify this situation as quickly as possible. What I'm
25 going to do is briefly go through the figures, touch on

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 some of salient points and then touch on some of the
2 solutions that our association recommends for our
3 community.

4 Just over half of all the respondents
5 that we surveyed in the population of Surrey, New
6 Westminster and Langley and identified as unemployed are
7 compared with the current provincial unemployment rate
8 from CEC of September, 1992, adjusted of 9.6 per cent.
9 We had unemployment rates of over 52 per cent.

10 What that meant is that unemployment
11 within this focus group was running at over five times
12 the provincial average. Female unemployment was
13 significantly higher among the unemployed; 58 per cent
14 almost 59 percent in comparison to 41 per cent among the
15 male population.

16 Unemployment by age, under 25, 25-34,
17 35-44, represented the largest demographics group affected
18 by unemployment. Unemployment when it happens in the
19 Metis community in this population group is chronic and
20 long term. Average unemployment rates 38 months.

21 Thirty-eight (38) months of
22 unemployment in communities. Young men and women who are
23 attempting to build families, create futures for
24 themselves, and endeavour to uplift themselves both as
25 individuals, families, communities and a nation.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Clearly with those kinds of unemployment
2 rates the number of individuals who qualify for
3 unemployment insurance is quite low and, in fact, the --
4 only 16 per cent of all unemployment respondents were
5 unemployment insurance eligible. One-fifth of
6 unemployment respondents received income from other
7 sources which include full-time home makers, those living
8 with parents or spouses who are ineligible for unemployment
9 or social assistance, students in receipt of student loans.

10 Half of all the unemployed respondents
11 are currently on social assistance representing 25 per
12 cent of total respondents. So one-quarter of the
13 population surveyed is currently counting on some form
14 of social assistance to create or to generate an income
15 for itself, I should say.

16 Sixty-four point nine (64.9), almost 65
17 per cent of unemployed respondents agreed that their level
18 of education prevented them from finding a good job.
19 Forty-two (42) per cent, almost 43 per cent, identified
20 lack of education. The second highest category was racism
21 and prejudice.

22 So racism and cultural prejudice were
23 strongly identified as impediments to employments with
24 over 16 per cent indicating racism preventing them from
25 finding employment and over 10 per cent, nearly one quarter

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 of unemployed respondents, identifying racism and cultural
2 prejudice as the greatest challenge that Metis people face
3 in securing employment.

4 Other significant factors, however,
5 were identified as impediments to employment. Half of
6 all single parents identified their single parenthood as
7 an impediment to employment and nearly one-quarter of all
8 unemployed respondents identified their home situation
9 as an impediment to employment.

10 Parental households represented almost
11 50 per cent of the population. Almost 50 per cent of those
12 parental households are single parent household.
13 Unemployed single parents, averaging about the same as
14 the community at large, 54 per cent. Not having affordable
15 childcare, 25 per cent of all parental households
16 identified lack of affordable childcare options as an
17 impediment to employment and education.

18 Only 15 per cent were availing
19 themselves of childcare services. A striking 50 per cent
20 of the population indicated that they would prefer to use
21 Aboriginal childcare services.

22 The average length of employment among
23 employed respondents was 25 months. So just over two
24 years. Of those that were employed full time, only --
25 I'm sorry. Of those that were employed, only 31 per cent

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 are employed full time.

2 The most significant category for
3 employment was in labour at 22 per cent. Hospitality,
4 like restaurants, line cook, waiter 13 per cent. Clerical
5 and office at 13 per cent. With respect to education and
6 being in the education field, working in the education
7 field 0.5 per cent. Hi-tech and computers 0.5 per cent.
8 Professions in management 3 per cent. Agriculture 0.5
9 per cent and law 0.5 per cent.

10 So what that is telling us is that even
11 when our community is employed, they are employed in low
12 end, no future jobs. So the picture that is painted for
13 not just the unemployment situation, but the employment
14 situation and by relation to that the education situation
15 of our Metis nation in the target area, indicates that
16 a lack of education, a lack of affordable and viable
17 Aboriginally centred childcare options and a lack of
18 Aboriginally sensitive education options prevent our
19 nation from being able to maximize their potential in the
20 education field and in the work force.

21 Those people that expressed interest in
22 finding other work a whopping 24 per cent. Medicine and
23 psychology, social work 20 per cent. Trades at almost
24 18. Professions in management at nearly 10. The
25 education field at 8. Law and law enforcement at 8. And

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 arts at almost 6 per cent.

2 So the disparity between what our nation
3 wants for itself and what it is currently able to achieve
4 is dramatic and poignant.

5 Impediments to better employment.
6 Education came in at the top at nearly 50 per cent. Fifty
7 (50) per cent of those who were employed identified lack
8 of education as preventing them from obtaining better
9 employment.

10 So once again, 50 per cent of employed
11 respondents cited education as both an impediment to better
12 employment and the greatest challenge facing Metis people.

13 Educational levels were actually quite high among our
14 sample population. High schools diplomas 31.4 per cent.

15 Some college or university almost 14 per cent. College
16 or university degrees at 4.5 per cent.

17 When asked the question have you taken
18 any additional vocational or life skill training, 51 per
19 cent of all respondents identified in the affirmative.
20 They had taken predominantly education in the trades,
21 medicine or psychology, hi-tech or computers. However,
22 over 50 per cent of respondents do not have high school
23 diplomas.

24 Respondents were asked if they would be
25 willing to take further education or skill training and

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 the percentage of those who said, when asked the question
2 -- said yes. When asked the question since there is
3 funding for Aboriginal education and training and knowing
4 that funding would be available to you, would you be willing
5 to take further education or training to increase your
6 employable skills? A whopping 88 per cent said yes.

7 The significant fields were social work,
8 hi-tech and computers, medicine/psychology, and trades.

9 Clearly what this indicates is not a lack of willingness
10 among the Metis nation and off-reserve Aboriginal
11 communities to improve its lot in life.

12 What therefore must be asked, is what
13 is preventing this from happening and attempting to make
14 recommendations, realistic recommendations that are going
15 to rectify this situation so that further generations of
16 off-reserve Aboriginal people and urban Metis are not being
17 completely disadvantaged and effectively shut out of the
18 new information economy that is expected to develop within
19 the next ten years.

20 Impediments to education; 45.7 per cent
21 identified experiencing racial prejudice in school or
22 while in training. For Aboriginal women, Metis women and
23 off-reserve Aboriginal women unemployment and education.

24 Aboriginal women face daunting challenges with respect
25 to employment and education.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Unemployment rates for Aboriginal women
2 are 13 per cent higher overall than for Aboriginal men.

3 When gender is factored into the set of opinion questions
4 posed in the survey, disturbing statistics can be drawn
5 with respect to female respondents perception of their
6 challenges in the employment and education environments.

7 Fifteen (15) per cent of unemployment
8 females felt that their gender prevented them from finding
9 a good job. Thirty-two point five (32.5) per cent of
10 unemployed females felt that their home situation
11 prevented them from finding a good job. Sixteen (16) per
12 cent felt that their gender prevented them from getting
13 better employment and 20 per cent felt that their home
14 situation prevented them from getting better employment.

15 And a striking 30.3 per cent of all
16 females agreed that their gender prevented them from
17 getting a better education. Three-quarters of all single
18 parent households are headed by women and 60 per cent of
19 the literacy challenged unemployed women -- unemployed
20 respondents, I should say, were women.

21 In some areas of the population, for
22 example, among off-reserve status women that we spoke with,
23 unemployment rates are nearly 80 per cent.

24 So the recommendations that can be drawn
25 from this are pretty clear cut. The Metis community and

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 the off-reserve communities need to have adequate levels
2 of funding and adequate levels of support from municipal,
3 federal and provincial governments in order to lift
4 themselves out of this well of poverty and neglect.

5 And the only way that that is going to
6 be able to happen is through political will. It's no
7 longer enough to -- it's no longer adequate to ignore the
8 growing urban population of Metis and off-reserve
9 Aboriginals. These people are living in urban areas so
10 that they can find jobs. So that they can improve their
11 educations and adequate levels of support are currently
12 not in place to have that happen. That must change.

13 Childcare options. Certainly there are
14 any number of different avenues that can be explored by
15 both federal, provincial and municipal governments to
16 ensure that adequate childcare options are in place for
17 off-reserve Aboriginal and Metis populations.

18 So that single parent households or two
19 parent households where one or both of the parents are
20 impeded from working or learning as much as they would
21 like to because they are obliged to take on the role of
22 caregiver for minor children, should be allowed to have
23 proper childcare options -- Aboriginally centred,
24 Aboriginally directed and administered by the off-reserve
25 Aboriginal communities.

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June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 With the population of urban Metis and
2 urban off-reserve Aboriginal peoples expected to grow
3 substantially in the lower Fraser Valley and the other
4 areas of British Columbia, we are looking at a situation
5 that if not addressed is just simply going to exacerbate
6 the chronic problems that these invisible peoples face.

7 And one of the messages that this Royal
8 Commission should hear, and should hear clearly, is that
9 it is no longer appropriate or adequate to allow these
10 people to continue to remain invisible. It's absolutely
11 imperative that governments and administrators recognize
12 that there is a significant off-reserve Aboriginal
13 population of status, non-status and Metis and take direct
14 and relevant action to ensure that these populations are
15 addressed constructively, and for the long term benefit
16 of these communities.

17 At this point in time this is not
18 happening. Off-reserve Aboriginal populations do not
19 enjoy parity of funding. We do not enjoy many of the other
20 hard-fought and hard-won benefits that our on-reserve
21 cousins have -- currently enjoy. And we want to make it
22 very clear, we support those hard-won gains.

23 But that's simply not enough. As I
24 said, with a population of off-reserve Aboriginals and
25 urban Metis growing in the province of British Columbia,

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Mr. Lalonde has mentioned a figure of 30,000. Other less
2 modest individuals have suggested it could be as high as
3 50,000 Metis in the province of British Columbia living
4 predominantly in urban areas. That signifies a
5 significant minority of Aboriginal people that have been
6 invisible and are no longer willing to remain invisible.

7 What we are calling upon the federal
8 government and provincial government and municipalities
9 to do is to recognize the needs of this particular community
10 in their populations and to take relevant action to assist
11 in the hopes, dreams and wishes that this community has
12 to lift itself up from poverty. To make itself a relevant
13 and vital community into the 21st century, with a skill
14 base and an education and self-esteem and community
15 resources that allow it to be an equal player among nations.

16 This is what we are calling upon this
17 Commission to work towards.

18 And on that note I will pass you over
19 to Mr. Lalonde once again.

20 In closing let me say that if anyone here
21 is interested, the employment and training needs report
22 is available from the Louis Riel Metis Association offices.

23 And if anyone has any further questions or comments that
24 they would like to make, I invite them to speak to any
25 one of our capable staff after this meeting.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Thank you.

2 **MR. TOM LALONDE:** Thank you, Fraser.

3 So how does that translate. In British
4 Columbia the Metis have been left out of the entire
5 Aboriginal framework. I was speaking recently with the
6 Deputy Minister of Aboriginal Affairs Gary Wouters and
7 one of the first comments he made was, in fact, he was
8 surprised that the Metis in this province had never been
9 included and were not seen as a legitimate component of
10 the Aboriginal community.

11 For 20 years under previous social
12 credit administrations, the Metis were not even included
13 in round table discussions. In fact, up until the
14 governments changed two years ago, in the Ministry of
15 Aboriginal Affairs own filing systems they had no listing
16 for Metis whatsoever.

17 But continually, we continue to be shut
18 out of the entire provincial process. We continue to be
19 shut out of the entire infrastructure. We've heard the
20 results of the survey. The question is how do you affect
21 the kind of changes necessary when you do not have access
22 to the system you must utilize to view the change.

23 There exists in British Columbia an
24 advisory committee, Aboriginal advisory committee on
25 health, a very large committee and yet there is not

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 any -- there is not any Metis representation on that
2 committee. The same is true with a number of other
3 government intergovernment committees as well.

4 Continually the provincial and
5 federal governments pass over the fact that the Metis exist
6 in this province. And we continually have to keep knocking
7 on doors and insisting that we be included as a legitimate
8 component of that whole decision making process.

9 Very recently the Attorney General's
10 Ministry here in British Columbia completed a study on
11 how to deal with urban Aboriginal people, or as they call
12 it, urban Native people. And when we contacted them to
13 express concern that there had never been any opportunity
14 for input by the Metis community, the Deputy Minister's
15 comment was a very simple one, "Well, we consulted the
16 Indians. They told us what's good for you and that should
17 suffice."

18 We see it as a very important factor to
19 play a role with our other Aboriginal cousins in this
20 province, but at the same time there has to be inclusion
21 and recognition that the Metis in British Columbia exist
22 as a separate unit, a separate nation of people. And it's
23 time that we had -- that we stopped suffering the
24 embarrassment of having to go and beg for dollars and beg
25 for programs and beg to be included in the very consultative

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 process that affects our community.

2 We have said to the provincial
3 government and we have said to the federal governments
4 that when it comes time to allocating dollars, we find
5 it a severe embarrassment to be told that money has been
6 given to the Native Indian community and that we should
7 go and access the money from them.

8 Why should first of all, the Native
9 Indian community have to share its resources with the Metis
10 community. When governments sit down to plan budgets for
11 Aboriginal people, they should be planning budgets for
12 on-reserve communities, for off-reserve status and
13 non-status communities and for Metis communities. And
14 Metis people are quite capable of accessing and
15 administering their own programs and their own funds.

16 The time has clearly come in this
17 province where Metis people are ready to start assuming
18 all kinds of responsibilities. But we cannot do that if
19 we are not part of the process.

20 The government recently -- the federal
21 government recently announced the discontinuance of its
22 social housing program. And I had the opportunity to be
23 back in Ottawa last week and I tripped into a meeting that
24 we didn't know about that was about Metis housing.

25 And there was representatives from

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Manitoba, Saskatchewan, Alberta and Ontario and the
2 Northwest Territories who were discussing with CMHC
3 officials the fact that after 1993, there would be no more
4 allocations for off-reserve community.

5 There will continue to be allocations
6 for the reserve communities, who enjoy a double standard,
7 because quite often there are people who have houses
8 on-reserve who dwell in the urban centres while they go
9 to school, utilize Native housing there as well.

10 There was some concern amongst these
11 Metis leaders that housing would not be available any more
12 for new housing for Metis people. However, they were to
13 take solace in the fact that many of the administrative
14 services were going to be turned over to the Metis Housing
15 Corporations in the Prairies so that they could collect
16 the rents, be charged with the maintenance, et cetera.

17 And I pointed out to them and I said,
18 "Well, that's very good, but in British Columbia there
19 exists no Metis housing." Never has. So what are we going
20 to administer. There is nothing. You can't administer
21 nothing.

22 So the crux of what I want to say before
23 I turn it over to Lyle is that for many, many years the
24 Metis have been invisible in this province and there has
25 been a deliberate attempt to keep the Metis out of the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 process. And we do not have the infrastructure. We do
2 not have the funding base that allows us to continue that
3 infrastructure.

4 There was a comment made today to me
5 about, "Did you bring copies of your brief." I had to
6 say, "No, we did not." Why not? Because we have 15 to
7 20 individuals who volunteered some 60 and 70 hours a week
8 and on -- and with that workload carry the back of the
9 Metis nation in this province.

10 And the time has come now ---

11 **CO-CHAIR GEORGE ERASMUS:** Could we move
12 to your next presenter please?

13 **MR. TOM LALONDE:** Yes. The time has
14 come now where government must come in line with the other
15 provinces in Canada and include the Metis as a valid
16 component.

17 And I'll introduce Lyle Letendre,
18 President of Kelly Lake Metis Council.

19 **MR. LYLE LETENDRE:** My name is Lyle
20 Letendre and I'm the President of the Kelly Lake Metis
21 Council. On behalf of the Kelly Lake people, I would like
22 to thank Tom Lalonde and Louis Riel Metis Associations
23 for giving us this time and opportunity to speak to the
24 Royal Commission.

25 As a Metis people we have been taught

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to speak from the heart and for Kelly Lake -- Kelly Lake,
2 B.C. has -- is the only Metis established -- Metis
3 settlement in British Columbia and has been for over a
4 hundred years. The population in Kelly Lake is
5 approximately 350 with the five generations.

6 Over five generations of our people have
7 kept our Cree language and culture. The community spirit
8 is strong. Our Elders -- our Elders play a strong role
9 in keeping our culture and spiritual beliefs in the
10 community and we'd like to pass on to our younger generation
11 to keep it alive.

12 The government's assimilation policies
13 have taken its toll. Today's younger generation can
14 barely speak their own language and have lost their sense
15 of identity as people.

16 It is also funny that the government
17 spends millions of dollars on fisheries, forestries and
18 other resource bases but not on the people that it has
19 sworn to protect.

20 Our culture in Kelly Lake is slowly going
21 down because of -- in spite of the government policies
22 of not recognizing the Metis. For a little example, the
23 Kelly Lake people have wrote a proposal to the school
24 district that had \$2.1 million for culture, but returned
25 it back asking if we had a band number.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Well, we couldn't produce a band number
2 because we don't have one. And in return we sent a
3 different proposal to our district for the same purposes.
4 And in return we got a letter saying that we're not in
5 their district.

6 So we were wondering where we are at in
7 British Columbia. Kelly Lake is also, like, located 75
8 kilometres southwest of Dawson Creek along the B.C. and
9 Alberta border.

10 Our education. In the early 1900s the
11 first log house school was built indicating European value
12 based education, placing the Aboriginal language as a
13 second language and eliminating any Aboriginal input into
14 the province education standard.

15 Today we have only a small percentage
16 of high school graduates and only one in the post secondary
17 education at the university level that we can even afford
18 to sponsor -- that we cannot afford to sponsor.

19 This lack of sponsorship afforded to the
20 other Aboriginal communities is just one example of the
21 inequality of the government policies towards the Metis.

22 We are at least 10 to 15 years behind
23 the times of this department. Our health -- our housing,
24 health and environment and recreation from Kelly Lake's
25 humble beginnings of no power, of running water or other

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 basic utilities, it is sad to say that some families are
2 still living at this standard with no hope for change.

3 Provincial projects like RAP intended
4 to upgrade housing as a result in a band-aid solution.
5 As the houses are still substandard as compared to the
6 standard of living afforded to other people.

7 Overflowing -- overflowing, poorly
8 constructed, open lagoons have resulted in the free flowing
9 raw sewage being absorbed into the natural waterways and
10 contaminating drinking water and wildlife inhabitants.
11 These cesspools are directly responsible for epidermal
12 blotches adding to the material content of this undrinkable
13 water.

14 The average house -- the average
15 household houses two to three families causing serious
16 overcrowding resulting in Kelly Lake members seeking
17 housing elsewhere.

18 Current recreational facilities are
19 nonexistence, except for the playground at the school.
20 A 23-year-old community hall has been condemned and unsafe
21 for a variety of building codes infractions. However,
22 this is the only facility open to the community and still
23 be utilized despite the above dangers.

24 Our economic and social development.
25 It is clear that social services and other ministries have

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 seriously and repeatedly provided a substandard service
2 in our community. Health and emergencies can be fatal
3 due to the ambulance liability policies of the B.C. and
4 Alberta governments.

5 For an example, last year we had a lady
6 laying on the road for an hour and a half, bleeding there,
7 waiting for an ambulance to come from Dawson Creek, which
8 all we had to do was drag her one kilometre on the Alberta
9 side and then they would have come and picked her up.
10 The Alberta ambulance wouldn't come across the border.

11 Despite long distance factors, the B.C.
12 ambulance service from Dawson Creek responds regardless
13 to the solutions. This is unacceptable and must be changed
14 for obvious health reasons.

15 Ninety (90) per cent of unemployment,
16 UIC benefits and social assistance are only -- are the
17 only investment the province of B.C. has made in Kelly
18 Lake. Job action programs afforded other communities for
19 some reason totally included Kelly Lake -- excluded Kelly
20 Lake.

21 The past and now current administration
22 have repeatedly submitted various proposals for funding
23 to improve the quality of life in our community, only to
24 be rejected.

25 No stores, no phones, no fire station.

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Our community is poorly undeveloped equivalent to the
2 third world country. This lack of hope benefits no one
3 and is costly to the government. It is for these obvious
4 reasons that this administration is seeking to become
5 self-government.

6 We have been used and misguided by so
7 many political organizations that we have never -- that
8 have never officially represented our interests because
9 these are never -- because they were never chosen through
10 any democratic process. Any political organization that
11 would -- wanted to gain for their own causes have used
12 Kelly Lake over and over again.

13 It is -- it's for this reason that this
14 administration is developing an autonomous philosophy that
15 is -- in that we know speaking for ourselves. For the
16 amount of money that -- to the Aboriginal political
17 organizations mandated to service and assist Kelly Lake
18 has failed repeatedly. If this same money -- if this same
19 amount of money was to be invested in Kelly Lake itself,
20 we would not -- we would not be in the dilemma that we
21 are facing today, social disaster and poverty.

22 It is our intention to develop a Metis
23 accord with the federal and provincial governments through
24 the apartheid agreement, which will afford the Kelly Lake
25 people the same overall rights afforded to other Aboriginal

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 people in B.C.

2 Comprehensive land claims which are
3 based on Aboriginal peoples use, the occupancy of the land
4 title, hunting, fishing and trapping rights. We have been
5 recognized in the Constitution of 1982, but have never
6 seen any benefits in our community. So we are also
7 wondering for the Metis people, why have they written in
8 the Constitution time after time that the Metis were going
9 to be recognized but never acknowledged, especially in
10 British Columbia.

11 **MR. LOU DESMARAIS, MODERATOR:**

12 Questions.

13 **CO-CHAIR GEORGE ERASMUS:** I would like
14 to thank you for your presentations.

15 We have received quite a few
16 presentations on the Metis situations in British Columbia
17 now. So we do have a certain amount of the background.

18 Interesting the point was just made
19 about a number of different people representing Kelly Lake.

20 It's been mentioned quite often.

21 I'm just curious in relation to Kelly
22 Lake, I think it was up in Fort St. John when we had a
23 hearing there, we were told that at that point that the
24 process was being considered being used by the community
25 was that of Lubicon. That the Lubicon people were left

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 out of the treaty and this is what happened in Kelly Lake
2 and now they have been left out of Treaty 8, I think it
3 was, or something. And they wanted some kind of treaty
4 process or something.

5 **MR. LYLE LETENDRE:** That's going to --
6 that's going to be actually brought up to the people again
7 because some of the people out at home are going to have
8 to, you know, going to have to realize what this process
9 is and if they want to go through that process.

10 **CO-CHAIR GEORGE ERASMUS:** Yes. Well,
11 it is certainly up to the community to choose. I am just
12 telling you that we had just been given that in a couple
13 of different avenues in which there might -- Kelly Lake
14 might go.

15 **MR. LYLE LETENDRE:** Derwin Calliou
16 would have to answer that. I was -- he was at the meeting.

17 **MR. DERWIN CALLIOU:** Well, I wasn't at
18 the meeting myself. My name is Derwin Calliou. I'm from
19 the Kelly Lake community.

20 And yes, we have been pursuing some of
21 the alternatives that are available to the Metis people
22 in the Kelly Lake community such as the Treaty 8 process
23 and as well as the land script process. We really haven't
24 decided which process we've been able to take at this point.

25 But there are some intentions that we do plan on taking

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 on some kind of land claim negotiations.

2 **CO-CHAIR GEORGE ERASMUS:** Right.

3 **MR. DERWIN CALLIOU:** So to say that
4 we're going into a treaty, to say that we're going into
5 land script, that's a little bit to far ahead of our
6 schedule at this point. But we are looking at a land claims
7 negotiations.

8 **CO-CHAIR GEORGE ERASMUS:** Whatever
9 process you want a land base.

10 **MR. DERWIN CALLIOU:** Yes, we do.

11 **CO-CHAIR GEORGE ERASMUS:** About the
12 land that you have always used.

13 **MR. LYLE LETENDRE:** I was trying to say
14 that the land base that we're going to be asking for is
15 an inherent right of the Metis in British Columbia. And,
16 like, I wanted to mention we've been there for over a
17 hundred years and we intend to be there for over another
18 hundred years. And the land base that we're going to be
19 -- we're going to be submitting to the government is an
20 inherent right to the people of Kelly Lake, I guess.

21 **CO-CHAIR GEORGE ERASMUS:** Inherent
22 right to what?

23 **MR. LYLE LETENDRE:** To what we're going
24 to be ---

25 **CO-CHAIR GEORGE ERASMUS:** To land or to

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 self-government.

2 **MR. LYLE LETENDRE:** No, to -- also
3 self-government and the land.

4 You've noticed on the map everybody is
5 overlapping British Columbia. We're not asking for
6 British Columbia. We're asking for what was -- what was
7 inherited to us over the last -- over the last hundred
8 years. We're not asking for B.C. We're just asking
9 for -- the trappers that were there in the early 1800s
10 and kept trapping there into the 1900s. That's what we're
11 going to be asking for. We're not overlapping anybody
12 else's territory.

13 We feel this was our territory,
14 inherited to us from our grandfathers and their
15 grandfathers before them.

16 **CO-CHAIR GEORGE ERASMUS:** You have been
17 there for a hundred years.

18 **MR. LYLE LETENDRE:** Over a hundred
19 years. We have documented proof that we've been there
20 since 1870.

21 **CO-CHAIR GEORGE ERASMUS:**
22 Eighteen-seventy (1870).

23 **MR. LYLE LETENDRE:** Yes, and if we
24 probably go back and dig deeper and deeper, we might even
25 be there since the 1700s.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **CO-CHAIR GEORGE ERASMUS:** Okay. I
2 think what our staff is trying to tell you is that we could
3 photocopy it here. We were not asking if you -- so if
4 you don't mind us using your documents just to photocopy
5 them then we will certainly appreciate that.

6 I would like to thank you for coming
7 forth.

8 **MR. TOM LALONDE:** Thank you very much.

9 **MR. LOU DESMARAIS, MODERATOR:** Okay.
10 We are going to break now for lunch and we will reconvene
11 at one o'clock.

12 Thank you.

13 --- Upon recessing at 12:15 p.m.

14 --- Upon resuming at 1:10 p.m.

15 **MR. LOU DESMARAIS, MODERATOR:** Good
16 afternoon, ladies and gentlemen. Welcome back to the
17 hearings of the Royal Commission on Aboriginal Peoples.

18 We are about seven minutes late in getting going and given
19 what we went through this morning we want to get going
20 as fast as we can to manage our time as well as we can.

21 So I would now like to call upon the
22 representatives of the B.C. Medical Association who will
23 be making the next presentation.

24 We understand that Dr. Granger Avery
25 could not be here, but in his place is Dr. Alan Clews and

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 he has some colleagues that presumably will come up with
2 him.

3 **DR. ALAN CLEWS:** Yes, Mr. Hall and Dr.
4 Martin.

5 **MR. LOU DESMARAIS, MODERATOR:** Phil
6 Hall and Dr. David Martin, if you could join us on my right
7 up here please. And I would assume also that you have
8 sorted out amongst yourselves who is going to speak first
9 and so on and so forth.

10 **DR. ALAN CLEWS:** I am to be the first
11 to speak.

12 **MR. LOU DESMARAIS, MODERATOR:** Dr.
13 Clews will be the first speaker.

14 So just as soon as you are ready, Alan,
15 you can take it away.

16 **DR. ALAN CLEWS:** Thank you.

17 I believe that you have the official
18 submission from the BCMA which was prepared by Dr. Avery
19 and that that has been circulated.

20 Dr. Avery is also the Chairman of the
21 Board of the B.C. Medical Association, which is meeting
22 today at Harrison Hot Springs for the 1993 Annual General
23 Meeting, and therefore, couldn't be here. He presents
24 his apologies.

25 I am accompanied today by Mr. Phil Hall

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 counsellor of the District of Chilliwack and by Dr. David
2 Martin a public health consultant to the Indian Health
3 Services, Health and Welfare Canada.

4 I applaud the four touchstones which you
5 have identified and suggest three aims to accompany them.

6 I think you have copies of those suggestions. I will
7 just outline the three.

8 The first being justice. The
9 recognition of past wrongs to First Nations people. The
10 second, restitution of rights. These include a measure
11 of self-government, land rights, educational
12 opportunities at all levels, affordable balanced nutrition
13 and adequate housing.

14 The third element of justice would be
15 the rediscovery of Aboriginal values by First Nations
16 youth. Many young Aboriginals do not feel pride in their
17 traditions and yet, they are not accepted by non-Native
18 society. This leads to isolation, depression, substance
19 abuse and suicide.

20 The second aim would be the ending of
21 poverty for all Canadians. Many of the health and social
22 problems of First Nations people arise out of poverty.
23 By emphasizing the commonality of poverty-related problems
24 with those of other ethnic groups, we would reduce feelings
25 of resentment by other Canadians due to a perception of

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 "special treatment," without reducing the benefits to the
2 Aboriginal peoples.

3 Problems aggravated by poverty amongst
4 Aboriginals include -- and others -- include low
5 self-respect, an impoverished cultural life, anger, family
6 violence, suicide, other violence, alcohol use and other
7 drug use.

8 The third aim would be the promotion of
9 forgotten ancient wisdoms common to all Aboriginal
10 peoples. Canadian society could benefit greatly by the
11 rediscovery of such lost wisdoms. These would include:
12 establishing a caring, non-punitive society; emphasizing
13 support from the extended family; the importance of the
14 "here and now" and of the "right time" for action rather
15 than being ruled by arbitrary time constraints;
16 cooperation with and respect for nature; modesty rather
17 than boastfulness; cooperation and consensus rather than
18 competition and the rule of the majority; verbal restraint
19 versus verbal argument; respect for Elders versus the power
20 of youth and the fear of aging; and holistic healing with
21 spiritual and physical balance versus a specialized and
22 manipulative approach.

23 I would like to call on my fellow
24 presenters now to make comments.

25 **MR. PHIL HALL:** Thank you very much.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 I would like to also thank the Commission for giving me
2 an opportunity as well to address the Commission on some
3 issues I feel has some major impacts on First Nations people
4 here in B.C.

5 Myself, I am a member of the Skulhill
6 Indian band from Chilliwack and I've been involved for
7 many years in this social services field for the past 16
8 years.

9 I've just finished and completed a two
10 year contract with the province in the areas of Native
11 health programs. And over the past two years I've had
12 the opportunity to travel throughout British Columbia
13 again to address some of the health concerns and issues
14 of our First Nations people.

15 And I think that it's long overdue that
16 we, as First Nations people, need to take control of our
17 health care and to address some of the issues that we,
18 as First Nations people, feel are important to us and that
19 is the betterment and the better health services to our
20 people.

21 I've been involved with the B.C. Medical
22 Association in terms of sitting on a board, dealing with
23 some of the issues of our First Nations people. And I
24 feel that the B.C. Medical Association is sincere in their
25 endeavours to try to recognize the situation that First

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Nations people are in, to try to resolve some of the
2 problems that we, as First Nations people, encounter.
3 Not only in the cities and the communities, but also to
4 take a look at the issues on-reserve.

5 And I concur with Dr. Clews that the
6 issues that we have presented are important, not only to
7 us, as First Nations peoples, but important to the medical
8 profession. Because I sometimes think that we run into
9 a situation where, you know, the title of doctor and the
10 relationship that First Nations people have with doctors
11 and physicians, you know, sometimes have set up some walls.

12 In my travels in the last couple of
13 years, I've been approached by a number of First Nations
14 people to take a look and address some of these issues.

15 I know that the provincial government has initiated health
16 clinics in the urban setting. I know that the Vancouver
17 Native Health Clinic here in Vancouver is operating very
18 successfully and providing services to our people.

19 But I think that it also goes beyond
20 that. And one of the other issues that I strongly feel
21 is the education -- the education factor of better health
22 services for our people.

23 A lot of our First Nations people will
24 not go into the non-Native clinics that are in the towns
25 and in villages and cities of our communities. And we

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 need to begin a better process of opening the doors and
2 understanding of health care.

3 I understand in the past two years a lot
4 of our people will walk into an emergency ward or centre
5 of the hospitals instead of attending some of the clinics
6 that available to all people within B.C.

7 So with that I'd just like to conclude
8 in saying that the endeavours that we are about to take
9 on as First Nations people, we need to be heard. I think
10 that only the provincial and federal government in terms
11 of jurisdiction factor, we need to sit down at the table
12 and discuss some of the issues.

13 Because I feel strongly that we are all
14 in the same boat. We, as First Nations people, in terms
15 of the lack of good quality health services that we don't
16 understand and I believe that the both governments, federal
17 and provincial, both of them are in the same boat in terms
18 of providing health care for First Nations people here
19 in B.C.

20 I would like to thank you very much.

21 **DR. DAVID MARTIN:** If I might add my
22 comments, Mr. Chairman.

23 Just to comment on some of the points
24 in the paper. We haven't reviewed our submission in
25 detail. Obviously, you have a copy of that. We wanted

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to just highlight some of the points.

2 I've worked in the Native health field
3 for almost 30 years now and have noticed the changes
4 certainly over those 30 years and some very dramatic
5 changes in health care -- in health status as well as
6 organization of health services and how services are being
7 delivered.

8 And there have been some marked
9 improvements over the years. However, having said that,
10 we're certainly concerned about the health status of Native
11 people because of the marked differences between their
12 health and the health of other Canadians.

13 But just an observation, perhaps, in
14 terms of the importance of leadership in Native
15 communities, empowerment, the ability of Native people
16 themselves to run their own affairs and the great progress
17 that has been made in this area over the past, at least
18 in my experience, 30 years now. It's dramatic.

19 And I think it's very exciting. I think
20 it's important to consider the role that health education
21 plays in empowering people and understanding the health
22 system, understanding health issues at all levels and also
23 the importance of educating political leaders at all levels
24 about health and the health system.

25 It's a very complex system obviously and

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 one which requires a fair bit of knowledge in order to
2 understand where the pressure points are and where the
3 power base is and so on and how to affect change in that
4 system.

5 Just by way then of introduction to the
6 importance of the health careers program and some of the
7 proposals we're making in terms of encouraging the training
8 of Native people in the health professions. And as the
9 BCMA we are working on the promotion and the support of
10 more positions for Native medical students, particularly,
11 but this applies to all health professions as well. That
12 through training it will lead to further empowerment.
13 It will help to enhance the pool of Native leaders well
14 educated in the health field.

15 And so one of our proposals relates to
16 support of further training programs and so on in the
17 universities. There is a great deal happening now as you
18 are perhaps aware.

19 The other proposal I just wanted to
20 comment on is that on page 4, number 2 near the bottom
21 of the page in relation to the suggestion for the
22 development of a Health and Social Services Health
23 Commission in British Columbia. And I just wanted to
24 comment on that.

25 As you are probably aware in the recent

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Royal Commission on health care and costs in B.C., a
2 provincial health council consisting of six members was
3 recommended at that time. And to quote the Commissioners,
4 "The province needs the guidance of a permanent independent
5 council."

6 In our opinion such a council should be
7 able to oversee the total health care system and be able
8 to review the policies, plans and programs of the Ministry
9 of Health or of any other public or private body whose
10 actions affect the health of British Columbians. That
11 is quoted from the Royal Commission.

12 Now, Native issues are of particular
13 import in this province at this time with land claims of
14 particular concerns, Native health and social service
15 issues remain high profile and demand a concerted effort
16 and solution. Socio-economic factors are inextricably
17 intertwined and cannot be dealt with in isolation.

18 The provincial and federal governments
19 each have a major role in the delivery of health care and
20 social services to the First Nations. Recently, the
21 provincial government has shown an increasing interest
22 in Native health issues both on and off-reserve.

23 A Native Health and Social Services
24 Commission could be composed of six Native leaders in the
25 health and social services fields and they don't

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 necessarily have to be working in the field, but rather
2 have knowledge and experience in the field at some time
3 in their lives and could report to the Minister of Health
4 of the province, the Minister of Social Services in the
5 province and also to the, possibly, the Assistant Deputy
6 Minister of Medical Services Branch of the Department of
7 National Health and Welfare. And also we should involve
8 the Department of Indian Affairs in this as well.

9 Now, consistent with that it might be
10 possible to enunciate specific goals for Native health
11 and social services, evaluate information to determine
12 the degree of progress towards reaching these goals, advise
13 the federal and provincial governments on contentious
14 health and social service issues and review and comment
15 on the health and social service policies and plans of
16 the federal and provincial governments as they relate to
17 Native health.

18 And similar to the other commissions
19 suggested, such a council could possible have six members
20 in the same way with a rotating membership, three years,
21 two years, one year and so on. So that there are always
22 experienced commissioners as part of that group.

23 Members could be appointed on the basis
24 of their experience and interest in health and social
25 service issues and not necessarily on the basis of

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 organizational affiliation. One person could be
2 appointed as Chairperson on a half time basis and the other
3 persons perhaps serve on a part time basis as well. And
4 the council could be empowered to appoint appropriate staff
5 and authorize to contract for research and other services.

6 So I just wanted to elaborate a bit on
7 that proposal. It was not elaborated on in our proposal
8 as submitted as a possibility to affect change in the health
9 system in British Columbia.

10 I've also just been, before concluding,
11 to underscore what has already been stated in terms of
12 the importance of social and economic issues on health.

13 We can try and fix the health system endlessly in terms
14 of the actual organization, perhaps, of health and a great
15 deal has to be done in that area, but there is no question
16 that Native health issues relate greatly to the issue of
17 poverty. And until we can deal with the issue of poverty,
18 it is going to be very difficult to deal with Native health
19 issues.

20 One other proposal is the development
21 of a chair on Aboriginal studies at the University of
22 British Columbia so that this might act as a focus of Native
23 health studies for all faculties, not just the faculty
24 of medicine, but nursing and social studies faculties and
25 so on. And that through that further research in Native

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and social service issues should be promoted and this would
2 act as a focus. And we're also suggesting that the
3 Chairman of that -- the person filling that chair should
4 be a Native physician.

5 There are approximately 40 Native
6 physicians across Canada at this time and I just wanted
7 to ---

8 **CO-CHAIR GEORGE ERASMUS:** Fifty-five
9 (55), I think.

10 **DR. DAVID MARTIN:** Is it 55. I'm sorry.
11 I'm behind the times.

12 It's still a long ways from what it
13 should be proportionately in the population, obviously.

14 And I just wanted to introduce a young future Native
15 physician who is with us today a Mr. Gerry Garrett from
16 the University of Alberta, who is in his first year at
17 U of A. And I think one of 12 students, right Gerry?

18 **MR. GERRY GARRETT:** Yes, 12.

19 **DR. DAVID MARTIN:** Twelve (12) students
20 at the University of Alberta at the moment in medical
21 school. And I believe UBC graduated its first -- had its
22 first medical graduate, Robin Woodward, I believe just
23 this year.

24 So things are improving. We've got a
25 long way to go, mind you, but I thought you'd be interested

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to know that Gary -- Gerry's here with us today and he's
2 working with me in my office for the summer.

3 Thank you, Mr. Chairman.

4 **CO-CHAIR GEORGE ERASMUS:** Thank you.

5 I was most interested in that particular
6 recommendation which you were talking about last. The
7 recommendation to have a chair of Aboriginal health
8 studies.

9 Yesterday we were provided the effects
10 of having a chair in the areas of Aboriginal studies in
11 relation to law and how effective that, in fact, was.
12 Of the 200 plus lawyers in the country and there are many,
13 many more coming along now, over a hundred have been
14 graduated from here as opposed to, for instance, the one
15 medical grad we are talking about.

16 Has the BCMA actually sat down with the
17 university to encourage this to occur?

18 **DR. ALAN CLEWS:** We have a committee
19 which is being formed at this time to meet with Dr. Larner
20 who is the Associate Dean of Undergraduate Studies. That
21 is mainly to inform students in the health care fields
22 of the Aboriginal philosophy and so on. The suggestion
23 the Department of Aboriginal Studies, of course, goes much
24 further than that.

25 I visited Curtin University which is a

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 suburb of Perth, Western Australia about three years ago
2 and was very impressed by the department there, which is
3 headed by an Aboriginal and which is staffed predominantly
4 by Aboriginals and has done good work in studying the
5 situation of Aboriginals in Western Australia, which is,
6 you know, very similar to that of the Native people in
7 Western Canada. And it was that visit which lead me and
8 others to make those suggestions two years ago.

9 But to answer your question, the most
10 progress so far seems to have been made in the education
11 of the undergraduate medical and other health worker
12 students. There is a real problem of communication, as
13 you know, between physicians who haven't been exposed to
14 Aboriginal societies, misreading of signals, talking past
15 each other very often and creating a lot of anger and a
16 lot of nontherapeutic situations.

17 **CO-CHAIR GEORGE ERASMUS:** Well, I think
18 we were provided a very convincing case yesterday on this
19 idea. And the recommendation was that, in fact, these
20 kinds of chairs be set up in all of the disciplines and
21 that we would really speed up, you know, the numbers of
22 Aboriginal people in these areas holding their own
23 professions. And then the other thing is, of course, the
24 education that occurs for non-Aboriginal people also.

25 I would encourage you to push on that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 very, very quickly. I think it is an excellent idea.

2 I have noticed that in relation to the
3 bursary, you have designated one of the existing 10. Is
4 there thought of -- and that was actually an amendment
5 to your original resolution.

6 **DR. ALAN CLEWS:** Yes, one of the first
7 \$1,000 grant was being -- was made in March of this year.
8 There has also been a -- the CMA has also responded to
9 a BCMA suggestion by creating a bursary for Aboriginal
10 students. I believe there is \$100,000 involved there in
11 bursaries over a four year period with a maximum limit
12 of \$4,000 per annum per student.

13 **CO-CHAIR GEORGE ERASMUS:** Excellent.
14 Very good.

15 Thank you for your ideas. Viola, do you
16 have any questions or comments?

17 **COMMISSIONER VIOLA ROBINSON:** Well,
18 just perhaps a comment or two. Is -- we heard and I do
19 not know if you are in a position to comment on what I
20 am going to comment on.

21 Is the fact that we have heard from
22 groups and particularly in this area who are struggling
23 to provide services -- we will take the topic of aids.
24 And some of the barriers they are confronting, of course,
25 is the lack of resourcing and the kinds of services that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 they -- the referral services that they provide for the
2 victims are lacking in resource. And that seems to be
3 a real difficulty.

4 I think they have -- themselves, they
5 have the ability to work with the people and they can
6 identify the kinds of help and assistance they need but
7 it is just not there. Would somebody like to comment on
8 that?

9 **DR. ALAN CLEWS:** Well, of course, the
10 common sources of aids would be sexual contact and needles.
11 Now, as you know, there is a needle exchange program in
12 Vancouver, which is very active and I think successful
13 in, I think, preventing the spread of aids.

14 I think the main focus though has been
15 on education. And I know from my travels across the
16 province there is a great deal of emphasis on the use of
17 condoms and safe sex. I think that is probably the most
18 important area that is being pursued at the present time.

19 **COMMISSIONER VIOLA ROBINSON:** Right.

20 **DR. ALAN CLEWS:** I think the statistics
21 on aids amongst Aboriginal peoples, I haven't been able
22 to find any accurate statistics. I don't know whether
23 Dr. Martin as more information on that.

24 **DR. DAVID MARTIN:** Well, HIV infection
25 is not reportable so we don't know really what those figures

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 are. As far as aids is concerned, there is approximately
2 24 Native cases that we know of in British Columbia. A
3 number of those people have already died. But to date
4 about 24 that have been identified as Native persons.

5 To answer your question about services
6 perhaps available to Native people, that is a difficult
7 area. There is a lot of interaction between the federal
8 government, provincial and also working as much as possible
9 with the local government's organizations and so on in
10 the communities. One organization that comes to mind that
11 is maybe doing the kinds of things that you are referring
12 to is "Healing our Spirit" here in Vancouver, which was
13 started by a young Native man who had aids and was concerned
14 about the services available to persons with aids in the
15 urban area.

16 Out of that has developed an
17 organization, which now provides assistance to Native
18 people in the Greater Vancouver area, but also is involved
19 in education in the communities. And they work with the
20 federal government and our workers and going out to the
21 communities and providing education workshops -- the
22 preventive type of workshops that Dr. Clews has referred
23 to.

24 **CO-CHAIR GEORGE ERASMUS:** We know about
25 those organizations. They have presented to us.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 I think the point we were making was that
2 what they were telling us is that they are only getting
3 a little bit of funding and they would far prefer to have
4 far more and that it is not near adequate what in fact ---

5 **DR. DAVID MARTIN:** Yes, well, the
6 funding levels here are dictated very much by the,
7 certainly, federal funds coming down, dictated by the
8 Centre for Aids in Ottawa, as you are perhaps aware. Our
9 funding for on-reserve programs in the province -- our
10 contribution funds will increase almost double this year
11 from last year as a result of the new funding in Ottawa,
12 which is quite encouraging. That would be approximately
13 \$200,000 for on-reserve aids workshops and so on.

14 So that's quite positive. But
15 certainly there is a long way to go in this and funding
16 is also short in our programming. But we have tried to
17 work as closely and cooperatively as possible at the
18 various levels of government.

19 Talking about Healing our Spirit, they
20 have -- over a really very short time, about two years,
21 two and a half years -- developed a fairly good budget.

22 And much of that has come from the provincial government
23 and the division of sexual transmitted disease control
24 and they have been very supportive of Healing our Spirit.

25 So there have certainly been some

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 positive moves in that direction.

2 **MR. PHIL HALL:** I'd like to make a
3 comment.

4 To think that -- one of the things that
5 I've found in the last couple of years in my travels is
6 the fact that the lack of Native related resources --
7 material. One of the things and concerns that a lot of
8 our people have at the village level is denial.

9 The issue of aids itself has a major
10 impact on the environment when our First Nations people
11 are nomadic. You know, they travel to the cities and then
12 they travel home. There's been situations that I've run
13 into over the past year where, you know, people -- First
14 Nations people came home and died.

15 But yet, the community turns around and
16 says, "Well, you know, that person had cancer," or
17 something else.

18 And I think that we need to establish
19 again a focus on the education value and resources that
20 need to be developed by First Nations people. And the
21 resources need to be put in place by both federal and
22 provincial governments in terms of making a commitment.

23 I think at the end a lot of things is
24 piecemeal, you know, and to me, you know, we have existing
25 resources in terms of CHRs and NADAP workers and band social

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 workers and band managers. And yet, they need to have
2 an understanding of what that issue is. And that issue
3 is aids and it's here to stay and it's not going to go
4 away tomorrow.

5 And to me we, as First Nations people,
6 need to address it up front at the community level so that
7 we have an understanding that when a person comes home
8 from the city and has come home to die, you know, that
9 the community understands. You know, I mean, that's where
10 our roots are, is on -- is at the community level.

11 So to me the impact of resources is
12 lacking. What we need to develop is resources that is
13 Native related with Native material and Native
14 participation.

15 **COMMISSIONER VIOLA ROBINSON:** Exactly.
16 I agree with that. Thank you.

17 **CO-CHAIR GEORGE ERASMUS:** Well thank
18 you for coming forth.

19 **MR. LOU DESMARAIS, MODERATOR:** I would
20 like to call now on Professor Vance Peavy, University of
21 Victoria. If he would come forward and make his
22 presentation. Sir?

23 As soon as you are ready, begin.

24 **MR. VANCE PEAVY:** Before I begin, do you
25 all have -- did you get this?

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Well, I would like to start by expressing
2 my gratitude at being given an opportunity to come here
3 and say what I have to say.

4 I do not exactly represent the
5 University of Victoria. I am a senior professor there
6 and to some extent might be regarded as an Elder guide
7 in our community but I am not officially representing the
8 University of Victoria. I am here as a concerned citizen
9 and as someone who has accumulated knowledge, through my
10 life, about counselling and the way in which counselling
11 can be valuable for people.

12 Now, I have prepared a fairly detailed
13 document, which I will leave and which I have neither the
14 time nor the inclination to go through all the details
15 of that. But rather I would like to turn to this small
16 two page hand-out that I did. I want to speak from that.

17 I might say that many people don't
18 understand that counselling as a profession or counselling
19 as a practice, as I like to think of it, is really
20 interdisciplinary. It is -- it's often -- in mainstream
21 society people who are counsellors are prepared under the
22 auspices of education -- faculties of education. But the
23 counselling process itself is interdisciplinary.

24 So a person needs to be something of an
25 anthropologist, something of a sociologist, an educator,

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and have some psychological knowledge. If all those are
2 brought together in a thoughtful way, that person can be
3 of considerable value to other people.

4 So -- okay. Now, I'd like to go to this
5 hand-out, which summarizes what I would see as some of
6 the important features of what you could call, or I have
7 called, an Aboriginal counselling model. And there are
8 six points.

9 First of all, the counselling should --
10 as actually the previous speaker mentioned and I'm sure
11 you must have heard many times -- should have an holistic
12 perspective and that should incorporate health,
13 particularly lifestyles; spirituality; work and
14 education; and personal/family life.

15 EuroCanadian counselling, EuroAmerican
16 counselling made a terrible mistake early in its history
17 when it tended to specialize counselling into a hundred
18 different specialties. But I would think that there is
19 a chance for First Nations people to have a form of
20 counselling in which it doesn't make that mistake, but
21 rather is a -- treats the whole person with all the issues
22 in their life.

23 The second feature of Aboriginal
24 counselling would be a judicious mix of, you might say,
25 traditional healing customs and practices and cultural

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 knowledge with EuroCanadian counselling skills.

2 I think that, for example, through my
3 life, as a non-Aboriginal, I have, in fact, learned things
4 if I had the opportunity I could contribute them to
5 Aboriginal preparation or the preparation of Aboriginal
6 counsellors. But certainly not wholesale everything
7 because many things I've learned don't make sense when
8 applied to Aboriginal context. But there should be a
9 mixing.

10 The third thing is that I think it very
11 important to take steps to increase the number of actual
12 Aboriginals, young Aboriginals who have come into
13 counselling because there should be, certainly not
14 completely but in a majority way, there should be First
15 Nations counsellors for First Nations people. And I think
16 that could be accomplished if the right steps were taken
17 without too much difficulty and delay. It won't be
18 accomplished at all unless certain steps are taken.

19 The fourth point is that counselling
20 programs and services should be brought and authorized
21 mainly under Aboriginal control in communities and reserve
22 schools and in public schools where there are many
23 Aboriginal students. There should be an element of more
24 authority there in the counselling service from an
25 Aboriginal perspective and in employment centres, for

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 example, and so on.

2 The fifth characteristic would be that
3 healing should be an inherent aspect of all counselling
4 regardless of the purpose of the program. Whether the
5 counselling is primarily for education purposes or family
6 purposes or employment, there should be a healing part
7 to it. And this would be a true difference from
8 EuroCanadian counselling. If you -- to use the word
9 healing and to speak of healing in counsellor preparation,
10 draws a blank face from many EuroCanadian counsellors --
11 educators and counsellors.

12 Sixth, counsellor preparation --
13 Aboriginal counsellor preparation should result in a, what
14 I would call, a legitimacy status. In other words, the
15 person should be able to then hold a Masters Degree, for
16 example, or a diploma, for example, or some certification.
17 And that too can be accomplished.

18 Well, those are some of the -- those are
19 the six main features. Now, when I was preparing this
20 brief -- and I must say when I read your editorial, Mr.
21 Erasmus, when I read your editorial in the Times Columnist,
22 I was struck with it -- at a thoughtfulness of it.

23 But I also felt a little shudder in
24 myself when I read your statement about the -- I can't
25 exactly recall -- the media and the sociologists, the

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 earnest sociologists pouring out volumes of data and
2 statistics about the awful plight of Aboriginals.

3 There was a little shudder in myself
4 because I had done that slightly in my brief. But when
5 I was in consultation with various First Nations friends
6 of mine, who some of them read this, they urged me to develop
7 a kind of strategy for developing Aboriginal counselling.

8 There is no such thing in Canada at the present time.

9 And so I have outlined a six point
10 strategy which might be a beginning, which I would be
11 willing to continue working on and which certainly would
12 be open to revision. But those six points in that are
13 -- and this could be thought of -- can be thought of as
14 a strategy for a province, like British Columbia or
15 Manitoba or any province. It could also be thought of
16 as a national strategy.

17 But the first step would be to initiate
18 Aboriginal counselling societies or counsellor societies.

19 Now, this has already been done in Ontario and Manitoba.

20 And I actually wasn't able to determine whether it has
21 been done in other provinces or not.

22 A second step would be to develop an
23 Aboriginal counsellor's network. Someone said to me
24 that's the moccasin trail concept. At any rate it's an
25 informal relationship between all the persons/First

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Nations people working in a given region or province or
2 part of Canada, or maybe all of Canada. A kind of informal
3 network where they could be assisting of each other and
4 help their people that they work with through this network.

5 A third step would be to establish and
6 I've called it here a study group. I don't like the word
7 Task Force because my own experience with Task Forces have
8 been basically that they often take an enormous amount
9 of time and resources and don't necessarily come up with
10 too much. But at any rate, that's my bias.

11 Establish a study group to construct or
12 to develop or build or invent a culture appropriate
13 curriculum for the training of Aboriginal counsellors.
14 Again, that would incorporate some elements of
15 EuroCanadian counsellor training, but there would be
16 things in this new curriculum which certainly wouldn't
17 be in the mainstream curriculum.

18 The fourth step in this strategy would
19 be to enlist the cooperation of one or several university
20 departments with counsellor specialization programs. And
21 I must -- please take now what I say is my own opinion.

22 I think that is an important step but a very risky one
23 for this reason that it would be extremely important to
24 identify individuals within the university who were not
25 too married to their own specialization and their own

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 beliefs about curriculum or the effort would just sort
2 of die in the water.

3 There are certainly people in
4 universities who aren't of that sort of rigid frame of
5 mind. But it would be very important about getting
6 cooperation of departments where there are professors or
7 faculty members with whom it would be possible to work
8 in a flexible and open way and depart from the established
9 procedures of education -- of educating counsellors.

10 And five would be to identify talented
11 Aboriginal individuals who wish to become teachers in
12 counselling programs and provide them with financial
13 support.

14 For example, at the university where I
15 am we do have -- we have had -- we do have Native students
16 applying for our graduate programs in counselling. And
17 they are at times admitted, but there are many problems.

18 I think that it would be very important to find a
19 university or universities that would agree to and would
20 help bring about the registration of a group of students
21 at the same time.

22 Because when you take only one
23 Aboriginal in with 20 non-Aboriginal students the problems
24 they face, the task they face in coping with cultural
25 indifference and sometimes discrimination, both on the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 parts of other students and upon the part of faculty
2 members, is a daunting task. I think that could be
3 remedied somewhat by having a number brought in at the
4 same time.

5 And finally, there should be -- our final
6 step of this strategy would be undertake steps to establish
7 certification. And that could be done in various ways.

8 One possibility would be to do it through the Canadian
9 Guidance and Counselling Association. I've had some
10 discussions with the appropriate people in that
11 organization and I think something could be worked out
12 there.

13 It isn't that certification by itself
14 is such a -- well, the value of certification is that it
15 legitimizes the holder of the certificate in the eyes of
16 agencies and institutions and people with whom they --
17 this person has to deal. It is a power problem -- matter
18 as much as anything.

19 I certainly would like to have an
20 opportunity to have -- maybe you have questions and I might
21 be able to speak to you. So I'm going to stop for the
22 moment and see if there are questions.

23 **CO-CHAIR GEORGE ERASMUS:** Well, it is
24 a very interesting program you are suggesting. It
25 certainly looks like it would be very worthwhile doing.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 In the hearings process that we have
2 created, we have heard about healing going on right across
3 the country.

4 **MR. VANCE PEAVY:** Yes.

5 **CO-CHAIR GEORGE ERASMUS:** It is an
6 interesting phenomenon going on. I do not think there
7 has been a hearing that we have held where we have not
8 both heard about the impact of residential schools and
9 then also the needed healing and then how it is actually
10 already under way and how it could be supported.

11 **MR. VANCE PEAVY:** Yes.

12 **CO-CHAIR GEORGE ERASMUS:** What is your
13 understanding of where all these people are coming from
14 that are actually doing the healing already?

15 **MR. VANCE PEAVY:** Well, I think they
16 come from different sources. There are many -- many are
17 Aboriginals who have themselves gone through a healing
18 process and understand the need for it and also understand
19 how to help others. So that's one source.

20 There are some non-Aboriginals who are,
21 for various reasons, have certain understanding of healing
22 and cultural customs and practices and what that entails
23 and they also participate in that.

24 I think though the thing that is alarming
25 to me a little bit, is that there are, certainly, there

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 is a group and there are non-Aboriginals who take up in
2 a romantic way the notion of healing and they write books.

3 If you go to any book store, you will
4 find books on healing till you can't believe it. But it's
5 questionable whether or not their understanding is really
6 rooted in a cultural -- that there's cultural understanding
7 to what they write about.

8 So that -- there's another source, but
9 I think that's kind of a risky source.

10 **CO-CHAIR GEORGE ERASMUS:** Can you tell
11 me how long this kind of preparation and training education
12 work would actually -- would actually take?

13 **MR. VANCE PEAVY:** Yes. If a person has
14 a Baccalaureate degree, like, in law or in education or
15 in psychology, whatever they have it in, then with
16 mainstream training it takes two years.

17 There are other shorter solutions. I
18 mean, that's one -- that's one that I think would be, in
19 a sense, the most authentic. But then there are various
20 kinds of training that can be done in shorter periods.
21 But, like, with anything else, the more you shorten you
22 get what -- you get what you're paying for.

23 But normally that's a two year period.
24 It has -- includes not only all theoretical study but
25 it also includes practice and supervision and discussion

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and working with people who are already, you know,
2 legitimate and trained. So there's a kind of practice
3 aspect and study aspect to it.

4 But it's very interesting. Like, I have
5 a student who is from Terrace. She is a Gitksan person
6 and she has done well in the program and she would be one
7 of the sources of healing that you ask about, an example.

8 But you see her life is different from
9 all the other students in that sometimes she must go back.
10 I mean, there's something with her family and she comes
11 and goes. And a department program has to make allowance
12 for that, to let that happen, to not penalize a person
13 for it.

14 And so -- but even in that -- even in
15 that way she will be able to complete her education and
16 become a counsellor, actually within less than two years
17 in her case.

18 **CO-CHAIR GEORGE ERASMUS:** When you are
19 talking two years, you are talking about two 8-month ---

20 **MR. VANCE PEAVY:** Yes, that's one thing.
21 We also, like, I started a program about 12 years ago
22 in British Columbia where we have -- we take counselling
23 to communities and individuals study during the winter
24 in their communities by having the specialists or the
25 instructors go there occasionally. And then they come

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to a central place in the summertime and they study together
2 as a group in two summers and they study in their
3 communities two winters.

4 So that's a part on campus or part
5 central site and part off in the remote -- wherever it
6 happens to be. We've done that in places like Prince
7 George and Kamloops and Kelowna and North Island.

8 So that's a pattern that could be
9 developed. There are various patterns that could be
10 developed from -- from spending the entire time at a central
11 place to having it transported and being part community
12 and part central -- to be all community, I suppose, would
13 be a pattern.

14 **CO-CHAIR GEORGE ERASMUS:** Are you
15 familiar with what Canim Lake did where they had a seven
16 year university program where they had over 30 of their
17 own people involved in a program -- university. And they
18 couldn't find one in British Columbia so they had to go
19 into the States, I think it was the State of Washington,
20 I think it was. I guess it was a couple of weeks ago they
21 would have graduated.

22 **MR. VANCE PEAVY:** No, I have heard about
23 it. I am not familiar with it in any way, in any details.

24 **CO-CHAIR GEORGE ERASMUS:** Okay. The
25 ideas you have here in brief, are they more ---

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 MR. VANCE PEAVY: Oh, yes.

2 CO-CHAIR GEORGE ERASMUS: --- further
3 developed here.

4 MR. VANCE PEAVY: Yes.

5 CO-CHAIR GEORGE ERASMUS: Okay.

6 MR. VANCE PEAVY: They are, indeed.

7 CO-CHAIR GEORGE ERASMUS: Okay. Do you
8 know if UBC would be interested in doing this?

9 MR. VANCE PEAVY: Well, do I know if UBC
10 would be interested in doing it. They have a
11 multi-cultural group there but that's really different
12 -- from my perspective that's different from what I'm
13 talking about here.

14 A multi-cultural program is an attempt
15 to take mainstream counselling and give the persons in
16 it some knowledge which will make them more sensible with
17 Asian clients and Aboriginal clients and with Jamaican
18 clients and so on. But I'm not talking about that. I'm
19 sure they would be interested or I think so. I have friends
20 ---

21 CO-CHAIR GEORGE ERASMUS: Can you carry
22 that a little further. How is it different?

23 MR. VANCE PEAVY: How is it different?

24 CO-CHAIR GEORGE ERASMUS: How is what
25 you are proposing different from ---

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. VANCE PEAVY:** There are several
2 things. One is I am proposing that Native students, that
3 Aboriginals be given training.

4 **CO-CHAIR GEORGE ERASMUS:** Okay.
5 Besides that -- the actual training -- how is it different?

6 **MR. VANCE PEAVY:** The actual training
7 is that the training would be based on the cultural groups
8 that the students are coming from and not be divided up
9 between a little bit of East Asian culture and a little
10 bit of Indonesian culture and a little bit of something
11 else. That's multi-cultural.

12 **CO-CHAIR GEORGE ERASMUS:** Okay. So it
13 would be a dedicated program.

14 **MR. VANCE PEAVY:** A dedicated program,
15 yes.

16 I think -- to me that's what makes sense
17 based on my experience.

18 **CO-CHAIR GEORGE ERASMUS:** What role
19 would traditional healers, those that we would say from
20 an Aboriginal community that would be considered by the
21 Aboriginal people to be gifted with healing skills. What
22 role would they play in this particular training program?

23 **MR. VANCE PEAVY:** Well, from my point
24 of view they would have an important place and they would
25 have an important place in two ways. One would be to be

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 a source of understanding and knowledge about healing
2 within the culture and that they would be able to transmit
3 that to some extent.

4 Now, I can't tell you I know exactly how
5 this would work out because I don't want to say ---

6 **CO-CHAIR GEORGE ERASMUS:** You are still
7 working on it.

8 **MR. VANCE PEAVY:** That's right. And
9 the other thing is that I think, and I mention this in
10 my brief, that we need to have what are called cultural
11 maximizers. And that is people within the culture who
12 are able to help translate traditions into ways that are
13 slightly more consistent with the present time so that
14 youth are able to understand that better. And I think
15 that some Elders and other leaders in the Aboriginal
16 communities can help do that.

17 **CO-CHAIR GEORGE ERASMUS:** Okay. How do
18 you deal with -- I understand how you move from the
19 multi-cultural program to the Aboriginal but you are
20 probably aware by now that we have the United Nations here
21 virtually amongst the Aboriginal people.

22 **MR. VANCE PEAVY:** Yes.

23 **CO-CHAIR GEORGE ERASMUS:** The nations
24 just in British Columbia, for instance, are quite numerous.
25 And if you were going to try and create a program that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 would allow Anishka to sit in the same room as a Tlinget,
2 you know, as opposed to Coast Salish then how do you develop
3 a program for the Gitksan can walk in and on and on. The
4 Haida.

5 **MR. VANCE PEAVY:** Yes. Wouldn't it be
6 wonderful if I could answer that. We'd all go from here
7 very happy today. But I don't know. I know the problem.
8 I don't know how to sit here and say here is the answer.

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

10 **MR. VANCE PEAVY:** But I don't think that
11 should deter the desire to do something with this.

12 **CO-CHAIR GEORGE ERASMUS:** Not at all.
13 I was just wondering if you had just broken that little
14 nut also.

15 **MR. VANCE PEAVY:** Well, I will extend
16 my hand to work on it as long as I live, but I can't sit
17 here and answer it.

18 **CO-CHAIR GEORGE ERASMUS:** Okay. Thank
19 you. Viola, do you have any questions?

20 **COMMISSIONER VIOLA ROBINSON:** No, I
21 would just like to thank you. I think your ideas are
22 certainly ones that are well taken here. And there are
23 models around in the country where these kinds of
24 initiatives have been taken at some universities.

25 I am coming from the east so I know there

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 are -- have been counselling programs that have been
2 adapted for our communities down there. And that goes
3 a lot similarly, you know, to the kinds of things that
4 you are proposing. So it is a good suggestion. We would
5 like to thank you.

6 **MR. VANCE PEAVY:** I mention in the paper
7 that the Manitoba program -- they have been -- they have
8 recently tried to get one started there.

9 **CO-CHAIR GEORGE ERASMUS:** One
10 suggestion I would have is for you to get in contact with
11 the Association of Aboriginal Treatment Centres that exist
12 in Canada right across the country.

13 **MR. VANCE PEAVY:** Yes.

14 **CO-CHAIR GEORGE ERASMUS:** They treat
15 people with addictions and other kinds of problems but
16 I would think that they might be quite interested in your
17 ideas. Because what they do is they train trainers --
18 they believe they are in this work already. But they are
19 the kind of professional accreditation that you are talking
20 about that would be desired in a situation like this.
21 They might be very, very interested in working together
22 on this.

23 **MR. VANCE PEAVY:** Yes.

24 **CO-CHAIR GEORGE ERASMUS:** It is a very,
25 very relevant issue. We have heard a lot about healing

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and so very, very appropriate. Thank you for coming forth.

2 **MR. VANCE PEAVY:** I would like to make
3 one other personal comment before I leave. And that is,
4 I just want to say that working on this project has had
5 a very large personal benefit to me. I met Richard Krens,
6 whose artwork is on the front of here. And he is heading
7 up a project for the -- in Victoria for the '94 Games in
8 working on the pole that will be erected on Songes Point.
9 And we have become friends. And I am sure I would never
10 have met him if I had not got this interest going and was
11 working on this. So thank you.

12 **MR. LOU DESMARAIS, MODERATOR:** Thank
13 you, Professor.

14 The next presenter I would like to call
15 forward is Ms Rhea Joseph representing the Native
16 Brotherhood of B.C.

17 **MS RHEA JOSEPH:** Thank you.

18 I appreciate this opportunity to come
19 and speak today as I did attend the round table discussions
20 earlier this year. And, like many others, was not
21 fortunate enough to make it -- to make the kind of comments
22 that I really feel -- felt pressed to make. So I am quite
23 happy to share my thoughts with you regarding health.

24 I am of Gitksan and Wet'suwet'en
25 ancestry and I do have a long history in health care.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 I began as a registered nurse, receiving my diploma in
2 nursing from St. Paul's Hospital. I subsequently worked
3 as a general duty registered nurse for about five years
4 and returned to university to get a bachelor's degree.
5 I then qualified as a registered dietician and practised
6 as a nutritionist, a community nutritionist for about three
7 years.

8 I became very interested in general
9 health and in particular health planning. And my
10 bachelor's degree proved to be a detriment -- a handicap.

11 I needed a master's. I have received a master's degree
12 in -- Master of Science in Health Planning and
13 Administration. And in September began working at the
14 Native Brotherhood.

15 The Native Brotherhood is one of the
16 oldest organizations in Canada. In its early years, the
17 Native Brotherhood took a leadership role in health and
18 social issues and made significant contributions to
19 changes in these areas.

20 Though the past two decades -- though
21 the past two decades have seen a focus primarily in economic
22 development, in the past few years, the Native Brotherhood
23 has renewed its commitment to taking active part in current
24 health and social issues. This commitment on the part
25 of the Native Brotherhood is reflected in the five major

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 areas of health that I am currently involved in. This
2 includes: mental health, diabetes, cancer, arthritis and
3 child safety.

4 Generally, an increasing involvement in
5 health corresponds with increasing demand for First
6 Nations health workers. A report released very recently
7 by the Native Brotherhood clearly shows the shortages that
8 exist and the need for change.

9 During my presentation, I will discuss
10 the five major areas of health that I am currently involved
11 in and I will identify, in particular the challenges that
12 are being encountered. I will also summarize some of the
13 key findings from the work force report that has been
14 released.

15 These Native Brotherhood initiatives
16 must necessarily be discussed in the context of change
17 as we all look for ways to improve the health conditions
18 of First Nations people. Particularly relevant to these
19 changes are existing policy that either hinder or in some
20 cases do support the kind of improvements in health that
21 we do look for.

22 First of all, in the area of mental
23 health, in recent years we have repeatedly heard and read
24 about the high rates of suicide among First Nations people.
25 Those at highest risk, as we all know, are the male --

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 males between ages 15 and 34 years. They often have a
2 family history of alcohol and drug abuse, suicide and/or
3 child sexual or physical abuse. This individual also
4 experiences major life stressors leading to the act of
5 suicide.

6 The extent of a suicide problem in areas
7 of British Columbia is clearly described in the 1991 report
8 titled Aboriginal suicides in B.C. This report was
9 prepared by the B.C. Institute on Family Violence and the
10 provincial Aboriginal advisory committee that extends from
11 the drug and alcohol program here in the province. This
12 study shows that some villages have suicide rates that
13 are three to six times higher than the general population.

14 In responding to the identified needs
15 of its membership, the Native Brotherhood sought to address
16 the issue of suicide, in particular in one village where
17 rates are six times higher than that in the area in which
18 the village is located.

19 This is done through the formation of
20 partnerships. The partnership involves the Native
21 Brotherhood and in the case of mental health, the
22 University of B.C., Department of Psychiatry and Vancouver
23 General Hospital. The third member of this partnership
24 is the village that is involved in the initiative.

25 These partnerships that the native

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Brotherhood is involved in recognizes that there are three
2 areas of expertise that must be brought together.

3 The first, and perhaps the most
4 critical, is a social and cultural expertise in the village
5 itself. No one but the people in the village can clearly
6 describe their circumstances and what they need to improve
7 the conditions in their village.

8 The second area of expertise is a
9 technical expertise represented by that of health
10 professionals. In this case the Department of Psychiatry.

11 The third area of expertise is the
12 political and technical as well as professional expertise
13 brought together by the Native Brotherhood. As we began
14 work in the area of health, it became quite clear that
15 work done in villages is best started through partnerships
16 arranged through an organization such as the Native
17 Brotherhood.

18 In many cases, villages -- people in the
19 various villages in the province are wary of technical
20 expertise because of their poor experiences in the past.

21 And so the Native Brotherhood's involvement opens new
22 door for initiating both research and projects to address
23 the health problems that do trouble people.

24 The role of the Native Brothers has been
25 to explore opportunities, both provincially and

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 nationally. To seek out possibilities, both in terms of
2 finances and technical expertise, to address the kinds
3 of concerns that are brought forward by membership and
4 by the people of -- in B.C. as a whole.

5 The Brotherhood then sets up as
6 partnerships by bringing together the various stakeholders
7 and that's subsequently carried through by coordinating
8 and contributing to the development of the various
9 initiatives that do take place.

10 In planning means for addressing this
11 problem of suicide, it quickly became clear that the
12 standard biomedical university based project would not
13 be appropriate. In fact, it became clear from the outset
14 that there were very real concerns that were brought
15 forward by the village. Concerns that reflect many of
16 the -- many of the problems that Native people have with
17 health care and university as a whole.

18 For example, there is considerable
19 distrust with B.C. investigators. People have a long
20 memory and they do remember if an initiative had taken
21 place in one of villages in B.C. and there were negative
22 consequences to that village.

23 This is seen very -- in the very recent
24 years where a fetal alcohol syndrome project received
25 adverse media attention to the detriment of the people

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 in the village. That caused considerable grief and the
2 people who were working -- who we had been working with
3 in the area of mental health wanted to be sure that this
4 did not happen to them.

5 There is also fear that by focusing on
6 suicide one will trigger more suicides.

7 There was also a concern about the
8 possible negative social consequences of focusing on such
9 a problem as suicide. And there was also a concern about
10 who owns the information and how it will be used.

11 These concerns were dealt with through
12 the partnership agreement that had been set up, and
13 involved refocusing the initiative and drawing up a policy
14 for data ownership and confidentiality. Rather than
15 taking a standard problem oriented approach with a
16 biomedical focus, the initiative, instead, deals with
17 improving wellbeing through identifying community
18 resources and strengths that may be enhanced for the
19 benefit of the people in the village as a whole, rather
20 than focusing on the few males in the village who may be
21 considered at risk for suicide.

22 Proposals have been submitted and to
23 date we've received one quarter of the funding that we
24 hope to receive for an initiative such as this. The
25 thought was that with mental health being such a high

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 priority, both nationally and provincially, this would
2 be very well received because it has a new focus. It has
3 a focus on looking at wellbeing, a focus on strengthening
4 the resources in the village itself, rather than looking
5 at problems and how we're going to solve the problem.

6 With the 25 per cent we do have grounds
7 for a good start but we certainly look to growing in the
8 future to do the kind of long term work that needs to be
9 done and that the village people themselves want to have
10 done.

11 As I said repeatedly, mental health is
12 identified as a major concern and has been prioritized at
13 the provincial and national levels. Though policy may
14 name mental health as a priority, resourcing remains a
15 major drawback. An example is the Brighter Futures
16 Program that is now in place.

17 Funding through this project has been
18 decentralized and so we see a trickle down of a few dollars
19 to the 196 bands here in B.C. and I've heard it said that
20 the future really isn't very bright with the very small
21 amount of money that does end up in the band that is trying
22 to do something big and important to them in resolving
23 the issues around mental health and child safety.

24 When First Nations speak of their
25 health, you will hear them refer to experiences of wellness

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and wellbeing. These references are supported through
2 findings in my study -- my thesis study that examines health
3 meanings.

4 In the round table we had a presentation
5 where there was a call for definition of health according
6 to Native people and certainly there has been a start.
7 And when we hear Native people talk about their wellness
8 and wellbeing, this is an important start.

9 The study that I did involves two
10 northwestern tribes in B.C. who represent two distinct
11 societies but who, through a long history of close
12 association, share many institutions, beliefs and
13 practices. This includes holding similar views on health
14 experiences.

15 The Gitksan and Wet'suwet'en have a
16 holistic view of health, with the spirit occupying a
17 dominant and central position in the physical, mental and
18 spiritual complex that they refer to when speaking of
19 wellness and wellbeing. The spirit also interconnects
20 the individual with the family, the clan, the village,
21 the tribe and the land itself.

22 When well and strong, the Gitksan and
23 Wet'suwet'en say they are able to do anything. This
24 wellness experience is accompanied by a positive sense
25 of wellbeing. Though overlap exists in wellness and

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 wellbeing, word usage by these people suggests that
2 wellbeing is a distinct experience and is important as
3 being well.

4 Though findings in this particular study
5 are specific to these two groups, common features do exist
6 when we hear other tribes in Canada talk about their health
7 experiences. This is particularly so in relation to the
8 holistic conceptualization of health where the spirit
9 occupies a dominant force.

10 In -- among the Gitksan and Wet'suwet'en
11 there is no mother tongue word for health. However, they
12 do have a word for strength, which is interchangeable for
13 health. They also speak of wellbeing. This wellbeing
14 is associated with high self-esteem, a feeling of being
15 at peace and being happy.

16 The need for action in the area of mental
17 health is clearly shown when we see the gap that exists
18 between the high suicide rates on the one hand and a
19 preference for this positive sense of wellbeing on the
20 other. There is a need to use that holistic perspective
21 that clearly links social and economic factors to the
22 wellbeing experience. This includes employment and
23 education, for example.

24 Clearly where you have 85 per cent high
25 school dropout rates and 65 per cent unemployment rates,

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 this is clear ground for lowered senses of wellbeing.
2 And lowered wellbeing and perhaps even suicide will remain
3 our reality until these issues become addressed.

4 Health policy must support these
5 initiatives that are holistic in nature and that are
6 directed to achieving the goal of improving wellness and
7 wellbeing. In addition, policy in all areas including
8 education and unemployment, need to explicitly link with
9 the goal -- the health goal of improving wellness and
10 wellbeing.

11 The secondary health concern is that of
12 diabetes. Diabetes is consistently referred to as an
13 epidemic by all First Nations people in Canada and
14 certainly here in B.C. as well.

15 Prior to 1940, diabetes was largely an
16 unknown condition. Today, we see communities in B.C.
17 where one in four people over 35 years do have diabetes.

18 Risk factors include a family history, having an excess
19 body weight and women who have large babies.

20 In B.C. experience, between 1975 and
21 1990 -- pardon me -- 1987 and 1992, a five year period,
22 we have seen an increase in diabetes that is 150 per cent.

23 The greatest change is seen in the northeastern part of
24 the province.

25 Prior to 1987, it was thought that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 diabetes was largely a problem of the coastal area
2 communities. This is not so. The dramatic increase in
3 the northeast possibly reflects an improvement in
4 diagnosis. Nevertheless, it is a very real problem.

5 Most disturbing to me, is the report that
6 -- from Children's Hospital that there are increasing
7 numbers of children with insulin dependent diabetes.

8 Now, the diabetes that affects most
9 Native people is Type II or adult onset diabetes. Among
10 adults insulin is not required to maintain life. But when
11 we see children with insulin dependent diabetes, these
12 children depend on insulin injections on a regular basis
13 to maintain life and that's really, from my point of view,
14 scary if this does become a problem among Native people.

15 It's a big enough problem trying to
16 assist adults in managing their condition, never mind,
17 trying to keep alive children whose life depends on
18 receiving the insulin injections.

19 As you all probably know, there are
20 several life threatening complications associated with
21 diabetes, but I refer only to kidney problems. Other
22 complications include heart disease, blindness and
23 amputations. But again, I will only refer to kidney
24 problems.

25 In the second international conference

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 that was held early this month, a report was presented
2 by a doctor from the Saskatoon hospital. He shows in his
3 study that end-stage renal disease is six times higher
4 among First Nations people in Saskatchewan as prepared
5 to the general population. End-stage renal disease is
6 a kidney failure where life depends upon dialysis on a
7 regular basis.

8 This higher stage of -- this higher
9 rate -- this higher incidence of end-stage renal disease
10 is comparable to what is being experienced in the United
11 States, which have reported over the last few years that
12 there are 67 times higher rates of end-stage renal disease
13 or kidney failure. Although there are no reports here
14 from B.C., the community health workers do report that
15 there are increasing problems of people with diabetes
16 having kidney problems.

17 Indications are that there is about a
18 10-year lag between the experiences of the people in the
19 United States and what is happening here in B.C. among
20 people with diabetes. And it's really critical that we
21 look at what they are doing. What they have done that
22 has helped them in managing the problem, because we must
23 learn from them and not re-invent the wheel.

24 In looking at what is happening and being
25 reported at this health conference -- diabetes conference

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 it was quite striking the resourcing level that is
2 available to the First Nations people in the United States.

3 No where near the amount that is available in Canada and
4 certainly not in B.C.

5 The Saskatoon study does not offer any
6 explanation for why this kidney damage is so much higher
7 than the general population. What is known, however, is
8 that high blood pressure is associated with kidney damage.

9 In the general population there is a
10 standard cutoff point for what is defined as high blood
11 pressure. This cutoff point may not be relevant to Native
12 people because there are now suggestions that Native people
13 generally run a blood pressure that is lower than the
14 general population.

15 And so if they do see a creeping up of
16 blood pressure, they may still not reach that cutoff point.

17 And so because they haven't reached the cutoff point for
18 what is described as high blood pressure, they may not
19 be receiving the kind of treatment that they need.

20 And so this may contribute to -- it may
21 contribute to this higher rate of end-stage renal disease.

22 Clearly there's a need for more research in this area
23 to see if, in fact, this is one of the possible
24 explanations.

25 Kidney damage that is so bad that

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 dialysis is required is unquestionably a situation where
2 wellness and wellbeing is very definitely undermined.
3 And as we looked at the number of people -- increasing
4 numbers of people with diabetes, we can see in the future
5 that there are going to be increasing numbers of people
6 with kidney damage among the other complications that do
7 arise from this condition.

8 Awareness and education are two of the
9 key areas that are important in addressing this issue of
10 diabetes. In B.C. there are known to be 50 education
11 centres for the general population -- diabetes education
12 centres. And though these education centres may be across
13 the street from Native people, there is a problem with
14 access.

15 These problems in access are not a
16 physical distance issue, but rather the social and cultural
17 barriers that do exist. Health care itself represents
18 a very distinct culture and its a culture that Native people
19 are not comfortable in for a variety of reasons. For
20 example, the language that is used is a turn off when --
21 as soon as you answer the door. In diabetes education,
22 the pace is too fast and the words that are used are not
23 understandable or relevant to the life experiences, the
24 day to day experiences of these people.

25 There is also a very real problem of

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 insensitivity on the part of the health care givers. There
2 is a very strong reluctance to acknowledge that and
3 prejudice may be an underlying factor, but still it is
4 an issue and will remain a problem until it is owned by
5 all of the parties that do engage in this kind of behaviour.

6 There is also a lack of support in the
7 community once these people return home. A question is
8 how well does their education translate to their home
9 environment and whom do they have to support them in the
10 village once they get back there. Everything falls back
11 to the CHR, but it's clear that the CHRs do not have the
12 kind of education that they need to assist these people
13 who have diabetes.

14 In B.C. I'm involved in a diabetes
15 working group for First Nations Health. This is the name
16 of our group -- a voluntary group of six people. And we
17 have been meeting for roughly two years now and it's become
18 clear to us that the priorities are in training and resource
19 development.

20 We are right now working at beginning
21 to look at how we might plan training for CHRs, nurses,
22 and community people. Our biggest hurdle at the outset
23 is to find funding and then we need to get the people
24 together to plan this, because it's important that whatever
25 training is provided is relevant to and useable by the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 people in the various villages.

2 The priorities that I mentioned again
3 are our resource development. There's a clear call for
4 resources that are culturally relevant. There is also
5 a very real need to increase awareness about what the risks
6 are and what one can do to minimize the possibility of
7 getting diabetes if these risks are present in the
8 individual.

9 In the future, once strong initiatives
10 are in place, there may be call for coordinators. But
11 with 196 villages in B.C., one coordinator will not do
12 the job. There will need to be several and again, here,
13 funding becomes a big issue.

14 There needs to be a national campaign
15 to increase awareness of the problem of diabetes. It would
16 be especially helpful to the region to have the National
17 Campaign create a framework that allows the regions or
18 provinces to fit into the process according to local needs
19 and with the -- with necessary resources allocated to the
20 region to support the kind of work that is needed to carry
21 out an awareness campaign.

22 Though diabetes has been identified as
23 a major health issue, at the provincial and national
24 levels, as I've been saying, resourcing has not supported
25 initiatives in these areas. Perhaps as important, has

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 been a lack of support by -- by the leaders throughout
2 Canada and certainly here in B.C. as well.

3 One important exception that I do want
4 to mention, is Simon Lucas's presentation at this health
5 conference -- this diabetes conference that I just
6 attended. He was very upfront and I think shocked the
7 pants off some of our non-Native friends there. Because
8 he said -- gave a lot of personal information that people
9 would ordinarily be fearful of talking about. And he used
10 humour in such an important way, a traditional way of
11 teaching that was so effective.

12 He tells us that when he developed
13 diabetes the doctor told him and he was rather nonchalant
14 about it. And the doctor was really perplexed because
15 people go bananas when they hear they have diabetes. And
16 Simon Lucas's response to the doctor was that all of my
17 political friends have diabetes so I, you know, it's
18 nothing new to me.

19 And so this, I think, represents a very
20 real resource for us as we look at increasing awareness
21 of diabetes. Leaders clearly experience and know of the
22 problems associated with diabetes and we do need to have
23 them on board to increase public awareness of the extent
24 of the problem and what we need to do to address the problem.

25 We need more speakers and teachers like

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Simon Lucas. He was excellent. In fact, for the next
2 conference he's been -- he's been already identified as
3 one of the speakers that we need to have there.

4 The third health area that the Native
5 Brotherhood is involved in is in the area of cancer. I'm
6 working half time at the Native Brotherhood and half time
7 at the B.C. Cancer Agency. This partnership was arranged
8 through -- through work -- early work by the Native
9 Brotherhood in 1992.

10 The B.C. Cancer Agency has shown through
11 its work -- past work, that there are areas in B.C. where
12 there are higher rates of cancer among Native people.
13 In particular, cervical cancer.

14 At present Native women are six times
15 as likely to die from cervical cancer as in the general
16 population. There is no true increase in cervical cancer,
17 but rather there is an increasing gap in deaths. There
18 are fewer non-Native women dying and perhaps the same
19 number of Native women dying. It's largely due to low
20 use of Pap tests by Native women.

21 When the B.C. Cancer Agency was able to
22 show that there are distinct areas in B.C. where Native
23 women are more likely to die of cervical cancer, they
24 initiated a project to look at what might be done to improve
25 Pap testing. And also to examine use of Pap tests by Native

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 women in this area. This study clearly showed that in
2 the general population, 85 per cent of non-Native women
3 Pap test on a regular basis. This compared to 52 per cent
4 of Native women who Pap test.

5 This very low rate of Pap testing by
6 Native women is thought to be the main reason for higher
7 cancer deaths -- cervical cancer deaths. The project's
8 goal, as I mentioned, is to improve Pap testing by Native
9 women.

10 The B.C. Cancer Agency also shows that
11 Native people may experience other cancers at higher rates
12 than the general population. One example being
13 gallbladder cancer. The community perception also is that
14 there's increasing rates of cancer and cancer is associated
15 with changes in food habits and use of contaminated land
16 foods.

17 Use of land foods is a vital and
18 important cultural expression. Not only is it an
19 important part of cultural expression, but it can be a
20 helpful kind of a diet. Particular, for example, the
21 person with diabetes. Use of wildgame and use of fish,
22 both of which are lower in fat than the beef and pork that
23 you buy in the store, is a much better choice for people
24 with diabetes. But, again, there is very real concern
25 about contamination.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Given the importance of traditional
2 foods, it becomes essential that policy explicitly link
3 food and culture to wellness and wellbeing. And that this
4 policy be supported by action to protect and enhance
5 traditional foods.

6 A fourth area of health concern I only
7 briefly mention is that of arthritis. In addressing this
8 problem, the Native Brotherhood again sets up a partnership
9 relationship with the Vancouver General Hospital, the
10 Arthritis Society and a tribal group here in B.C. who has
11 clearly identified that arthritis is a big concern to them.

12 In dealing with the problem of
13 arthritis, health professionals, and especially doctors,
14 must accept and respect the views of community people as
15 ways are sought to research the problem and to find ways
16 to prevent and manage the condition.

17 A final area that I want to address is
18 that of child safety. Here -- when the Native Brotherhood
19 became publicly involved in health with -- over the past
20 year, this came to the attention of Children's Hospital,
21 who invited Native Brotherhood to come and talk about the
22 concern -- common concerns relating to child health.

23 Children's concern was that they were
24 not adequately meeting the needs of First Nations children
25 and their family. In addition, in the health work force

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 that I will be briefly referring to, the Native Brotherhood
2 was able to report and show that there are numerous problems
3 experienced by people who come to the city for specialized
4 health care.

5 In response to this particular concern,
6 we are looking at developing a First Nations patient
7 advocate position on what is -- has been referred to as
8 the Shaughnessy site but with the changes that are
9 occurring it will probably gain a new name. But it is
10 a children's grace site -- Grace Hospital site right now.

11 We are at the point where we have a job
12 description in place and we were confident that there was
13 funding available through Children's Hospital for this
14 position. But we are now in a position where funding may
15 not be as readily accessible as we had hoped, but still
16 it's something we will consider to pursue because this
17 is a critical -- critical area of health care.

18 Particularly people who come into Vancouver and who
19 encounter cultural shock. Not only health care culture,
20 but also the culture of the city -- Vancouver city.

21 In becoming acquainted with Children's
22 Hospital and all that is provided, it became known that
23 they are and have reason to become more involved in child
24 injury prevention. This is also an area that has been
25 identified for action through the Brighter Futures

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June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Program.

2 The Native Brotherhood -- because child
3 injury prevention was such an important issue in terms
4 of the Brighter Futures' priorities, but also what we're
5 hearing from the communities, a decision was taken to look
6 at this area of health.

7 Originally we looked at inviting member
8 bands to take part. Bands that were already committed
9 to working in the area of child injury prevention who had
10 prioritized this area of action through Brighter Futures.

11 We were able to -- we were able to start work with a coastal
12 band in the northern part of Vancouver Island.

13 This injury prevention program is
14 intended to be provincial in scope and so there was a
15 concern that whatever developed in a coastal village may
16 not be relevant to interior bands. So we subsequently
17 have involved an interior group as well looking at child
18 injury prevention.

19 The concerns relate to unsafe
20 environments, unsafe homes and poor parenting skills.
21 These poor parenting skills often track back to the
22 intergenerational effects of residential schools. Based
23 on the needs of the communities we are now looking at
24 training -- at the training requests as they relate to
25 parenting. This may require modifying existing parenting

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 teaching packages to increase relevance to First Nations
2 people.

3 In terms of Brighter Futures, funding
4 has been decentralized. The funding through Medical
5 Services has been decentralized and the actual allocations
6 to the bands, I said, are -- are a trickle down of very
7 small amounts that really limits the scope of what can
8 be done.

9 This process and this method of
10 allocation excludes the Native Brotherhood. The Native
11 Brotherhood provides -- works with on-reserve people, the
12 member bands associated with the Native Brotherhood.

13 The second aspect of this Brighter
14 Futures program involves a provincial/federal agreement
15 for funding. However, early indications are that this
16 provincial funding criteria targets off-reserve Native
17 people and Metis. Again, these potentially excluding any
18 work that might be done by the Native Brotherhood.

19 The increasing involvement in planning
20 for and providing health services necessary, increase
21 demand for health workers, as I previously mentioned.
22 What has not been known is how many Native health workers
23 there are actually are. To address this information gap
24 the Native Brotherhood undertook a study to describe the
25 existing work for us then to identify shortfalls.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 The Native health work force study shows
2 there are roughly 900 Native health workers in B.C. About
3 half of which includes such paraprofessionals as the CHR,
4 the community health worker and NADAP counsellors. About
5 one in four are professionals. And about one in four are
6 support workers. This including -- these support workers
7 including cooks, janitors and clerical staff.

8 Overall the Native health work force is
9 approximately 6 per 1,000 Native population, as compared
10 to 33 per 1,000 for the B.C. population. Clearly the
11 demand is not drawing from a very big pool. And in the
12 work that we're doing as Native Brotherhood as we look
13 at getting initiatives in place, there is a very real
14 problem in trying to identify and bring into the
15 organization health professionals who are of Native
16 ancestry.

17 And the Native Brotherhood is committed
18 to having on staff professional Native people. Clearly
19 this health work force does not and cannot meet the evolving
20 needs of First Nations people within B.C. who are moving
21 towards community based health care. Shortfalls exist
22 in all categories. This is most marked in the professional
23 category where existing health priorities point to a need
24 for such specialized workers as health nurses, social
25 workers, counsellors, nutritionists, planners, physicians

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and therapists.

2 Meeting these health work force needs
3 requires innovative responses within the communities in
4 the educational system and in the health care system
5 itself. Clearly policy must support the kind of work,
6 the kind of recruitment, the kind of health care promotion
7 that is needed to increase the number of Native people
8 working in health.

9 In my summary I have only briefly touched
10 on several health issues including mental health,
11 diabetes, arthritis, cancer and child safety. All of
12 these health issues represent challenges for change.
13 These challenges necessarily relate to existing policy
14 and how that policy either hinders or supports change.

15 In considering the health of the First
16 Nations people in Canada and in B.C., there is clearly
17 a need for a better understanding of what health means
18 to Native people. I give an example of one group who
19 describe their health experience in terms of wellness and
20 wellbeing and certainly their -- their conceptualization
21 of health does not represent other tribes in B.C. or Canada.

22 But there are common themes to draw upon.

23 In looking at health meanings we do need
24 a health goal for Native people. A very critical failing
25 of the health care system in Canada as a whole is the that

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 there is no clear health goal and so health policies are
2 perhaps random. And there is no clear connection to what
3 we want to achieve in terms of health and what we're doing
4 to improve health.

5 So we need to understand what health
6 means to Native people and we need a health goal. We also
7 need clearly defined health policies that support
8 achievement of that goal. Not only health policy, but
9 policies that relate to all other domains that do affect
10 the wellbeing experience of Native people. This includes
11 education. It includes employment. It includes land
12 claims. It includes resource management. All of these
13 must lead back to wellness and wellbeing.

14 So that we do, in fact, see a future where
15 Native people are strong and vital and important
16 contributors to society, which today we are in, perhaps,
17 an unrecognized manner. But there is more for us in the
18 future as we gain in strength.

19 Thank you for allowing me this
20 opportunity to present and I'll be happy to answer any
21 questions.

22 **CO-CHAIR GEORGE ERASMUS:** Thank you for
23 your presentation. It was very, very thorough.

24 Are you aware of the work that is being
25 done on the Kanawake reserve on diabetes?

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MS RHEA JOSEPH:** Yes, I communicate
2 often with Arethea Kewayosh who is the national "diabetes
3 coordinator". And we -- people involved in diabetes are
4 very well aware of this training model that is now being
5 finalized.

6 And as we look at training for CHRs and
7 nurses in B.C., this is one model we need to look at.
8 And we also need to consider the model that has been
9 developed by the Sto:lo people here in B.C. because we
10 -- it is important that we do not try to re-invent the
11 wheel. There is good work out there and we need to look
12 at it.

13 But yes, we are aware of the Kanawake
14 model.

15 **CO-CHAIR GEORGE ERASMUS:** When you were
16 saying that there is a 10 year lag from what happens in
17 the United States in relation to Canada, were you referring
18 to medical conditions? I knew that the politics
19 generally, the government's policies and stuff would --
20 a lot of times the U.S. would do something and then the
21 Canadian government would be doing something. I was aware
22 of that. I had never realized that in relation to medical
23 conditions that there was a 10 year lag.

24 Is that what you were referring to?

25 **MS RHEA JOSEPH:** Yes, in looking at the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 whole issue of diabetes among Native people in the United
2 States, they have a longer history in their experiences
3 with diabetes. Why there is a delay in outright diabetes
4 in Canada, I don't know. But there is clearly this lag.

5 And we see increases in diabetes today
6 that are comparable to increases in diabetes that were
7 experienced in the United States roughly two years ago.

8 But the increases are the same but there's a 10 year
9 difference in when it happens.

10 And so 10 years ago there has been an
11 increase in diabetes in the United States and now they
12 are seeing the very serious health consequences of
13 diabetes. And the problems that they have in managing
14 and in preventing the condition. And so we are in a
15 situation today where the United States was 10 years ago.

16 And so we need to look today at putting
17 in place the kind of responses that they have shown that
18 do succeed in managing and controlling the condition.
19 So we need to bring forward their experience.

20 What is really important and what was
21 so obvious in this recent diabetes conference is how well
22 resourced the United States people are in terms of managing
23 this particular condition. A resourcing level that in
24 no way compares to what is happening here in Canada.

25 In the area of research itself, we do

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 need more information, as I have mentioned, and the whole
2 issue of high blood pressure, what is hypertensiveness
3 among Native people and at what point do they actually
4 be described as a person with high blood pressure. Is
5 it the same as the general population or is that a lower
6 blood pressure. And if so, what do we need to manage the
7 condition.

8 **CO-CHAIR GEORGE ERASMUS:** What kind of
9 resourcing are we talking about that is available in the
10 United States? Just give us a bit more example.

11 **MS RHEA JOSEPH:** The United States has,
12 I think there is reference to 17 major programs in various
13 parts of the United States that focuses only on dealing
14 with diabetes.

15 We have one example of the Zuni people
16 in New Mexico who have a very extensive program for the
17 Native people in that area alone. The Zuni people have
18 a history of being excellent runners and over the years
19 they lost this part of their cultural expression. And
20 we look at diabetes and one of the important ways of dealing
21 with the condition, physical exercise is one of the key
22 components to managing diabetes.

23 And some of the Zuni people look to their
24 history. Recognizing that running was an important part
25 of their culture, they set up a program that focuses

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 entirely on physical exercise. And they have major prizes
2 for the kind of contests that they run to encourage people
3 to exercise. They have trips around the world. They have
4 major appliances as prizes for winning. It's very well
5 resourced.

6 Simply a program that builds on a
7 traditional strength. This is only one of the programs,
8 that one in New Mexico. So they are very well resourced,
9 both in terms of the kind of services that are provided
10 and the kind of resources that are available for research.

11 There are -- there are as well many more
12 Native health professionals in the United States. They,
13 obviously, have a larger population.

14 **CO-CHAIR GEORGE ERASMUS:** Thank you.
15 Do you have any questions?

16 **COMMISSIONER VIOLA ROBINSON:** No, I do
17 not -- you certainly gave a very thorough review of --
18 of the kinds of challenges that you are faced with in doing
19 your work in health. And -- but you made reference of
20 shortfalls of special workers, I guess professional people
21 -- professionals in the health professions --
22 nutritionists and therapists and this kind of thing.

23 What plans do you have in improving that?

24 **MS RHEA JOSEPH:** This report that just
25 has been released by the Native Brotherhood, clearly shows

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 where the shortfalls are. And it necessarily becomes an
2 issue that will involve a multitude of players. It must
3 involve a multitude of players, including the education
4 system itself, including the health care system. As well
5 as leadership and the Native organizations throughout B.C.

6
7 The Native Brotherhood itself in
8 responding to this shortfall is looking at ways to promote
9 health careers as an option. Health careers must be
10 promoted as an option to children who are in grades 6,
11 7 and 8. At this level they must become aware of the
12 opportunities available to them in health care, for
13 example. And they also need the kind of support and
14 channelling that is needed at that level to be sure that
15 Native people do have the science background that is
16 required for succeeding in the health professions.

17 So the Native Brotherhood is looking at
18 ways to promote health careers and we are currently looking
19 at other possible means for increasing participation in
20 the health field. The doctor that presented to us
21 previously, presented us with a very a good example of
22 what is going on and what needs to be, perhaps, coordinated
23 in a better way so that everyone does become aware of what
24 they are doing. The Department of Social Work itself as
25 well as the Faculty of Medicine at UBC.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **COMMISSIONER VIOLA ROBINSON:** I guess
2 this would be a part of a national campaign to create
3 awareness?

4 **MS RHEA JOSEPH:** Education itself is so
5 important, whatever you look at, whatever field the child
6 chooses. But, obviously, my preference is in the health
7 field. But throughout Canada there is a need for better
8 education for Native people and certainly more educated
9 people in the health professions. And certainly there
10 would be value for an awareness campaign nationally.

11 When we look at TV we see role models
12 that are either -- they're white, they're non-Native or
13 they're Chinese. We don't see enough role models on TV
14 where most people spend their free time looking. We don't
15 have enough role models in this area.

16 So we need to look at some way of
17 increasing visibility of Native people. Visibility and
18 acceptance and recognizing that there is potential here.
19 There are human resources that we do need to tap into
20 and to develop.

21 **COMMISSIONER VIOLA ROBINSON:** Okay.
22 Thank you.

23 **CO-CHAIR GEORGE ERASMUS:** I hope you are
24 going to leave us copies of what you were reading.

25 **MS RHEA JOSEPH:** I will provide you with

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 copies.

2 **CO-CHAIR GEORGE ERASMUS:** And the study
3 that you are talking about that the Native Brotherhood
4 did that shows the shortfalls would be very useful.

5 **MS RHEA JOSEPH:** Yes, actually it is a
6 very good report that provides useful baseline information
7 and, in fact, a copy has been provided to your support
8 staff.

9 **CO-CHAIR GEORGE ERASMUS:** Thanks.

10 **MS RHEA JOSEPH:** So it is available to
11 you.

12 **CO-CHAIR GEORGE ERASMUS:** Thank you.

13 **COMMISSIONER VIOLA ROBINSON:** Thank
14 you.

15 **MR. LOU DESMARAIS, MODERATOR:** Thank
16 you, Rhea. We are actually a little bit ahead of time
17 but we are going to stop and have a coffee break at this
18 point. We will reconvene in 15 minutes.

19 --- Upon recessing at 2:56 p.m.

20 --- Upon resuming at 3:15 p.m.

21 **MR. LOU DESMARAIS, MODERATOR:** This
22 afternoon, representing the Native Homemakers'
23 Association of B.C., if they are here. Florence, is that
24 you and your group?

25 Could you come forward please and occupy

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 the chairs here to my right please. And the normal
2 procedure is that you introduce yourselves, make your
3 presentations and then questions follow after that from
4 the Commissioners.

5 So I will turn the microphone over to
6 you.

7 **MS BRENDA WESLEY:** Hello. My name is
8 Brenda Wesley. That's my Christian name and I would like
9 to greet Mr. Erasmus and Ms Robinson again.

10 My Indian name is Hs'weldukit (PH). I'm
11 the wing Chief that protects our Head Chief of the Skeena
12 Valley in the House of Ach'bokwat (PH) who most people
13 will know as Kenneth B. Harris.

14 I've been with the Indian Homemakers
15 since 1975. We are the senior provincial body of the
16 women's groups. The Indian Homemakers were incorporated
17 in 1969.

18 When I was working for the Ministry in
19 1975, I did my training period with the Indian homemakers,
20 the Native court workers and what was then the B.C.
21 Association of Non-Status Indians, which is now the United
22 Native Nations. These were the organizations that I chose
23 to -- as a liaison between their families and the Ministry,
24 which is now the Ministry of Social Services.

25 The Indian Homemakers when they started

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 in 1969, they had a vision. And their vision was to achieve
2 social justice, to obtain economic independence, to
3 preserve the integrity of the family and to live our lives
4 in peace and harmony with nature. And that has been
5 incorporated into our mandate all throughout the years.

6 And Florence Hackett is the family -- was the head family
7 counsellor and she is now the socio-economic program
8 developer. And some people know that as an office manager.

9 We made a presentation to the
10 Commissioners yesterday in which Florence gave our new
11 vision. And she did it so well, she is going to repeat
12 it today, which is to ask for and get a base -- a home
13 base for a women's collective. We need a women's centre
14 in which to implement the original objectives that the
15 Homemakers have to achieve social justice.

16 Right now our focus is on co-op
17 parenting. We would like the natural parents -- the
18 natural parents have input into foster home parents and
19 also have input in how the Ministry places the fetal alcohol
20 syndrome children into non-Native foster -- foster
21 families right from the hospital. That is something we
22 would like to see changed.

23 We are hoping that in this women's centre
24 we will have trained family counsellors and psychologists
25 that will help with the in depth problems that our First

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Nations families have ingrained. We all know what the
2 problem is and our solution will be a woman's centre.

3 We are a matriarchal society and we would
4 like our First Nations women to take their original place
5 in the First Nations circle as a whole. And in this women's
6 centre we would have our economic independence. And one
7 of the -- one of them is to preserve our culture. First
8 Nations women the traditions are nurturing and the -- to
9 preserve the integrity of the family is always our focus.

10 I want to say that our youths are now
11 -- they have not only cultural sensitive programs but
12 pertinent programs. Pertinent to families that are living
13 below the poverty level.

14 And we want all our literature -- we want
15 money to put out literature, so that our families -- our
16 families will understand what we are talking about rather
17 than having -- well, when we discuss it the three syllable
18 words, we call them the marmalade words. The one's who
19 put out these pamphlets they may have their BA and MA but
20 to a single mom who has dropped out in grade 9, she'll
21 scan them and have someone else explain them.

22 And if we had a woman's centre we could
23 have these people there at the fingertips of the families
24 under the poverty level. And that is -- is the primary
25 objective of the Indian Homemakers is to help our families

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 get above that poverty level with some training in -- to
2 get into academia and some training in vocational skills,
3 as well as parenting skills, which seems to be one of the
4 major factors in family violence these days.

5 We're finding that is one of the major
6 factors in the women that come into -- another organization
7 I've worked for, I'm a frontline worker for community
8 services in two organizations. One is our Indian
9 Homemakers and another is the Family Violence Centre, the
10 Happy Spirit Lodge. And the networking is excellent.

11 The Happy Spirit Lodge provides the
12 emergency shelters and then refer for long term counselling
13 to the Indian Homemakers and other Native organizations.

14 And with our parenting skills, we want Elders to be not
15 only on the advisory boards, but to be active participants.

16 And we could set up -- right now we're starting that.
17 We're setting up our office to accommodate Elders.

18 And if we had the women's centre, the
19 Elders would have their respect and they'd be active and
20 they'd pass on their wisdom in parenting skills that's
21 not only culturally sensitive but culturally pertinent.

22 Florence is -- has been with -- I'll
23 introduce Florence. A lot of you know her already. She's
24 been with the Indian Homemakers for eight years now and
25 she's our Peter at the Homemakers.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MS FLORENCE HACKETT:** My name is
2 Florence Hackett. My Indian name is Turtle Woman. The
3 meaning of the name is to bring unity and peace amongst
4 all my people and to bring peace between the families.

5 The recommendations that we would like
6 to make at the Indian Homemakers' Association is dealing
7 with the problems and the mandate of the Indian Homemakers
8 that we have been working with in the last eight years
9 that I've been there.

10 One of the mandates of the Indian
11 Homemakers is dealing with child apprehension cases, which
12 as risen to 51 per cent in the last years and the majority
13 of the children that are in child apprehension are our
14 Native children. And we feel that since the majority of
15 the -- the children that are in foster care and in other
16 areas, we feel that maybe it's about time that the
17 government recognizes that the First Nations families and
18 the First Nations women will be the ones that will start
19 the healing in our communities.

20 We cannot start this healing without the
21 funding that is necessary for the workers to come into
22 play to start healing their people. We would like to
23 recommend funding for the First Nations Aboriginal women
24 to start working with the Elders, and as a family as a
25 whole, to be funded in situations such as parenting skills,

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 to start their own parenting skills. Because the
2 parenting skills that do exist in non-Native situations,
3 the First Nations Aboriginal women cannot understand, the
4 situation of difference in culture that is happening there.

5 The majority of the women that end up
6 in foster parenting skills end up with a conflict of
7 interest. Their grandparents have told them how to bring
8 their children up and how to feed their children and how
9 to discipline their children. But in the foster parenting
10 skills program that does exist now, teaches them otherwise.

11 So we would like to see the Elders become
12 our foster parenting skills teachers. To continue their
13 teaching with our younger women and our younger mothers
14 and our children. We would like to see funding come in
15 that area for parenting skills for First Nations Aboriginal
16 people.

17 We would like to have child sexual abuse
18 counsellors for the things that have happened to us in
19 the past 500 years. The residential schools have shown
20 a great damage to our people. Many of our people in the
21 residential schools were violated. They went through
22 child sexual abuse, physical abuse, mental abuse and
23 emotional abuse.

24 We would like to see funding for the
25 workers that need to serve as sexual abuse counsellors

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 to start the healing process in our communities; to change
2 the values of the attitudes of our people to return to
3 respecting each other and learning to become loving,
4 nurturing parents and loving, caring support groups that
5 will be able to serve our people; to accommodate our people
6 to be the respectable people they used to be and also to
7 start the healing process in our Native families.

8 We would like to have sexual abuse
9 counsellors as First Nations Aboriginal people because
10 we do understand each other's pain and scars that we have
11 gone through. We feel the non-Native community understand
12 their own pain but don't have the same standards and
13 understanding of how to heal us.

14 We would like to see sexual abuse
15 counsellor funding for our people to be able to start the
16 process that we need in starting our healing with our own
17 generation in order to break the chain of child sexual
18 abuse, rape amongst the women, family violence that are
19 happening in our homes. We need funding in these areas
20 to look at these issues and to start them.

21 We are also looking at job training for
22 our Native women because the Minister of Social Service
23 and Housing are asking our Native women to get off Welfare
24 and to get back into the community as a workforce. We
25 cannot serve this purpose unless we have job training for

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 our First Nations women to be able to go to. Because a
2 majority of our women have stopped the grade schools in
3 grade 8 because the policy in the sixties was that all
4 Native women had to be removed out of school at the level
5 of grade 8 and 9, when they turned 16, because they weren't
6 looked at as a sufficient, valuable worker at that time.
7 So that has become a problem today.

8 We have to look at job training on those
9 basis for our First Nations women to become qualified
10 workers in their own Native community. We would like to
11 see more job training funding geared towards First Nations
12 women and First Nations people in order for them to go
13 back into their communities and to work for their own
14 people.

15 I guess basically the Indian Homemakers'
16 Association is also working with the Burnaby Correctional
17 Centre for Women Inmates. We would like more program and
18 funding for the BCCW women inmates in order for them to
19 have a need back in their community. We would like to
20 see more funding for the Elders to be there to comfort
21 these women and to teach them and to find their foundation
22 in their community.

23 We would like to have travelling funding
24 for the women to be able to access their children, to have
25 home visits with their mothers in prison and to be able

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 to be there for a family bonding between each other instead
2 of separation.

3 We would like to see programs there to
4 help the Native women inmates to understand their legal
5 rights. Funding for these women to have workshops to be
6 put on by Aboriginal women to inform these women about
7 their rights and to be able to get on parole and get back
8 into their communities.

9 We would like to see funding for a
10 halfway house for the First Nations women to be able to
11 go into instead of when they're unable to pay their fines
12 to go into the prison, we would like to see them go into
13 a halfway house and be rehabilitated and be rebonded with
14 their family. We would like to see funding geared towards
15 a halfway house for the First Nations women and their
16 children.

17 We would also like to see more funding
18 for arts and crafts for the First Nations women to be able
19 to develop their traditional regalias to find their
20 spiritual foundation and to put into action their spiritual
21 foundation. To feel some dignity within their own
22 spirituality but within leadership in their own
23 communities.

24 We would like to see funding for the
25 women that are basically in need, that are in poverty,

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 that cannot access programs for their children because
2 of a lack of funding. In other words, we'd like to see
3 children more into the -- to be funded towards getting
4 into sports where we lack funding. We never see a First
5 Nations person in the Olympics or in hockey or in other
6 baseball games, because we lack the funding to provide
7 for our children to join these functions to keep them off
8 the streets.

9 And we would like to see our youth get
10 more funding to be rehabilitated or to find access to more
11 job training facilities or to go into encouraging them
12 for their educational areas. We are running across a lot
13 of our youth that are ending up down on Hastings Street
14 prostituting and getting into drugs because they don't
15 have a place to go to they can feel safe or they can find
16 some guidance or strength from the older people.

17 We would like to see more funding geared
18 towards those areas where the youth will have someone to
19 look towards, maybe a Big Brothers or Big Sisters
20 foundation or peer youth counselling for them to be able
21 to resolve their own issues and to stop suicides amongst
22 our First Nations people. As well as the mothers that
23 lose their children commit suicide. We would like to have
24 a program where it would be funded for these women to be
25 able to go to grieve for themselves and for their losses

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 they've gone through in the past.

2 We would like to see funding for HIV
3 positive women that are dying today. Because these women
4 are being left out that are HIV positive and their families
5 cannot access them because they don't have the funds to
6 travel to support their children when they're dying in
7 the hospitals. We'd like to see funding -- recommended
8 funding for travels for the parents to be able to go to
9 the hospitals to support their dying sons and daughters.

10 We would like to see funding for the
11 grieving parents, to come together to grieve for the losses
12 that they are going through. Not only through HIV
13 positives but through other losses of overdoses and drugs
14 that are happening in our communities.

15 I believe the Indian Homemakers'
16 Association has served its services not only to the urban
17 setting but to the reserve levels as well. We have also
18 created a newsletter to get back in touch with our Native
19 community to inform them and to make them aware of what
20 is happening at our level. And we will try to get our
21 newsletters out once a month to be in touch with our
22 communities.

23 We have gone through a lot of travels.
24 We have went to Prince George, Masset, Prince Rupert,
25 Duncan, Kamloops and Fort St. John and we intend to continue

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 our contact with the reserve levels and to encourage them.

2

3 We would like to see funding for the
4 Native Women's Drop-in Centre. We see the valuable need
5 of it in the community to help our First Nations Aboriginal
6 women to have a safe place to go to. And to develop the
7 programs that I just recommended, we would like to see
8 our First Nations women being taken care of and being
9 allowed to become leaders of our community and to regain
10 their respect and dignity in our community.

11 And we need all these programs in order
12 to accomplish our vision and our dreams in order for us
13 to come together as a woman's collective throughout B.C.

14 We need our services improved. We need to be respected
15 for our skills and our knowledge and be brought back
16 together as a whole to heal our communities as Elders,
17 as young women, as young children. We have to come
18 together as one, to be healed as one in order to change
19 our communities and to complete we look at what has been
20 happening.

21 I believe we are all aware of what is
22 with our communities with the drug and alcohol, family
23 violence, sexual abuse and the high suicidal rates. We
24 are aware of our problems but now we need funding to heal
25 and to overcome those problems.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 And I thank you for listening to me and
2 thank you for inviting the Indian Homemakers to
3 participate. And our president Sandra Green thanks you
4 also and she is from Prince Rupert. And we thank you for
5 allowing us to be here.

6 Thanks.

7 **CO-CHAIR GEORGE ERASMUS:** Thank you for
8 your presentation.

9 This drop-in centre is the same -- the
10 same centre that you mentioned at the beginning.

11 **MS FLORENCE HACKETT:** Yes.

12 **CO-CHAIR GEORGE ERASMUS:** It is one
13 centre, yes.

14 It would be located here in Vancouver
15 or ---

16 **MS BRENDA WESLEY:** That was -- wasn't
17 decided. We are a provincial body but a lot of the
18 resources are here in the lower mainland. So it would
19 be logical to have the women's collective centre here in
20 Vancouver.

21 **CO-CHAIR GEORGE ERASMUS:** Do you have
22 any idea how much money you are looking for?

23 **MS BRENDA WESLEY:** The idea of the
24 women's collective centre is job training and cultural
25 preservation. I just, I know, preserving our culture we

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 have -- we have applied for a grant before and there was
2 always loop holes that we didn't make. So just making
3 one regalia, even for a child, you're looking -- you're
4 looking at about \$500. If we wanted to teach these skills,
5 just the materials alone on an ongoing basis to let global
6 awareness that the First Nations people our culture is
7 dignity.

8 Our culture is not only the land that
9 global awareness is about now, but it's also personal.
10 And I know when we started up the emergency shelter for
11 the intervention of family violence, the house alone was
12 \$170,000. So I guess a baseball figure, what would you
13 say, Florence? We hadn't dreamed that far yet. But I
14 guess a baseball figure would be ---

15 **MS FLORENCE HACKETT:** I think basically
16 we're looking at the example of the Nsako (PH) lodge that
17 the federal government had provided a home for them, which
18 was a 10 bedroom home and plus the land. The federal
19 government did provide that home and which that home was
20 surrendered over to the Vancouver Indian Centre and they
21 sold it.

22 So basically we're looking at the
23 federal government to support us as status women to allow
24 us to have a place that the women can come to and also
25 allow us the opportunity to do some fund raising on our

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 own behalf to get this women's drop-in centre started.
2 And we feel that the federal government should support
3 us because they always seem to be doing cutbacks on us.
4

5 So we would like the federal government
6 to do us a service by allowing us to get some sort of funding
7 to start our healing process and maybe give us some idea
8 of funding to help us to get a house at the beginning and
9 maybe from there move on to a bigger building. That is
10 what we're looking at for now.

11 **CO-CHAIR GEORGE ERASMUS:** Thank you.
12 Viola, do you have any questions.

13 **COMMISSIONER VIOLA ROBINSON:** I do not
14 think so. I talked to them last night. Thank you.

15 **CO-CHAIR GEORGE ERASMUS:** Thank you for
16 coming forth. Thank you for participating last night.

17 **MR. LOU DESMARAIS, MODERATOR:** We call
18 now on the representatives of the Native Brotherhood of
19 B.C., the Native Fishing Association, the B.C. Fisheries
20 Commission, the Aboriginal Fishing Vessels Owner --
21 Owners, that is and the Lower Fraser Valley Fishing
22 Authority.

23 If you could come up here and occupy at
24 least these four chairs and we will put the other people
25 on the other side.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 And I am assuming that you are going to
2 speak in the order as they are listed here on the agenda.
3 So that will be led off by Mr. Jim White, as I understand.

4 **MR. ART JACKSON:** Commissioners, my
5 name is Art Jackson, Executive Assistant of the Native
6 Brotherhood of B.C. I express the regrets of Mr. James
7 White, the Executive Director as he is unable to make this
8 presentation today.

9 Let me begin this afternoon by
10 expressing the appreciation of the Native Brotherhood of
11 B.C. for the opportunity to express the views of our
12 membership on the important issues addressed by the Royal
13 Commission on Aboriginal peoples. The Native Brotherhood
14 is hopeful that your mandate will enable organizations
15 such as ours to more easily bring about changes that will
16 further enhance life within our membership communities.

17 The Native Brotherhood has been
18 officially in existence for two-thirds of this century
19 and throughout has always been a voice for change and often
20 with great success! Perhaps, it would be appropriate to
21 reflect on the history of the oldest Indian organization
22 in Canada. We do not believe it immodest to say that the
23 history of the Native Brotherhood is an honourable history.

24 In focusing on our past, we can see the work of those
25 founding leaders has significantly enhanced the quality

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 of Aboriginal life. Though many do not know it, Aboriginal
2 people from east to west, from north to south, are eligible
3 for benefits enjoyed by all Canadians and this, because
4 a commitment was made early on by the leadership to pursue
5 change and justice. This is what was intended by the
6 founders and this is what has been achieved.

7 Those young visionaries determined in
8 1931 that the focus of this new organization must be "for
9 the betterment of our conditions, socially, mentally and
10 physically. To keep in closer communication with one
11 another, to cooperate with each other and with all
12 authorities, for the further interest of all Native
13 people."

14 This Commission will note that by
15 avoiding Aboriginal Rights references, the Native
16 Brotherhood was able to organize despite the 1927 law that
17 made it a criminal offence to press for Aboriginal Rights
18 issues. We have appended a supplement on this important
19 subject for the perusal of the Commissioners that was
20 prepared for us by the former curator of the Umista Cultural
21 Centre in Alert Ba, Mrs. Gloria Crammer Webster.

22 In the ensuing years, the Native
23 Brotherhood became a united body and much was gained by
24 that unity. Social legislation initially denied to our
25 people were achieved through the concerted efforts of our

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 founders. Economic development initiatives were
2 introduced and diligently pursued; and in 1949, Native
3 Canadians were enfranchised.

4 The Native Brotherhood continues to
5 place economic development as a high priority and has
6 recently refocused its attention on areas of social
7 concern. For example, Dr. Richard Atelo of Ahousat has
8 just completed a three year province-wide education
9 research project that envisions an affirmative impact on
10 Indian Education into the next century. A presentation
11 has just been made this afternoon by our Health Care
12 Consultant, Ms Rhea Joseph of Hagwilget, a recent graduate
13 from the University of British Columbia with a masters
14 degree in Health Science and Administration. We leave
15 aside that which she has addressed.

16 It would be inappropriate for the Native
17 Brotherhood not to mention the presence of the Native
18 Sisterhood of British Columbia since 133, for they worked
19 diligently for the cause. This independent organization
20 does not and cannot forget their enormous contribution,
21 for it was because of their presence that our organization
22 survived many difficult days.

23 With its proud history the Native
24 Brotherhood is eminently qualified to address the future.

25 As Commissioners you are aware of the

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 dramatic changes occurring within the fishing industry.

2 It is these very changes that make it imperative that
3 the Native Brotherhood once again lead the way into a new
4 era of independence. The days are over where Aboriginal
5 fishermen are inextricably tied to the multi-national
6 fishing companies. Those companies are not interested
7 in past relationships whereby they had almost total control
8 over our lives. Economic realities for them are such that
9 it is no longer profitable to finance Aboriginal fishermen
10 as they once did. So change is happening on both sides.

11 Aboriginal fishermen have become aware that there are
12 greater opportunities in the fishing industry apart from
13 the historical alliances. These changes have shown that
14 the greater the independence, the greater the profits for
15 our membership.

16 In order to gain complete independence,
17 however, the Native Brotherhood must use all the resources
18 within its grasp as well as seek for solutions beyond its
19 scope. The Native Brotherhood, because of its long
20 existence, is not without the contacts who can assist in
21 bringing about the necessary changes and this it fully
22 intends to do!

23 The Native Brotherhood is emphatically
24 committed to self-determination for its people. We will
25 be part of the solution and the solutions to enduring

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 problems must come from those intimately knowledgeable
2 about the people and the culture.

3 We believe that the past policies of the
4 Department of Fisheries and Oceans failed because the
5 department lacks the wherewithal to address Aboriginal
6 issues adequately. Too often the self-interest of the
7 civil service impedes the advancement of the Aboriginal
8 fishing community. It is imperative that this change!
9 The expertise of the Aboriginal fishermen must be
10 recognized and respected. The old dictatorial
11 relationship is ineffectual and the cost to our people
12 have been enormous. The social implications of this
13 failure is often expressed in the racial overtones that
14 are manifest in the relationship between our people and
15 that of the non-Native community.

16 No one in this room can have missed the
17 irrational stance often taken and expressed in the media
18 by groups such as the Survival Coalition. There is a great
19 need to educate the public if we are to engender greater
20 understanding between ourselves and the public at large.

21 Self-sufficiency is what the Native
22 Brotherhood is seeking for its commercial fishermen and
23 this is of the utmost importance. Important because, like
24 no other in the Aboriginal community, the Aboriginal
25 commercial fishermen is the most heavily invested player

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 in the B.C. fishery. Therefore, we believe that its voice
2 must be distinctly heard by everyone within the industry,
3 the government and the Aboriginal community.

4 The Native Brotherhood is already
5 working towards the establishment of a marketing strategy
6 that is appropriate to the new order and we are confident
7 that the serious problems currently experienced will be
8 overcome as they have been overcome in the past. The
9 commitment of the Native Brotherhood of B.C. remains as
10 true today as it was in the beginning 63 years ago.

11 I have with me Mr. Alvin Dickson, Chief
12 Executive Officer of one of our programs, the Native
13 Fishing Association and I am pleased to introduce him to
14 you. We have asked him to detail the important work being
15 done by the Native Fishing Association and by the
16 Aboriginal Fishing Vessel Owner's Association.

17 Thank you.

18 **MR. ALVIN DICKSON:** Thank you, Arthur.

19 I have also invited Mr. Alfred Hunt, one of the hereditary
20 Chiefs of the Chawathil peoples and he sits as one of the
21 executive members of the Aboriginal Fishing Vessel Owners'
22 Association. I will first describe concisely and as
23 precisely as possible who the Native Fishing Association
24 is.

25 It is a funding institution established

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 by the Native Brotherhood in 1985, through a grant that
2 was given by the Department of Fisheries and Oceans and
3 Department of Indian Affairs. A sum of \$11 million was
4 turned over to the Brotherhood to -- to try to re-establish
5 commercial fishermen from the Indian communities up and
6 down the B.C. coast as a major partner and participant
7 in all of the commercial fisheries in B.C.

8 It is one of the tools and mechanisms
9 whereby we attempt to protect and increase our numbers
10 as First Nations people in those commercial fisheries.

11 We have taken the position that if we
12 are to survive as communities of First Nations people in
13 the commercial fishing industry we need to begin a process
14 of changing our attitudes towards our role as fishers
15 rather than live them out as merely participants in a way
16 of life. We need to begin to treat those fisheries as
17 businesses and treat them in a manner that we would as
18 true entrepreneurs.

19 So we had to undertake to change some
20 attitudes about our participation and treat our fishing
21 operations as businesses. And in order to do that we had
22 to implement a program that would not only provide funds
23 in the way of loans to fishermen, we also had to begin
24 to do some training to begin that process of rethinking
25 and attitude adjustment that need to take place if we were

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to be successful in achieving our goal.

2 And from our program we also incorporate
3 a society called the Native Fishermen's Training and
4 Development Society. And it's through that program we
5 accompany our loan services with also an educational
6 service to fishermen dealing with all the aspects that
7 fishermen engage in in terms of vessel maintenance and
8 operation.

9 And so we get into areas of mechanics,
10 electronics, fishing operations, maintenance and storage
11 and even the point of planning our fisheries, depending
12 on DFO or Department of Fisheries and Oceans forecasts
13 and estimated run sizes and all of that thing.

14 We have taken that program since 1985,
15 from a grant of \$11 million to a loan portfolio that is
16 now worth \$23 million. And let me say that myself and
17 the board of the day took the attitude that rather than
18 give the money away in the forms of grants and forgivable
19 loans, as the Department of Indian Affairs suggested to
20 us, we decided that if we were to put them out in loans
21 that were completely repayable we stood a better chance
22 of being in a position today to help people stay in and
23 operate as commercial fishermen.

24 Let me emphasis that government
25 representatives gave us a great deal of pressure to give

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 the \$11 million out in grants rather than loans. So we
2 resisted that and today, like I say, that \$11 million is
3 now worth \$23 million. And we are able to continue making
4 loans and recycle money that would normally have
5 disappeared in the way of grants.

6 The Native Fishing Association is not
7 the first program that ever been implemented on this coast
8 to assist commercial fishermen in the First Nations
9 communities. It had its predecessors in programs such
10 as the Indian Fishermen's Assistant Plan, which was
11 basically a grant and forgivable loan program.

12 And I had lunch with a fellow that I know
13 from the fishing industry who used to work with me in the
14 fish processing operation. And he reminded me that those
15 programs were programs to allow non-Indian people to take
16 control of the Indian boats. Because the processors
17 traditionally were our major bankers and they loaned
18 fishermen as much money as possible and as much money as
19 needed to gain control of their total assets. And those
20 were mainly commercial fishing boats and licences to the
21 point where it was easy for them to foreclose and take
22 over complete ownership of those licences, which were
23 originally given to Indian fishermen.

24 So we wanted to change that and that's
25 why we got into the business of lending money to fishermen

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 rather than giving them money to own them. So that, I
2 guess, is as precise and concise that I can describe what
3 our Native fishing association is about.

4 I want to move quickly to describe the
5 Aboriginal Fishing Vessel Owners, which is another
6 distinct and independent organization of commercial
7 fishermen who organized very recently to protect their
8 place in the commercial fishery irrespective of what was
9 happening around them in the way of changing regulations.

10 I think its important to understand the
11 position of a commercial fishing vessel owner and a
12 commercial fishing vessel licence owner. Over the years
13 they have made intense and excessive investments in fishing
14 gear and licences. Many of our members own vessels and
15 licences that are worth over a million dollars or more
16 and employ a half a dozen people or more on each vessel
17 and operation.

18 And not only that, they also have
19 invested in short plant processing operations, cold
20 storages and such other fish processing plants in
21 communities up and down the coast. So there's a tremendous
22 potential for -- for further development in the area of
23 total involvement in commercial fisheries, not just to
24 catching fish but we're processing fish and we're in the
25 business of marketing fish.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 All forms of seafood. Not just salmon.
2 There are halibut. There are seafoods that people are
3 not normally familiar with that are currently available
4 in very specialized high value markets. And I won't get
5 into those in detail but there's huge potential in the
6 commercial fisheries and the commercial fishing
7 operations, processing and marketing for many of our
8 people.

9 And the gentleman I have with me is not
10 just involved in a fish boat, but he's involved in a fish
11 processing operation and a fish processing plant. Not
12 just in his own personal involvement, but he has led his
13 community in an area of developing a fishery on roe and
14 kelp and other communal type fishing operations.

15 So there is a real range of opportunity
16 that we want to maintain and develop given the kind of
17 climate and environment, physically around us. So the
18 Aboriginal Fishing Vessel Owners together with the Native
19 Brotherhood and Native Fishing Association have cooperated
20 to a degree whereby we, at some point, will again be, not
21 just a major player in the commercial fisheries, but also
22 will be major instruments of change in how the commercial
23 fisheries will look just in the very near future.

24 So I think that's all I need to say and
25 we are here quite prepared to answer any questions, if

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 there are any. Thank you.

2 **MR. LOU DESMARAIS, MODERATOR:** Simon?

3 **MR. SIMON LUCAS:** Thank you. I am Simon
4 Lucas from the Hesquit tribe. Just before I read my
5 presentation I would just like to make a few comments about
6 our place, the Aboriginal people of British Columbia and
7 on the west coast of Vancouver Island.

8 Throughout the past few years the
9 archeologists have been digging in several parts of British
10 Columbia. And my tribe is one of those. And they stopped
11 digging 20 some odd years ago, but they had stopped --
12 stopped their dig when they were back 4,500 years.

13 And all during that dig there were two
14 fairly important things that they never ran out of. That
15 was clam shells and bones from sea resources. I think
16 that clearly states that all throughout our life that we've
17 always been associated with the sea resources.

18 And one shouldn't listen to outside
19 society that says that we were not commercially involved.

20 We were very much so because our societies in British
21 Columbia were very much sophisticated. They knew what
22 it meant to live on other terms of the resource whether
23 it was bartering for fish and bartering with other things
24 that were not in our area.

25 So I wanted to point that out that it's

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 important to realize how far back we've gone. The other
2 thing that I would like to point out is that all of these
3 new technologies didn't find anything new for us. And
4 I want to point out one place known to many people as Laprus
5 Bank which is the strait south of Ucluelet, which ranges
6 anywhere from 24 miles to 40 miles off shore.

7 In that place -- Laprus Bank is a very
8 new name. But our people don't call it that. Our people
9 call it Cluclumnee (PH). And the reason it's called that
10 is that before there was any heavy harvesting of halibut,
11 that halibut in the evening used to come to the surface
12 and just flap their tails and to this day it still carries
13 its name -- Cluclumnee (PH). So it's not -- Laprus Bank
14 is a very new name for society at large in British Columbia.

15 So I wanted to point that out so that
16 people don't have the feeling that it's only recently that
17 we've been involved in fisheries. So I thought that it's
18 important for people to recognize also that one of our
19 tribes -- Tzeachten Tribe had a monetary system that
20 reached all the way down to the California coast, which
21 was a certain shell. To this day you catch that shell
22 and you have to -- it's in about 20 feet -- 20 feet of
23 water. And that shell was a very valued shell. And so
24 that shell bought and exchanged for all resources and
25 canoes or whatever you wanted to buy with that shell.

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 So I don't think that there should be
2 false impression that -- that we weren't involved
3 commercially a long time ago.

4 And the other myth that society is
5 bringing onto British Columbia is that we were not catching
6 black cod or tuna and all those other kinds of fish. The
7 archeology dig and recently again it was proven that our
8 people were catching tuna fish long before society ever
9 came onto our coastline. So I thought I would point those
10 out before making the presentation.

11 We would like to the thank the Royal
12 Commission for this opportunity to present our views on
13 the issue of fisheries and Aboriginal societies. We
14 believe that it is impossible to comprehend the essence
15 of Aboriginal life on the West Coast without coming to
16 terms with the importance of fresh water and salt water
17 resources to our societies. The intricate relationship
18 between First Nations and these resources is not some
19 remnant from the past. These resources are essential to
20 our societies today and part of our larger vision of the
21 future.

22 And I think that it's important to
23 realize what happened to us now, is that all of the seafood
24 that we were enjoying -- I remember when -- when Department
25 of Indian Affairs got involved in our lives and my mother

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 had whole boxes of boxes of dried fish and charred fish.
2 And I never forget when they came to our house and said,
3 "You poor people. All you are eating is fish." And the
4 next month they sent us whole boxes of different foods
5 that we'd never eaten. And that's only going thirty-some,
6 forty-some odd years ago. So that's not new.

7 It is this vision of the future that we
8 would like to express to the Royal Commission. It is
9 obvious that First Nations in Canada are undergoing
10 profound changes. We believe that a new, more equitable
11 relationship between First Nations and non-Indian
12 governments and peoples in Canada is being constructed.

13 We believe that this process must attempt to rectify the
14 consequences of past injustices and allow First Nations
15 to define and assert our own identities and place in Canada.
16 We believe that First Nations must be equal parties in
17 the Canadian social contract. Only in this way can we
18 be assured that we will survive as distinct societies.

19 In British Columbia, this vision is tied
20 to the resolution of outstanding land and resource issues
21 between our societies. It is also tied to the recognition
22 of our inherent right to govern ourselves and to the
23 redefinition of the relationship between our governments
24 and non-Indian governments. Finally, it is tied to the
25 clarification of the trust relationship between the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Federal Government and First Nations.

2 Our vision of the future includes the
3 restoration of the salmon fishery and the other fisheries
4 as a fundamental economic and social components of our
5 societies. And I clearly state that. Because if you look
6 on the west coast of Vancouver Island, what they've done
7 to some very important salmon stocks, whether it was coho,
8 pink or salmon, in some areas it is totally depleted because
9 they totally wrecked the spawning beds.

10 I think that society should know what
11 we've done to our own resources. So it is indisputable
12 that fisheries constituted the cornerstone of traditional
13 Aboriginal economies on the West Coast. The loss of these
14 fisheries over the past century can be equated to the loss
15 of the buffalo by our brothers and sisters on the Prairies.
16 For First Nations, this loss has been devastating.

17 Our resources were taken without
18 compensation and given to non-Indians through licences.
19 The resource itself has been mismanaged over the past
20 century by governments and by commercial sector.
21 Resources that have a deep spiritual meaning for our
22 peoples have become commodities for profit only.

23 And I think that they should -- there
24 has to be a clear understanding about what we mean by that.
25 Is that in all of our societies in British Columbia, we

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 still hold very much treasured a cultural feast. That
2 there's a lot of exchange of resources to this day where
3 there is no monetary involvement.

4 The connection of these resources to our
5 societies is not merely economic. They are an integral
6 part of our social fabric. We use these resources as a
7 way of reinforcing family and community bonds and social
8 structures. Our myths, our beliefs and our spiritual view
9 of life derive from these things.

10 As we look to the future, and to this
11 changing relationship, it is obvious that the fishery is
12 an inseparable part of healthy, robust and distinct Indian
13 societies. When viewed as a resource, the health of First
14 Nations economies depends on the guarantee of access.

15 We realize that it is a modern,
16 capitalistic world and that in order to survive we must
17 participate in a global economy. Our rights to harvest
18 must extend to the full range of commercial activities.

19 This is consistent with our traditional practices. Trade
20 has always been a fundamental part of our fisheries. We,
21 therefore, believe that this activity is protected by
22 Section 35(1) of the Constitution Act of 1982. The
23 quantities and nature of this harvest should be the subject
24 of treaty negotiations.

25 In jurisdictional terms, we believe that

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 First Nations are possessed of a fundamental Aboriginal
2 right to regulate our resources within our territories.

3 A century of abuse and mismanagement leaves us with no
4 confidence that non-Indian governments can or will protect
5 indigenous interests in the fishery. Like the commercial
6 component of the fishery, regulation has always been a
7 part of our fishery.

8 Over the centuries, intricate laws and
9 rules about harvesting and use have been developed by First
10 Nations in this province. We believe that Section 35(1)
11 of the Constitution Act, 1982 protects this right and that
12 Section 81 of the Indian Act implicitly recognizes our
13 inherent jurisdiction. The inter-relationship of our
14 jurisdiction in regard to the fishery and that of the
15 federal and provincial governments should be the subject
16 of treaty negotiations.

17 The social and spiritual role that these
18 resources play in our societies will be better protected
19 by ensuring the economic and jurisdictional viability of
20 First Nations. Improved economic conditions and
21 increased capacities for self-determination can only
22 enhance our societies and our ability to protect our
23 distinct identities within Canadian federalism.

24 As we indicated in the beginning, our
25 relationship with non-Indians and non-Indian governments

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 is being transformed. As with all such transformations,
2 this can be a confusing and even frightening occurrence.
3 It is, however, a transformation that is inevitable.
4 The issue is not whether there will be a new relationship
5 but what this relationship will look alike.

6 In this regard, it becomes critical for
7 all parties to attempt to articulate a positive vision of
8 Canada drawing on the richness of our diverse heritages.

9 In revitalizing our societies, it is not our intention
10 to hurt or belittle other sectors of Canadian society.

11 It is our hope that these changes can be made with minimal
12 disruptions to other Canadians. It is our hope that these
13 changes can be made in ways that benefit all Canadians.

14 Certainly, this has proved to be the case in Washington
15 State where the Boldt decisions have provided extensive
16 benefits to Indians and non-Indians alike.

17 In Canada -- and that I want to emphasize
18 that in British Columbia the UFAW and the Coalition are
19 saying that the non-Indians were wiped out by the treaty.

20 But they can prove to you and we can prove to you that
21 there is still well over 4,000 non-Indians still involved
22 in the fishery. That can be proven. It's on record.

23 And it may be a little bit higher than my figure.

24 In Canada, we believe that the
25 introduction of the Aboriginal Fisheries Strategy was

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 intended to provide a foundation on which we can build
2 this new relationship. At the present time, the
3 Aboriginal Fisheries Strategy is stalled. However, we
4 believe the concept has merit. In the future, we
5 anticipate legal certainty being provided in the fishery
6 by the negotiation of treaties. These, in turn, will
7 constitute elements of the new social contract between
8 First Nations and Canadian governments.

9 We are aware that opposition exists in
10 some sectors of Canadian society to an enhanced Aboriginal
11 fishery. In response we can only say that, for First
12 Nations, the fishery constitutes a strand in the fabric
13 of our relationship with non-Indians. We are not an
14 interest group seeking to protect short-term economic
15 gains.

16 The fishery affects all elements of our
17 societies. We are seeking a future in which Aboriginal
18 and non-Aboriginal societies can co-exist in a manner that
19 respects this fact. We would ask that you see this in
20 terms of the whole cloth and not seek to tear strands from
21 the fabric.

22 So I would like to say in closing that
23 again just emphasizing that we are not new in this industry.

24 Every creek has an Indian name. Every lake has an Indian
25 name. Offshore we have many Indian names way off shore.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 So no one should assume that we are new in this industry.

2 Thank you.

3 **MR. LOU DESMARAIS, MODERATOR:** Thank
4 you, Simon.

5 We now would like to turn the proceedings
6 over to Mr. Ernie Crey and his colleagues from the Lower
7 Fraser Valley Fishing Authority.

8 **MR. ERNIE CREY:** Thank you very much,
9 Mr. Chairman and the Commissioners as well. Before I get
10 under way with our presentation to the Commission, I would
11 like to introduce two leading chiefs of the Sto:lo people.

12

13 To my left, of course, is Chief Ken
14 Mallory of the Tzeachten Indian band and the present of
15 the Sto:lo nation in Canada. And to my right is Chief
16 Clarence Pennier, Chief of the Scowlitz band and the
17 Chairman of the Sto:lo tribal council. We would like to
18 thank you for having us here today. And at this point
19 we would like to begin our presentation to you.

20 First I would like to thank the Royal
21 Commission for this opportunity to address the question
22 of Aboriginal fishing rights at this hearing. I must say
23 that because of the degree of sheer hysteria that has been
24 inflamed against Aboriginal people and their rights in
25 this province in the past few months, I try to take every

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 opportunity I can to set the record straight about
2 Aboriginal fishing rights in general and Aboriginal
3 fisheries in particular.

4 Just so you know who I am, my name is
5 Ernie Crey, and I am the Fisheries Manager for the Lower
6 Fraser Fishing Authority. We now call ourselves the Lower
7 Fraser Aboriginal Fisheries Commission. I am a member
8 of the Sto:lo nation, and a member of the Cheam Indian
9 band. Until recently, the organization I am speaking for,
10 as I have already pointed out, was known as the Lower Fraser
11 Fishing Authority. And only recently did we change our
12 name because we've had a number of other communities join
13 our ranks.

14 The organization I am speaking for today
15 represents the fishing families of all 28 bands from
16 Sawmill Creek in the Fraser Canyon to the mouth of the
17 river. In association with the Musqueam and Tsawwassen
18 Indian bands, our jurisdiction area takes in the
19 traditional territories of the Sto:lo nation. The
20 communities in the Lower Fraser Aboriginal Fisheries
21 Commission include the following Indian bands:
22 Aitchetlize, Chawathil, Cheam, Chehalis, Coquitlam,
23 Katzie, Kwakwawaplit, Lakahahmen, Langley, Matsqui,
24 Ohamil, Peters, Popkum, Scowlitz, Seabird Island,
25 Skawahlook, Skowkale, Soowahlie, Skwah, Skway, Squiala,

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Sumas, Tzeachten, Union Bar, Yakweakwioose and Yale.
2 Collectively, our communities' fisheries comprise about
3 60 per cent of the salmon harvest of the Aboriginal
4 fisheries throughout the Fraser system.

5 Last week, Vancouver Sun columnist
6 Stephen Hume made an observation that has occurred to me
7 on several occasions over the past few months. What he
8 had to say, in his column of May 26, and we have included
9 a copy of it for you, was that the hostility that Aboriginal
10 fishing communities such as ours have had to face here
11 in B.C. in recent months has no parallel in the history
12 of this province, and I quote, "since the Japanese
13 Canadians were dispossessed in 1942."

14 I am sad to say that I believe this is
15 to be true. And I have to admit to you that I am very
16 angry that those responsible with creating this climate
17 of hysteria continue to spread misinformation, half-truths
18 and outright lies about Aboriginal people, Aboriginal
19 rights and Aboriginal fisheries.

20 What I propose to present here today is
21 the facts as we understand them with regards to our rights,
22 as recognized by Canada's Constitution, and upheld by the
23 Supreme Court of Canada in the Sparrow decision of 1990.

24 I would also like to offer some observations about the
25 federal government's response to the Sparrow decision,

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 in the Aboriginal Fisheries Strategy. And I also would
2 like to address myself to some of the hopes of the Sto:lo
3 people, we have articulated with regards to the
4 restorations of the fisheries and their future.

5 First I should tell you a little bit
6 about the Aboriginal fisheries of the Lower Fraser area.

7 As Gerald Amos has already pointed out
8 in his submission to you, the great salmon populations
9 of the Pacific watersheds were central to the spiritual,
10 ceremonial, social and economic life of the many First
11 Nations that flourished here. This was particularly true
12 for the Sto:lo people, who made particular use of the salmon
13 resource as a significant commodity in trade. The Sto:lo
14 people undertook extensive fisheries on the Fraser River
15 salmon, using a variety of elaborate technologies.
16 Thousands of people engaged in these fisheries, governed
17 by traditions, customs and laws, and cooperated in the
18 substantial engineering efforts that were required to
19 sustain our salmon-based economies. Throughout the
20 fishing season, we turned our attention to fishing weirs,
21 fences, wing-dams, box-traps, dipnet sites and drift-net
22 fisheries. The careful management of salmon resources
23 was entrusted to us by our Creator, and we took those
24 responsibilities seriously. We still do.

25 During the colonial period, our

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 relationship with the salmon resource continued, and our
2 utilization of salmon as a trading commodity continued,
3 and even expanded, in our relationships with non-Native
4 settlers and with the Hudson Bay Company.

5 Our ability to develop a trading
6 relationship with the newcomers provided us with one of
7 the few useful and productive aspects of contact with white
8 people. It was a rare occurrence in relations between
9 First Nations and Europeans who came to settle in what
10 they called the New World.

11 The beginning of the end came in 1888,
12 when the federal government began to impose the first in
13 a long line of regulatory assaults on our fisheries. The
14 federal government's intent was to impose rules that
15 favoured the growing coastal salmon -- canning industry.
16 Those regulations attempted to force the Sto:lo to fish
17 for the canneries only. It meant we had to obtain
18 licences, and we had to come to the coast and ask the
19 canneries for those licences, and to fish away from our
20 homes.

21 The Fisheries Act intended to create a
22 captive labour force of Indian fishermen and cannery crews
23 for the big coastal fishing companies. That policy, which
24 was continued will into this century, was very successful.
25 To this day, perhaps 25 per cent of the fishing effort

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and the production of the coastal canning industry
2 originates with Indian labour. They fish under federal
3 rules, like non-Natives.

4 They fish for whatever individual gain
5 they can procure for their efforts, and they fish for the
6 benefit and the profit of companies like the Weston
7 Corporation, which takes an estimated 50 per cent of the
8 commercial allocation of Fraser River sockeye, for
9 instance.

10 Recently, opponents of Aboriginal
11 rights in British Columbia have gone so far as to try to
12 convince the public that Indian labour in the existing
13 commercial fisheries comprise of the Aboriginal share of
14 the catch. Nothing could be further from the truth. It
15 is true that some individuals of Aboriginal descent have
16 prospered by engaging in the fishing industry as
17 individuals. We wish them well.

18 As for the Sto:lo, we intend to fish as
19 a nation of people, and we want our fisheries to provide
20 benefits to us as a people, and we want to fish in our
21 territories. We don't want to be offered any affirmative
22 action program in fishing licences on the coast. We prefer
23 to fish according to our rights, not according to
24 permission from the fisheries department or the canneries.

25 This is what we have always maintained.

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 And through the years, we have always resisted. We were
2 called "poachers." We continued to defy arbitrary
3 regulations, and we continued in our attempts to sell our
4 fish, and we offer absolutely no apologies at all for
5 fighting for our rights as we did.

6 By 1990, when the Supreme Court of Canada
7 agreed with many of our historic petitions and complaints,
8 the great Aboriginal fisheries of Canada's West coast had
9 been reduced to mere remnants of their former glory.
10 Aboriginal fisheries had been reduced to a mere four per
11 cent of the coastal total allowable catch of salmon.

12 The remnants of our old fisheries could
13 be found only within what was called the "food fishery"
14 regulation of the Fisheries Act.

15 Much has been said about whether or not
16 the Sparrow decision, in affirming our rights to fish for
17 "food, ceremonial and societal" purposes, uphold the
18 Aboriginal right to sell, if we choose. Certainly, the
19 lower courts have agreed with us. Two years ago, the
20 courts found the Dorothy Vanderpete, a Sto:lo woman and
21 a member of the Tzeachten band, and the Chief of that band,
22 of course, sits to my left, was within her rights to sell
23 fish when she was charged under the Fisheries Act for
24 selling. And the position of my Chiefs has always been
25 that the Sto:lo people have retained their rights to sell

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 fish -- the fish that they catch, regardless of what the
2 courts might say. Still, there is enough controversy
3 about the -- what the Sparrow decision protects, with
4 regards to sales, that I will put -- that point I will
5 put aside and try to concentrate on those aspects of the
6 Sparrow decision that maybe all of us -- even some of our
7 enemies -- might agree to.

8 In the Sparrow decision, the Supreme
9 Court of Canada found that our fishing rights had not been
10 extinguished, and were protected by Section 35 of the
11 Canadian Constitution. The Court upheld the ultimate
12 responsibility of the Crown to regulate fisheries, and
13 for now we agree with that. But the judges also imposed
14 strict restraints on the ability of the federal government
15 to interfere with Aboriginal fishery rights. For one
16 thing, the Sparrow decision clearly states that
17 regulations must not impose "undue hardship" on Aboriginal
18 fisheries, and regulations must interfere with an
19 Aboriginal community's "preferred methods of fishing."
20 The decision also states that regulations cannot delineate
21 the scope of Aboriginal fishing rights.

22 Regardless of the narrow interpretation
23 some of the more hysterical elements of the commercial
24 fishing industry might like to apply to the Sparrow
25 decision, one thing was clear after the decision was

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 released: the Department of Fisheries and Oceans had to
2 make drastic changes in the way it behaved towards the
3 Aboriginal fisheries. The government found itself stuck
4 with more than a century of regulations that were written
5 on the assumption that we had no fishing rights whatsoever.

6 So a lot of things had to change, and the federal
7 government had some very difficult management decisions
8 to make.

9 For one thing, the judges in the Sparrow
10 decision said that Aboriginal fisheries had to take
11 priority over all other fisheries. But most Aboriginal
12 fisheries are the last in line, because they are directed
13 on the salmon in the rivers, on the homeward migration
14 routes. This part of the decision, just by itself, forced
15 the government to come to the table and talk to us about
16 how many fish we were expected to catch, so that fisheries
17 planners could make decisions about allocations in the
18 coastal fisheries.

19 The government realized that it had a
20 lot of changes to make. So it came up with something call
21 the Aboriginal fisheries strategy. I don't intend to
22 appear here before you today and to defend a policy that
23 my people had no part in making. But I will say that --
24 I will say this much -- it looks like it's a step in the
25 right direction, and there certainly does need to be some

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 kind of strategy to make federal law consistent with the
2 country's Constitution.

3 But fortunately, there are powerful,
4 well-funded groups out there, vested interests in the
5 commercial fishing industry, that have been deliberately
6 misleading non-Native fishermen and the general public.

7 They are exploiting the general lack of awareness about
8 Aboriginal rights to create a climate of fear and hysteria
9 against my people. As recently as last week, in an
10 advertisement in the Province newspaper bought and paid
11 for by an organization that calls itself the B.C. Fisheries
12 Survival Coalition, the following allegation is made, and
13 I quote:

14 "The (Aboriginal Fisheries) strategy...calls for the
15 government to turn over its
16 Constitutional responsibility for
17 protecting and conserving salmon
18 stocks to the Native people."

19 This is nothing less than a blatant,
20 outright lie.

21 This same "coalition" bought an
22 advertisement earlier this year in a Nanaimo newspaper
23 recruiting British Columbians to a rally, and I'm quoting
24 again:

25 "No one has the right to extort others for the right to

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 fish and hunt in British Columbia."

2 Certainly, I would agree that no
3 Canadian should have to "extort" anyone to exercise their
4 fundamental human rights. But when we simply expect that
5 our rights will not be trampled on, we are accused of
6 extortion.

7 This is the same Coalition that wrote
8 a letter to the B.C. -- to B.C. interior municipalities
9 in April warning them that they better oppose the
10 Aboriginal fisheries strategy because Indians will be soon
11 using the Sparrow decision to gain access to vast tracts
12 of timber resources based on a ceremonial right to totem
13 poles.

14 Well, it seems to me we're going have
15 a lot of very busy carvers in British Columbia, Mr. Chairman
16 and Commissioner, in short order here in British Columbia.

17 I guess it's a sad reflection on the
18 intelligence of some British Columbians, and a testimony
19 to the gutlessness of some politicians from virtually every
20 party, that these kinds of statements go unchallenged in
21 this province on a daily basis. And it may be because
22 most people are simply ignorant about the reality of
23 Aboriginal peoples and Aboriginal rights.

24 I'm sorry to say that the federal
25 government simply hasn't done a very good job in educating

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 people about why it must obey the law and respect Aboriginal
2 rights. How many commercial fishermen understand that
3 the Supreme Court of Canada has ordered the federal
4 government to maintain a "fiduciary" or trust-like
5 relationship with First Nations? How many British
6 Columbians understand that the Supreme Court has found
7 that Aboriginal rights must be interpreted and I quote
8 "liberally and generously" in favour of First Nations?
9 How many British Columbians know that the Supreme Court
10 has told Ottawa explicitly to interpret Aboriginal rights
11 flexibly, to allow for their evolution over time?

12 As I have said, I'm not going to defend
13 the Aboriginal Fisheries Strategy, but it is generally
14 believed at this point that this it is the government's
15 best effort to take to date to actually -- at actually
16 respecting our rights. Perhaps, it has been times sloppy
17 and clumsy in its execution, but it is not the monster
18 certain commercial fishing interests have tried to make
19 it out to be.

20 There are certainly some very difficulty
21 questions about the federal strategy -- and about the
22 commercial fishing industry's strategy as well -- that
23 remain unanswered. On the plus side, there are -- were
24 more than 80 agreements between First Nations and the
25 federal government concluded under the Aboriginal

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Fisheries Strategy in 1992. It should be remembered that
2 only three contained "pilot-sales" agreements. That
3 being on the Skeena River and among the Nuu-Chah-Nulth
4 people and those people on the lower river, the Tzeachten,
5 Matsqui and the Sto:lo.

6 But there are several difficulties with
7 the way the strategy has been implemented. We are about
8 to enter into the second year of these agreements, and
9 it has only been in recent days that we have been engaged
10 in any substantive negotiations with federal officials.

11 This has been particularly frustrating for us, Mr.
12 Chairman.

13 Also, the federal government placed too
14 much confidence in a consultation process that was
15 established for the so-called "stakeholders" in the salmon
16 fisheries. B.C.'s Aboriginal leadership, in my opinion,
17 has spent far too much time over this past year trying
18 to figure out ways to help the government repair its own
19 consultation process with industry.

20 It is true that industry must take the
21 lion's share of the blame for that -- non-Native commercial
22 fishermen placed too much faith in a handful of company
23 and union hardliners that were dedicated to wrecking the
24 strategy rather than making it work.

25 But the biggest questions remain in the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 way the federal government proposes to "buy out" fishing
2 effort in the commercial fleet to reallocate to Aboriginal
3 fisheries. Again, industry is making the loudest
4 complaints, but it is my understanding that industry was
5 directly involved in developing the buy-back.

6 In the 1993 cycle year, for instance,
7 I have seen no evidence that the money spent on
8 fleet-retirement expenditures -- more than \$5 million,
9 Mr. Chairman -- will result in any reallocation of the
10 percentage of the harvest taken up by the Aboriginal
11 fisheries.

12 These unanswered questions have made it
13 easier for extremists in the fishing fleet to invent their
14 own answers -- and those answers usually consist of
15 hysterical claims that Ottawa's strategy is to turn the
16 entire fishing industry over to the Indians. Last year,
17 the president of the Fisheries Council of B.C. accused
18 the Aboriginal Fisheries Strategy of and I quote
19 "destroying the economy of British Columbia." That's
20 exactly what he said. If that's not hysteria, I don't
21 know what is, Mr. Chairman. And if there's anything that
22 characterizes the industry response to the first year of
23 the Aboriginal Fisheries Strategy, it is hysteria.

24 It was on the Fraser River in 1992 that
25 the hysteria began. We have been told time and time again

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 by the Coalition that Indian overfishing caused a
2 "biological disaster" in 1992's Fraser sockeye fisheries.
3 We were told for most of the last year that 1.2 million
4 sockeye had entered Indian fisheries at Mission Bridge
5 and had "gone missing" before they reached the spawning
6 grounds. A major federal investigation was launched by
7 Dr. Peter Pearse. He head up this investigation. And
8 his findings confirmed most of the findings in our own
9 investigations about what went wrong.

10 Still, last week, the Coalition was
11 reporting, in an advertisement they bought in the Vancouver
12 Province, that "nearly half a million sockeye" went missing
13 in 1992's Fraser River fisheries.

14 There's nothing wrong with having
15 differing opinions about the way 1992's Fraser River
16 sockeye runs were managed. But you would think that we
17 could at least agree on the facts. These are the facts:

18 Certainly, there were difficulties in
19 the Indian fisheries in 1992, and most of those
20 difficulties were associated with the "11th-hour" nature
21 of agreements on the Lower Fraser and the absence of
22 negotiated agreements in the Middle Fraser and Upper Fraser
23 areas. But it must be said that the DFO enforcement
24 officers in Mission and Chilliwack subdistricts -- the
25 enforcement areas that patrol the entire Sto:lo territory

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 -- will tell you that compliance with regulations in our
2 area was actually better last year than in any year they
3 had witnessed in their long careers. This is from the
4 fisheries officers themselves. What actually happened
5 in 1992's Fraser River sockeye fisheries was this and this
6 is important for people to realize.

7 The Canada-U.S. salmon treaty broke down.
8 Canada's seine fleet overfished its pre-season allocation
9 by more than 400,000 sockeye before the fish ever reached
10 the river. U.S. fishermen caught 300,000 Fraser River
11 sockeye in excess of their pre-season anticipated catch.

12 The commercial catch of Fraser River sockeye in 1992 was
13 the highest it had been in that cycle year in 44 years.

14 Aboriginal Fisheries Strategy
15 agreements with the Lower Fraser Indian bands promised
16 100,000 more sockeye than the Lower Fraser Indian bands
17 were permitted to catch in 1992 -- our fisheries were shut
18 down the moment a conservation concern emerged, mostly
19 as a result of the threats to conservation posed by
20 saltwater commercial overfishing. Those are the facts,
21 Mr. Chairman.

22 Still, in spite of the colossal
23 management problems in 1992 -- problems that were
24 completely beyond the control of Aboriginal people -- the
25 number of Fraser River sockeye to reach their spawning

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 grounds in 1992 has been exceeded only once on that cycle
2 year since the 1940s.

3 Over the winter months, Mr. Chairman,
4 the Sto:lo have had some time to reflect on where things
5 are going, and how we should respond to the tremendous
6 hostilities incited against us by the commercial fishing
7 industry. To make a long story short, what we have decided
8 to do is to carry on. Most of our communities are poor,
9 and there was a marked improvement in the income of many
10 of our fishing families as a result of being able to sell
11 their fish openly. Nineteen-ninety-two (1992) was an
12 experiment, and we are planning major improvements over
13 last year.

14 To the extent we can, we will continue
15 to fight for the resource that has sustained us in our
16 territories from the beginning of time. We will continue
17 to fight to restore the economic contribution salmon once
18 made to our economies.

19 We are willing to work cooperatively
20 with anyone who will work with us. We will work with the
21 federal government, and we have trained our own fisheries
22 officers to work alongside federal fisheries officers.
23 We are trying to restor our own fisheries laws, which place
24 conservation of the salmon before anything else, and
25 provide us with time-honoured mechanisms in

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 decision-making. We aim to ensure that federal
2 regulations governing our fisheries, along with our
3 bilateral agreements and enforcement protocols, are
4 consistent with traditional Sto:lo customs and laws.

5 We have established a number of
6 commissions of our own fisheries authority, to examine
7 habitat and conservation concerns, to ensure that all
8 Sto:lo have at least some access to fish, to implement
9 alternative fishing technologies, and to review
10 value-added opportunities for our fish. We have worked
11 closely with sports fishing organizations, and we have
12 continued to offer our hands in friendship to commercial
13 fishermen who share our concerns for the resource.

14 Only last week, we decided to open our
15 doors to a public-involvement committee: human rights
16 groups to assist us in defending our rights;
17 environmentalists, to work with us on issues of common
18 concern; trade unionists, to observe in our negotiations
19 with federal officials; retired law enforcement officers,
20 to monitor the effectiveness of our law enforcement; and
21 church leaders, who may want to serve as the conscience
22 of a public that seems to care more about human rights
23 abuses half way around the world than right here in British
24 Columbia.

25 We have decided to make available to this

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 committee whatever they need to make informed decisions
2 of their own: quick and easy access to our Chiefs, fishing
3 families and fishing committees. Access to biological
4 data, catch estimates, fishing openings and closures.
5 We will take then on patrols on the river with Sto:lo
6 fisheries officers.

7 In closing, I have to say that our first
8 year in the Aboriginal Fisheries Strategy has been
9 difficult. We have had to deal with roughly equal amounts
10 of hysteria, threats of violence, public complacency and
11 bureaucratic inertia. But we are not going to go back,
12 Mr. Chairman.

13 We will restore ourselves our own
14 fisheries, as we had them from the beginning of time.
15 We will be fishing sockeye again in about two weeks, when
16 they start coming home. As this point, our great hope
17 is that Canada will come to an agreement with the United
18 States in a new salmon treaty. If Fisheries Minister John
19 Crosbie is right about anything, he is certainly right
20 that the American threat is what they should be doing
21 something about.

22 It is also our hope that our opponents
23 will learn that in First Nations -- that the First Nations
24 of this province will no longer be ordered around about
25 how we will fish, and what we will do with the fish that

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 we catch. We are not "creating a new commercial fishery"
2 that excluded non-Natives, which is what they have accused
3 us of doing. To say such a thing is to completely
4 misrepresent the facts.

5 Our rights are protected by the
6 Constitution whether our opponents understand this or not.

7 We have no intention of driving non-Natives out of their
8 industry. In fact, many if not most non-Native commercial
9 fishermen would do well to listen to our ideas: we have
10 always argued for better management of salmon fisheries
11 by directing more of the effort on specific stocks by moving
12 the fishing effort back into the rivers. This would be
13 a substantial benefit to the small-boat gillnet-fleet,
14 and probably the trollers, too. The small-boat fleet makes
15 up about 4,000 of the 4,5000 salmon boats on the coast.

16 It's the 500 big-boat seiners that catch 60 per cent of
17 all the sockeyes on this coast.

18 We remain willing to talk, and we will
19 take up any good ideas people suggest to us. But we will
20 not assimilate into the commercial fishing industry the
21 way they want us to. We will not allow them to impose
22 their will on us. The sooner they learn this, the better
23 for everyone.

24 Thank you, Mr. Chairman.

25 **MR. LOU DESMARAIS, MODERATOR:**

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Questions from the Commissioners?

2 Yes, Ken.

3 **MR. KEN MALLORY:** I just had a short
4 comment. The Survival Coalition, whenever we meet with
5 them or whenever we see them on TV or read about them in
6 the paper, they're -- at many times there's been threats
7 of violence against our people, revolution, bloodshed on
8 the river, all those types of things in saying that, you
9 know, the fishing agreements that we've negotiated and
10 the Aboriginal Fisheries Strategy is based on race. But
11 it's not us that's being racist.

12 There was a fishing -- a fishermen's
13 protest last year in the harbour at Canada Place. And
14 there was a fisherman there and he had a son -- holding
15 his son on his lap. And the reporter said, "What are you
16 doing here?" And he said, "I'm protesting the Indians."
17 And the reporter said, "Oh, is that right. You're
18 protesting the Indians." And he said, "Yes, that's
19 right." And he said, "Well, what about the government?
20 What about DFO?" And he said, "Oh, yeah. Yeah, right.
21 Them too."

22 This thing has too often come down to
23 be a racial thing. And it's not us that's being racist.
24 The Supreme Court of Canada recognizes that we have
25 Aboriginal rights and knows Aboriginal rights are based

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 on the fact that we've been here forever.

2 One of the Survival people was talking
3 about that their people have been fishing here for a long
4 time. That their roots are just as deep as ours, when
5 we have proof that our people were fishing and living near
6 Hatchet Rock 9,000 years ago. The Hudson Bay Company came
7 here in 1827 and set up their fort. And as soon as they
8 did, they started buying fish off of our people. First,
9 just to live on and then for sale and export.

10 And it was us, the Sto:lo people were
11 the first commercial fishermen in British Columbia. Then
12 they expanded that to Fort Victoria. They bought fish
13 there and exported them. But we were the first commercial
14 fishermen in British Columbia and we got squeezed out
15 because of big money.

16 And the last thing that I wanted to say
17 is something that reminds of what happened last year.
18 Many reporters came to see me and others -- fishermen,
19 Chiefs -- to talk about the fishery. We spent hours and
20 hours with them, both -- all kinds of media. People from
21 TV and radio and newspapers and magazines. Some of them
22 I took fishing with me. Some of them went out with our
23 fisheries officers. And then when it would come on TV,
24 many times you'd see somebody from the Survival Coalition
25 going on for five minutes, seven and a half minutes, and

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 then they would put me on for about five seconds to say
2 that I didn't do it. I didn't take the fish.

3 Well, I felt bad about that. And I feel
4 bad again today, because we have five different groups
5 sitting here squeezed into an hour and fifteen minutes.

6 And we have -- the B.C. Survival Coalition has got an
7 hour. And the United Fishermen and Allied Workers' Union
8 has got 45 minutes. Dennis Brown is a member of the
9 Survival Coalition. He is one of their spokespeople and
10 we're being marginalized again. And it bothers me. I
11 think it sends a message out there that -- the thing that
12 bothers me is that this is a Royal Commission on Aboriginal
13 People and we're being marginalized by this Commission.

14 Thank you.

15 **MR. LOU DESMARAIS, MODERATOR:**

16 Clarence, did you have something you wanted to say?

17 We will go to questions from the
18 Commissioners.

19 **CO-CHAIR GEORGE ERASMUS:** One of the
20 first questions I have is in relation to trade and
21 commercial activity in trade of fish. Could one or two
22 or three or everybody comment on that.

23 What kind of evidence do we have here
24 that proves that First Nations people actually took fish
25 and used it in what could be called a commercial activity

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 prior to contact and onwards? Just give me some of the
2 information on that. Anyone, Ken or Ernie or whoever.

3 **MR. KEN MALLORY:** Well, there's all
4 kinds of evidence. We put a lot of evidence before the
5 courts in Vanderpeet to show that our people had always
6 been involved in trading, bartering our salmon up and down
7 the river. There's different kinds of salmon that people
8 take at different times of the year and they process them
9 differently.

10 There was a large trade between the
11 tribes up and down the coast. And it's not just in our
12 territory. It was up and down the coast people traded
13 for things. Our people traded for some little shells that
14 were used as money with the people from the Channel. And
15 they live a long way from us.

16 And the Grease Trail that you've heard
17 so much about, you know, or heard so little about. The
18 Grease Trail -- that trail is thousands of years old.
19 It's called the MacKenzie Trail -- Alexander MacKenzie
20 discovered a trail that was millions -- that was thousands
21 of years old. People's moccasins had worn ruts in the
22 solid rock from walking over that trail to trade for Uligan
23 (PH) grease -- the people from the interior going out to
24 the coast. So up and down the coast there is all kinds
25 of evidence that we've always been involved.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Now, one of the things that we had to
2 show in Vanderpeet in the court case was that we were
3 involved in a commercial fishery from time immemorial and
4 well, there was a number of different ways people interpret
5 time immemorial. And one of the things that they seemed
6 to settle on was before B.C. officially was governed.
7 So we were involved in a commercial fishery before B.C.
8 became a part of Britain.

9 **CO-CHAIR GEORGE ERASMUS:** How far did
10 your trade go? Was it up and down the coast and up and
11 down the river? Did it go -- did your trade actually go
12 over the mountains?

13 **MR. KEN MALLORY:** Well, the people from
14 the Shuswaps will tell you that they traded with the people
15 from Alberta. They traded their salmon with people from
16 Alberta for buffalo meat and whatever else that they had
17 that the people in Kamloops didn't have.

18 **MR. ALVIN DICKSON:** We have some pretty
19 significant records of -- when Ken mentioned the Grease
20 Trail it introduced to me the form of currency that we
21 used, I guess in the coast. The Uligan (PH) oil that we
22 commonly know as grease has been traded and it's probably
23 one of the most expensive products coast Indian people
24 have ever produced, you know. And it still today commands
25 a huge market, not just in value but in consumption.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 And there are other forms of food and
2 hides, and you know, products that coast people have traded
3 with inland people in exchange for what they would have
4 produced in the way of moosehide or some other forms of
5 beef and meat that we would trade for seafood and sea
6 products.

7 So I guess you can refer to any form of
8 oral history to hear stories of how this intertribal trade
9 took place. And being an oral society you would need to
10 talk to a whole bunch of us rather than go to a library
11 to find most of these records.

12 **CO-CHAIR GEORGE ERASMUS:** M'hm.

13 Could someone deal a little further with
14 this accusation that's going on that what the Aboriginal
15 people are trying to do is replace non-Aboriginal
16 fishermen. It seems to be, as you said, there's a hysteria
17 out there that what you are trying to do is remove all
18 Aboriginal -- all non-Aboriginal people from the
19 commercial fishing industry.

20 **MR. ERNIE CREY:** This is a -- the
21 question that is central to this whole issue -- last year
22 there was no reallocation of fish to Aboriginal nets along
23 the major river systems in the province. And also, Mr.
24 Chairman, in 1993, the Aboriginal people have not argued
25 for and have not sought substantial reallocation of salmon

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to the Aboriginal fisheries along the major water systems
2 in British Columbia.

3 What happened last year, Mr. Chairman,
4 was that was different than any other year, was that there
5 were 80 some odd agreements concluded with First Nations
6 across the province that so those First Nations come by
7 funding to undertake one kind of fisheries project or
8 another. Of those 80-some odd projects there were three
9 which were pilot in nature. Last year was the first year
10 of those pilot sales initiatives. In 1993, we'll see the
11 second year of those pilot sales initiatives. Only three
12 projects, one on the Skeena River, the lower Fraser and
13 in the Nuuchah-Nulth territory.

14 On the lower river there were not fish
15 reallocated to our fishery to support our pilot sales
16 initiative. We were not going to catch, and, in fact,
17 we caught fewer fish on last year as a cycle year, than
18 we had caught in previous years on that same cycle year.

19 The difference was is that we could use
20 that fish for personal consumption or ceremonial needs
21 or make them available for sale. And that will be the
22 case again in 1993. So where all the ---

23 **CO-CHAIR GEORGE ERASMUS:** So you
24 actually took less fish?

25 **MR. ERNIE CREY:** Yes, we came up short

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 100,000 fish short of what we agreed to in the agreements
2 we concluded with the federal Crown last year.

3 And this year, we are not looking at a
4 substantial increase, an increase at all, in fact,
5 expressed as a percentage of the allowable catch, to
6 support these pilot sales initiatives.

7 So that is one of the central arguments
8 of this group calling itself the Coalition. Well,
9 actually I described it as a blatant lie that they've
10 attempted to foist on the residents of British Columbia
11 on members of parliament and members of British Columbia's
12 legislative assembly.

13 And unfortunately, Mr. Chairman, I must
14 report to you that some members of parliament and members
15 of the legislative assembly of British Columbia either
16 simply through ignorance and lack of familiarity with the
17 fishery have taken up this chant, if I could describe it,
18 that has been written by the Survival Coalition and they
19 have taken it and it sort of echoes across the province.

20 And it echoes through, as Chief Mallory has pointed out,
21 some of British Columbia's major media outlets.

22 So there has been no reallocation of fish
23 whatsoever in this province to support Aboriginal
24 fisheries. Our share of the catch annually is about three
25 and a half to four per cent. Last year it did not change.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 And in 1993, it will not change.

2 **CO-CHAIR GEORGE ERASMUS:** Go right
3 ahead, Ken.

4 **MR. KEN MALLORY:** I just wanted to
5 expand on Ernie's answer when he's talking about the
6 allocation and talking about the regulations. One of the
7 things that I forgot to mention was the fact that the
8 Survival Coalition says that we've got an unrestricted,
9 unregulated wideopen fishery.

10 **CO-CHAIR GEORGE ERASMUS:** Right.

11 **MR. KEN MALLORY:** That -- it's a lie.
12 The fact is is that this year the Sto:lo people are
13 restricting the amount of fishing effort in our own
14 community ourselves. We're going to cut back in the amount
15 of effort.

16 The other thing that people don't
17 realize is the extreme lengths that we have to go to get
18 an agreement. The extreme lengths that we have to go to
19 satisfy DFO who are trying to satisfy the Survival
20 Coalition.

21 And, for an example, the fact is that
22 when our people are out fishing we have -- we have
23 encounters and there's going to be -- there's a fish
24 sounding device that counts the fish as they go through
25 Mission. There's going to be another one put up above

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 our territory and there's going to be another one in the
2 middle of our territory. So they're going to have three
3 different sounders counting the fish.

4 Well, when we're fishing the Department
5 of Fisheries and Ocean personnel comes up and they lift
6 the nets and they count the fish in the nets. If they
7 see a fisherman, they ask the fisherman how many fish did
8 he get and then they record it.

9 When our fisheries and forestmen people
10 go up the river, they talk to the fisherman and they ask
11 how many fish did you get and they record it. When those
12 fishermen land at their landing site, the fishing monitor
13 asks them how many fish they got and they record it. And
14 then those people will bring their fish to a designated
15 mandatory landing site where those fish will be counted
16 again for the fifth time. And then if that person chooses
17 to sell his fish those fish will be counted again on sales
18 slips.

19 Six times that fish has been counted and
20 I don't think that the commercial fishing industry or the
21 sportsmen would ever, ever allow anybody to count their
22 fish six times. We're prepared to do whatever we have
23 to do to make sure that this Aboriginal Fishing Strategy
24 works.

25 And so we've gone to extremes to try and

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 make sure that we can do everything possible to say that
2 those fish that came through our territory were accounted
3 for while they were in our territory and until they passed
4 through our territory they are counted six times.

5 So that's the way it is and I don't
6 believe that commercial fishermen have to go through that
7 and I don't believe that sports fishermen have to go through
8 that. Generally, sports guys are on the honour system.
9 Nobody trust us. We're not on the honour system.

10 **MR. ERNIE CREY:** One other offering I
11 would like to make, if I might, Mr. Chairman.

12 We have left packages of materials with
13 you. The letter from the Survival Coalition that talks
14 about us translating our rights as set out in Sparrow to
15 unrestricted access to trees to make totem poles, which
16 is, of course, just silly.

17 So their kinds of criticisms of our
18 fishery move from the absolutely ridiculous, like that
19 letter, and most municipalities are retracting their
20 initial support in British Columbia for this letter and
21 calling on municipalities to write the federal government
22 proposed strategy to serious threats of violence, Mr.
23 Chairman, that I would really like you to take note of.

24 But we have submitted a column that was
25 published in the Vancouver Sun a short while ago, written

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 by a Mr. Stephen Hume, in which Mr. Bob McKamey is quoted
2 in their as threatening to take people out -- take people
3 down with him and buildings with him if he and his
4 colleagues in the Survival Coalition don't get their way
5 in this province. That is by having the Aboriginal
6 Fisheries Strategy cancelled.

7 So we're left wondering if they're
8 talking about destroying the dwellings of Indian families
9 and perhaps visiting bodily harm on our people on the river.
10 So we ourselves will be inviting in the RCMP to investigate
11 these matters, drawing these issues to the attention of
12 the Attorney General of British Columbia.

13 So you get absurd and silly letters such
14 as that authored by people who will appear in front of
15 you later, up to these dire threats of horrendous property
16 damage and physical violence against individual Aboriginal
17 people. So these are the kinds of people that will be
18 appearing in front of you, unfortunately, later, Mr.
19 Chairman.

20 And they stand convicted by their own
21 words, Mr. Chairman, because they are published here in
22 the Vancouver Sun, if we're to believe the Vancouver Sun.

23 They are also published in other newspapers, quoted
24 accurately, such as the Middle Ridge Pitmeadow Times.
25 And we've submitted all of this as evidence that we're

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 not exaggerating the serious public threat that the
2 Survival Coalition poses in this province.

3 Thank you.

4 **CO-CHAIR GEORGE ERASMUS:** I would like
5 to go back -- thank you for that.

6 I would like to go back to what -- how
7 you were dealing with the pilot sales agreements. You
8 described in the, I guess it is the Sto:lo situation where
9 you have to go through, and by the time it's counted for
10 the sixth time that is when it is being sold. So it is
11 hard to figure out how you would have a problem with that.

12

13 Is that what is happening in the other
14 two pilot cases also or -- do we know of?

15 Anybody?

16 **MR. SIMON LUCAS:** Can I just go back a
17 little bit.

18 **CO-CHAIR GEORGE ERASMUS:** Oh, yes.
19 Sure.

20 **MR. SIMON LUCAS:** I think it's important
21 to listen to what the Sto:los are saying. I'm a commercial
22 troller by trade. One of the best.

23 And I think that you could understand
24 what the Coalition is saying. Last summer we were fishing
25 all almost west of Winter Harbour, which is probably

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 250-300 miles from here. And what the Coalition is saying
2 is that they lost fish that went by Winter Harbour in July.

3 And last summer is the longest time we've had to troll
4 for sockeye in the last five, six years.

5 And unfortunately, myself I never got
6 much sockeye, but it had nothing to do with Sto:lo. It
7 had something to do with how the sockeye was migrating.

8 It was -- it was migrating very differently from previous
9 years. So the migration had an effect on the people that
10 I fish with. We were not on the spot all the time. And
11 they were what you call hidden.

12 We couldn't spot them on the electronics
13 like we usually do. So from Winter Harbour and the sockeye
14 just took off straight down to San Juan, just down here
15 away here. And they had the longest opening ever for
16 gill-net in San Juan. So the gill-net has actually done
17 quite well on the sockeye. So you have -- we had the
18 condition of the warm water, extreme warm water which had
19 a drastic effect on how we were catching fish.

20 So the Coalition is saying that fish that
21 had already gone by us are saying that it was theirs.
22 As a matter of fact, they were claiming compensation.
23 We want 25 million for what other people got that we should
24 have gotten. So there has to be that understanding.

25 The other thing that happened and

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 because we don't how governments work, it may have been
2 deliberate. And I say, may. It may have been deliberate
3 that we were fishing American coho, small little
4 two-pounders -- two and a half, two-pounders. It may have
5 been in exchange for the sockeye. And that's where the
6 Survival Coalition don't talk about, is that we, in fact,
7 got more coho last year than any time. So that hasn't
8 been thrown on the table.

9 Well, this year we're faced with the same
10 thing again. Look, if there's no agreement with the
11 treaty, we'll open the fishery up for coho. Now, that's
12 the thing that's going to happen.

13 So the Survival Coalition -- and the
14 other thing that happened last year is that there was two
15 and a half million pounds of a catch of halibut by trawlers.
16 Now, it's fine and dandy for the non-Indians to shift
17 resources among within themselves and that's not a threat.
18 Not a threat to either party. But what's happened this
19 year is that the government said well, we'll add on to
20 the troll of halibut of 15 per cent. So it went -- and
21 the majority of license holders are survival people.

22 What they don't tell the public that this
23 year we got 15 per cent more to catch on halibut. So the
24 Survival Coalition is way out of line in terms of what
25 they're saying. The Survival Coalition, all of them own

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 the black cod licences, which now value at a million
2 dollars. You can't get into it. You can't get into the
3 halibut fishery because it's based on individual quotas.

4 You can't -- this year, Mr. Chairman,
5 I was given a notice this year that I can no longer fish
6 cod and bottom fishery on the basis that I never caught
7 5,000 pounds last year and 10,000 pounds previous year.

8 So what that literally done is it's took away partial
9 livelihood from the whole coastal communities. And then
10 -- but the Coalition don't talk about that. Again, they're
11 the beneficiaries in all of these adjustments in fishery
12 regulations.

13 And they're involved in the Kooetik (PH)
14 fishery. They don't tell the general public that they're
15 the majority licence holders in the Kooetik (PH) fishery.
16 They're the majority holders in all of the resources that
17 make our coastline up. And they don't tell that to the
18 public.

19 So I think that the coalition -- and I'm
20 glad that I went to Guatemala last week because now I
21 understand what happens when the majority of the society
22 pushes down on people. They -- over there the Indian
23 people are a majority. But when government incorporations
24 and powerful people push down on people they convince
25 themselves, literally, that we're bad.

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 So I think that we tried to bring out
2 the issue of the clam issue on the west coast of Vancouver
3 Island. We said that if you totally open it up and I'm
4 no racist by any long shot, but there was boat people coming
5 in here and literally we said that it's a danger when a
6 150 clam diggers gather in one place. Well, low and behold
7 we have a problem today, because they didn't listen to
8 us five years ago.

9 So I think those are the kinds of things
10 people aren't being made aware of. So I thought that you
11 should know what the Coalition is saying. All the years
12 that I've been trolling as a commercial troller, my
13 earnings have never depended on what the people at the
14 river have taken out. Never.

15 **MR. ERNIE CREY:** Maybe to pick up on the
16 point of your question, Mr. Chairman.

17 I would think that the agreements that
18 may be in place on the Skeena and the John Laferrier and
19 on the Lower Fraser may be very comparable in that some
20 of the requirements in there are quite stringent. In fact,
21 we may be nice enough this year to be -- and to be kind
22 enough, considering the public debate that's going on,
23 that notwithstanding provisions in Sparrow, which do not
24 promote the federal Crown to visit any undue hardship on
25 the Aboriginal fishery and that's in Sparrow. Those are

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 not words out of my mouth.

2 We may comply with some very stringent
3 requirements in our fishery and in it's regulation and
4 the sales of the fish that will come out of the fishery.

5 And we may be agreeable to designated landing sites.
6 We may be agreeable, notwithstanding perhaps, some of the
7 concern that might be expressed to the leaders on either
8 side of me from people in the village with having our fish
9 counted so many times before they find their way to market.

10 **CO-CHAIR GEORGE ERASMUS:** Could you
11 elaborate what the other majority of those 80 agreements
12 are about then if they were not about sales?

13 **MR. ERNIE CREY:** There were only three
14 sales agreement areas as I pointed out, Mr. Chairman, last
15 year.

16 **CO-CHAIR GEORGE ERASMUS:** Right, I got
17 that.

18 **MR. ERNIE CREY:** Many of the projects
19 across the province would be associated with enhancement
20 efforts, efforts at counting fish as they approach or reach
21 their spawning grounds. Various scientific undertakings
22 of one sort or another to count or enumerate fish. To
23 provide data for biologists to make predictions about the
24 future strength of certain stocks of salmonoids in the
25 province.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 They would vary from place to place
2 across the province.

3 **CO-CHAIR GEORGE ERASMUS:** Okay.

4 **MR. ALVIN DICKSON:** Could I say
5 something about something that Simon introduced here about
6 other fisheries. I don't want to be distracted or I don't
7 want you to be distracted and led to believe that sockeye
8 and Fraser River fish are the only things that are
9 significant in B.C. fisheries.

10 I think that while it's an important
11 fishery to many of us. It's not the only fishery. There
12 are many, many others and Simon named just a few of them
13 when he mentions halibut and black cod. No one has
14 mentioned the fact that herring is a major part of the
15 economy in the B.C. fisheries. And many of the Indians
16 are closed out of that fishery because of government
17 regulations.

18 There are things like herring,
19 roe-on-kelp fisheries that is a very, very lucrative
20 fishery. And fortunately, some of our bands were
21 successful in getting band licences to harvest
22 roe-on-kelp. But by the same token, many pilot
23 individuals exercise licences issued to them by the
24 Department of Fisheries and Oceans and have commercialized
25 it.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 And I guess for those of us that aren't
2 Fraser River Indians and live up and down the coast, we
3 are concerned that many of the other resources of the sea
4 that were primarily ours are threatened. Not by Indians
5 but by commercial interests. And while we are commercial
6 fishermen in some respects, we do have a whole range of
7 seafoods and sea products. Things like abalone, which
8 once was quite predominant all up and down the coast doesn't
9 exist for, at least, useful purpose. Either for
10 sustenance or commercial use because it's been
11 overharvested by commercial dive fisheries.

12 And there are many other resources like
13 abalone and things like sea cucumber and sea urchins and
14 goveduk, clams, you name it. They're all there and they're
15 being over exploited. Not by Indians but other commercial
16 interests.

17 And I think you need to be aware of that
18 and I think you need to be very alert to the kind of
19 attention that is directed towards Fraser River sockeye
20 while other things are happening and while other things
21 are being lost to Indian people.

22 Non-Indian fishermen will make a lot of
23 noise about getting only one day or two days fishing on
24 sockeye commercially, but forget to tell you -- like, Simon
25 said they got 17 straight days in Juan de Fuca on the same

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 product, the same resource. And they probably got 16
2 straight days in the central area on the same resource.

3
4 You know, you have to be very careful
5 how you read and interpret their attempts to persuade you
6 to believe that they are being hard done by and they are
7 being closed out of something that may be theirs in favour
8 of Indians. I think -- our history has been a course of
9 history that shows that Indian people have always been
10 victims of change. We've always been closed out of those
11 things which were traditionally and rightfully ours. And
12 I think a good example of that is how this industry
13 originated.

14 We had canneries all up and down the
15 coast that employed our people as processors, employed
16 our people as fishers and as the course of centralization
17 within fish companies took place, places like Butedale,
18 Clemto (PH), River's Inlet were shut down in favour of
19 major plants in Prince Rupert and Vancouver, Steveston.
20 Cannery workers lost their jobs. Whole families were
21 displaced and these are Indian families that were
22 displaced. And the rest of the industry stood by very
23 silently.

24 Now, that they've been closed out of say,
25 Steveston and B.C. Packers has shut their cannery down

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 in Steveston and have probably decided to do their
2 processing in Alaska and Washington, these people are
3 crying loud and clearly that they want compensation for
4 lost jobs. And when we lost them 25 years ago or less,
5 no one said a thing.

6 So it's that kind of thing. How they
7 use the information to make it look like they are the
8 victims, not the Indians. I think you need to be very
9 alert to those kinds of uses of information.

10 **CO-CHAIR GEORGE ERASMUS:** Could you
11 tell me a little bit about the 1.2 million sockeye that
12 didn't make it. You said here a major investigation was
13 launched, his findings confirm most of the findings in
14 our own investigation. But you didn't say too much about
15 what happened. What is the story on the sockeye? Where
16 did it go?

17 **MR. ERNIE CREY:** Thank you, Mr.
18 Chairman.

19 At the top of the season, the Survival
20 Coalition and the Fisheries Council of British Columbia
21 the president, I believe, of the Fisheries Council of
22 British Columbia one Michael Hunter made it known to the
23 media first of all, a bit surreptitiously and then more
24 blatantly and openly later that British Columbians were
25 facing 1.2 million sockeye salmon lost in the Fraser River.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1

2

3 What most British Columbians may have
4 overlooked that the very first people to call for an inquiry
5 into what may have become of those fish, indeed, if there
6 were missing fish to begin with, were, in fact, the leaders
7 on either side of me. The Sto:lo leadership called for
8 a public inquiry to examine what indeed may have become
9 of these fish if, in fact, they were missing.

9

10 The first signal of so-called missing
11 fish was the early Stuart run of sockeye salmon. The
12 pre-season forecasts of the size of this run was some
13 700,000. This is what the fish scientists thought was
14 going to be returning into the Fraser River. These fish
15 traverse the Fraser River into the Stuart Lake system which
16 is north and west of Prince George. As the test fisheries
17 results came in and the fish scientists, if I can describe
18 them as such, started looking at the data. They started
19 downgrading the size of the run. First from 700,000 down
20 to 600,000 thence down to 500,000. Eventually ---

20

21 **CO-CHAIR GEORGE ERASMUS:** Let's see if
22 I am getting this right. Even before the run has started
23 the estimated was supposed to be 700,000.

23

24 **MR. ERNIE CREY:** Right.

24

25 **CO-CHAIR GEORGE ERASMUS:** And then the
run ---

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. ERNIE CREY:** Then as the fish
2 started to move along the coast and they started to be
3 picked up in test fishery nets, scientists using that
4 information along with other information they have,
5 historical information they have about that particular
6 race or stock of fish, start making educated guesstimates
7 about what the run -- the strength of that run might be
8 indeed.

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

10 **MR. ERNIE CREY:** Well, they started to
11 downgrade the run size from the optimistic projection of
12 some 700,000 down eventually to some 300,000. Now, it
13 is said that approximately 300,000 of these fish pass what
14 is -- a location near Mission -- Mission City, British
15 Columbia.

16 At Mission City is a small aluminum boat
17 that goes back and forth across the Fraser River. And
18 using echo sounding technology the scientists make, once
19 again, an educated guess as to how many fish might have
20 gone underneath the boat. And their best guesstimate was
21 some 282,000 fish went under the boat.

22 So those fish were bound for the spawning
23 grounds in north central British Columbia. The only
24 fishery that was taking place on these fish that we are
25 aware of, was the Aboriginal fishery and largely, but not

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 exclusively above Mission. And, of course, enroute to
2 the spawning grounds.

3 Early in the season, a fisheries
4 biologist with the Department of Fisheries and Oceans who
5 enjoys some favour with the Survival Coalition gave them
6 some information that the number of fish that indeed had
7 reached the spawning grounds was about 40 or 45,000 fish.

8 Well, he was to be wrong because later in the season there
9 were some 65,000 fish or more that, in fact, had reached
10 the spawning ground. Well, this is what precipitated or
11 kicked into action all of the hysteria in British Columbia.

12

13 This run was described as having been
14 decimated, notwithstanding the fact that this was the
15 largest number of fish ever to return on that cycle year
16 for that particular stock of fish in some 40 or 50 years.

17 However, what people confuse in their minds, Mr. Chairman,
18 is this, is that the Department of Fisheries and Oceans
19 establishes escapement goals. This is not to be confused
20 with conservation.

21 If we, as fisheries scientists, or
22 fishery scientists establish an escapement goal, they have
23 certain things in mind when they establish an escapement
24 goal, such as rebuilding the stock and making that stock
25 more abundant so that more people can enjoy, in one case

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 a commercial harvest on it. In another instance, an
2 Aboriginal harvest on it. And especially if it's another
3 species of salmon, a sports fishery on it. This is
4 different than conserving a run.

5 And at this time Aboriginal people have
6 no role in establishing escapement goals. So to make a
7 long story short, in the -- everyone was optimistic about
8 the run size to begin with and that the escapement goal
9 was some 200,000 fish. That was the goal. That is not
10 to be confused with conservation. That was the goal.
11 Three hundred thousand (300,000) fish went under the
12 Mission bridge or so it is thought and early estimates
13 of the number of spawners reaching the ground was some
14 45,000.

15 That wasn't so because later in the
16 season it was some -- in excess of 65,000. This is what
17 precipitated in part all of last year's controversy. The
18 supposition there or the guess is there, that because --
19 the difference between some 65,000 spawners and the 200,000
20 spawners that they had hoped to see on the spawning grounds
21 hadn't arrived and there were no -- apparently no
22 commercial fisheries. Then, obviously, the Indians
23 caught it.

24 And this is also very much like belief
25 in a religion, if you will, Mr. Chairman, because we know

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 that behind the scenes, fishery scientists tell us,
2 although they won't admit it publicly, that that fish
3 estimator at the Mission bridge can be out plus or minus
4 35 per cent -- at the Mission bridge.

5 Now, there have been no -- the fishery
6 scientists at the Department of Fisheries and Oceans will
7 not fess up to that, nor will the fishery scientists at
8 the Pacific Salmon Commission fess up to that. Because,
9 obviously, they have their professional status to consider
10 and the like.

11 But what is interesting, Mr. Chairman,
12 is at the conclusion of the season and after the conclusion
13 of the Pearse inquiry in which recommendations were made
14 about upgrading the fish counter, if we can describe it
15 as that, or the echo sounding device and the introduction
16 of additional echo sounding technology elsewhere on the
17 Fraser River as Chief Ken Mallory has pointed out, just
18 above our territory. It's interesting to note that they
19 are upgrading the standard of the equipment.

20 So in that, in my view, is not only an
21 admission that perhaps the technology that so many people,
22 such as members of the Survival Coalition, has placed,
23 blindly I might add, in that technology the people who
24 they put so much confidence in have quietly gone about
25 upgrading that equipment. So that perhaps we don't see

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 a repeat of next year or last year. Sorry. Last year.

2 **CO-CHAIR GEORGE ERASMUS:** Will there be
3 more than one counting station.

4 **MR. ERNIE CREY:** Yes.

5 **CO-CHAIR GEORGE ERASMUS:** Good.

6 Is there anything else that anyone of
7 you want to add?

8 Viola, do you have any questions?

9 **COMMISSIONER VIOLA ROBINSON:** Well, I
10 must say your problems sure sound familiar with me coming
11 from Nova Scotia with the kinds of same things that our
12 people are going through with the lobster fishing and all
13 sorts of things.

14 However, I was just wondering when you
15 talk about the Aboriginal Fishing Strategy, you say at
16 the present time that it is stalled. Why is it stalled?

17 **MR. SIMON LUCAS:** Because there's been
18 such a heavy push from the corporate world and the Survival
19 Coalition to stop this. They've lobbied government
20 heavily at all levels -- at the provincial level and the
21 federal. Even in one point they -- my dear friend made
22 a terrible statement almost supporting the Coalition.

23 We found ourselves almost standing alone
24 this past year in terms of -- so the stall, of course,
25 I suppose after the election of the next leader of the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 conservative party has a lot to do with it. I think that
2 all the nations are still negotiating heavy.

3 But a lot of it has been to -- like,
4 yesterday I was listening to the Sea IIs, a little radio
5 outfit here, and they had a thing on there. Should the
6 Indians get monetary settlements for land claims? Well,
7 the end result of a few hours of the call-in says it's
8 74 per cent voted against it. Seventy-four per cent of
9 what? Was it 1 people or five people that phoned in.

10 So it's those kind of things that help
11 really stall things and they haven't stopped. It's all
12 over the place.

13 **COMMISSIONER VIOLA ROBINSON:** Okay.
14 Thank you.

15 Well, I guess -- I guess there was just
16 one thing that I was curious about when you were making
17 your presentations initially and that is talking about
18 -- talking about, I guess, your right to fish and to
19 commercial -- commercially.

20 And yet, I am just wondering and this
21 is just my own curiosity because it is something that
22 bothers me sometimes, is that in 1985 is it your fishing
23 association that got nearly \$11 million for -- that was
24 for industry. For fishing industry -- for business. And
25 it was purely a business venture is that it -- that is

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 it?

2 **MR. ALVIN DICKSON:** It was to invest in
3 commercial boats and licences.

4 **COMMISSIONER VIOLA ROBINSON:**
5 Licences.

6 **MR. ALVIN DICKSON:** Yes.

7 **COMMISSIONER VIOLA ROBINSON:** So that
8 is purely business because ---

9 **CO-CHAIR GEORGE ERASMUS:** That's across
10 the fishery? It does not matter which fishery?

11 **MR. ALVIN DICKSON:** Excuse me. I'm
12 trying to rid of ---

13 **CO-CHAIR GEORGE ERASMUS:** Reagan's
14 little bean.

15 **MR. ALVIN DICKSON:** Our program is
16 engaged only in the salmon licensing and boat purchase
17 and loan program. There are many other fisheries that
18 we haven't had the resources to get involved in. We'd
19 like to get into the business of buying halibut quota and
20 buying black cod quota and all of that sort of thing.
21 But our program supports, for the moment, only the salmon
22 and herring industry insofar as First Nations people are
23 concerned. And it's strictly a business relationship that
24 we maintain with them.

25 **COMMISSIONER VIOLA ROBINSON:** Okay.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 Well, that is okay.

2 **CO-CHAIR GEORGE ERASMUS:** I had one
3 other question. We have been looking at this Angus Reid
4 group poll that they did questioning the public on their
5 views in B.C. about the B.C. fishery and they had some
6 questions in here about the public support of the
7 Aboriginal commercial fishery and all that.

8 I was wondering what you thought about
9 these questions? Whether you thought they were fair or
10 what?

11 **MR. ERNIE CREY:** After I finish
12 collecting myself, Mr. Chairman, I suppose I could answer.

13 No, it's pretty obvious that the
14 questions are heavily slanted. There are competing polls
15 in British Columbia that clearly indicate lots of support
16 for the aspirations of Aboriginal people in the fishery
17 and goodness knows, some of our claims to land and other
18 resources in this province. That was clearly a
19 slanted -- a slanted pole that was designed to garner
20 certain results in this province.

21 As a matter of fact, Mr. Chairman, I've
22 said that if I were posed those questions, I might respond
23 no, no, no and no. Myself. Because Aboriginal people
24 in this province have never said that as one of the
25 questions seem to suggest that they only commercial

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 fishermen there ought to be ought to have black hair and
2 brown skin. Even I would say, no to that, Mr. Chairman.

3 And we've always said, as Simon Lucas
4 has pointed out, that we're a generous people. The
5 resources are there and Simon has grey hair. We're a
6 generous people and the resources are there to be shared
7 but there's a handful or a few thousand people in this
8 province who seem to feel that a bunch of Aboriginal people
9 living in the direst of poverty is perfectly acceptable
10 and any aspirations we have somehow constitute a threat
11 to them and their livelihood and their families. And I
12 just simply beg to differ, Mr. Chairman. So thank you.

13 **CO-CHAIR GEORGE ERASMUS:** Thank you for
14 all your time.

15 **MR. LOU DESMARAIS, MODERATOR:** Thank
16 you gentleman.

17 The representatives of the B.C.
18 Fisheries Coalition are the last presenters of the day.
19 I would call them forward at this time.

20 Gentlemen, if you could sit on this side
21 here. And I guess you have got something to show that
22 we can put up on the flipchart stand there.

23 Our procedure has been that you
24 introduce yourselves and I guess you have sorted out who
25 is going to start and then just go for it. And then there

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 will be questions later by the Commission.

2 **MR. BOB MCKAMEY:** My name is Bob
3 McKamey. My friend is Phil Eidsvik. I'm here
4 representing the B.C. Fisheries Survival Coalition.

5 We got a place to speak in this meeting
6 on very short notice. So we will be talking mostly about
7 some of the very basic things about the Coalition. Before
8 we do that, I'd like to take this opportunity to respond
9 to some of the statements that Mr. Crey made. I find them,
10 I'm not sure where he's coming from.

11 I did make some statements at a meeting
12 in Maple Ridge several weeks ago. As soon as I said them,
13 I regretted them. I asked the reporters there not to print
14 them. But everybody at the meeting, including the
15 reporters, everybody understood that my frustration and
16 the comments I made were as a result of my frustration
17 with what in my mind is a government that will not listen
18 to us. Everybody knew that they were not directed in any
19 way at the Native people.

20 I grew up on the river. I've had Native
21 friends all of my life. For me to be called a racist in
22 any way is completely off track. At this point in time
23 I don't know what I can do to convince the Native people
24 of that, but it's a fundamental important issue to me right
25 now.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 At this point in time, the fish are not
2 a big thing to me. The fishermen of B.C. The biggest
3 issue that I have to wrestle with myself is this whole
4 idea is that this is a racist issue. That I am a racist.
5 That the people that belong to the Survival Coalition
6 are racist. That is simply not true.

7 In my mind this is a fish issue. The
8 issue is who is going to catch the fish. Who is going
9 to look after the fish. I'm not sure why there is a need
10 to go beyond that. The things that you see coming from
11 the Survival Coalition are our way of saying that we don't
12 believe that government is making the right decisions in
13 this whole issue. I think we should be able to disagree
14 on all of the aspects of the whole Aboriginal Fishing
15 Strategy without this becoming a race issue.

16 I was born on the river 45 years ago and
17 I never once -- never once made a decision based on race.
18 I'm a fisherman. I'm a commercial fisherman. I want
19 to stay commercial fishing. But at this point in time
20 to hear Ernie -- I talked to Ernie. I talked to Mr. Hume
21 after he had written the article. Mr. Hume agreed with
22 me. He rewrote the article and said this man is not a
23 racist.

24 I phone Mr. Crey and explained to him
25 my concerns. He said he seemed to understand and he agreed

StenoTran

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 to let me write an article for the River Talk magazine,
2 which wouldn't seem to be the case that he would do that
3 if he didn't believe me. I couldn't believe my ears when
4 I heard what he had to say today.

5 That sort of thing is going to -- is not
6 going to resolve this issue. If it is, I don't see how
7 it is. Both sides in this whole issue would seem to me
8 have some really valid points. The government should be
9 able to sit down and bring us together, get the best deal
10 we can for both of us and everybody goes home happy.

11 When did this become anything other than
12 that. I am not -- when it becomes an issue beyond that
13 was when I started to get a real sick feeling about it,
14 like I have now.

15 The damage that Mr. Crey can do with
16 statements like that do nothing to resolve this. But I
17 tell you they do lots to get rid of my will to keep
18 participating in it. I'll try not to dwell on that issue
19 any longer.

20 I'd like to quickly run through a few
21 things that the Survival Coalition believes in and
22 hopefully I can talk to Ernie and I'd be willing to talk
23 to anybody else, any of the Natives, anywhere in B.C. that
24 would like to sit down and talk to me about that issue.

25 I don't believe the Survival Coalition

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 is a racist organization. And the day that I do believe
2 that I'll be out of it.

3 Very quickly -- Phil, is there anything
4 you would like to add to that?

5 As a commercial fisherman, I don't --
6 the Survival Coalition doesn't believe there is a need
7 for two commercial fisheries on the west coast. We believe
8 there's room in the existing fishery to expand it, to
9 include anybody who wants to participate in the fishery.
10 There's an established way of managing that fishery that
11 seems to be relatively successful up till now.

12 We don't believe that the right way to
13 increase Native participation in the fishing is to create
14 a new commercial fishery. We have -- from day one we have
15 said we had no problem with the Sparrow decision that said
16 there was a right that come after conservation for a Native
17 food, social and ceremonial fishery. There was never --
18 that fishery has been going for as long as I can remember.
19 And there was never a problem.

20 We feel that the commercialization of
21 that fishery has some very inherent risks involved in it
22 that put the fishery at risk and consequently, you know,
23 it puts our industry at risk and puts me at risk personally.

24 That's why I got involved in this because I didn't believe
25 it was the right way to go.

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 We believe the Native people have
2 always -- they've had the same right to participate in
3 that fishery that we all have. In some cases there have
4 been programs and I believe in every one of them to increase
5 the involvement in the existing commercial fishery -- the
6 Native involvement in the commercial fishery.

7 We believe those programs have worked
8 well. They could be improved on but the fishery that has
9 been identified as a Sparrow fishery for food, social and
10 societal purposes should stay exactly the way it is and
11 the Native participation -- the increase in Native
12 participation should happen through the existing
13 commercial fishery.

14 We don't -- I don't support and the
15 Survival Coalition doesn't support the whole idea of the
16 co-management concept. Not because it's Natives that are
17 involved. If the government come to me and told me that
18 the trollers were going to manage the fishery from now
19 on, I would have exactly the same objections to it. If
20 they come to me and told me that the seiners were going
21 to manage this fishery -- the fishery from now on, I would
22 have exactly the same objections to it.

23 I don't believe that fishermen have the
24 ability to enforce and to manage and to make sure that
25 everything is done properly within the fishery. I think

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 fishermen have to have this, by virtue of the fact that
2 they're fishermen, have to have an outside independent
3 organization that watches all of us and make sure that
4 we all fish within whatever rules and guidelines have been
5 established.

6 I think the co-management program, an
7 indication of some of the problems we had on the Fraser
8 and some of the problems we had in Alberni, some of the
9 problems we had at other places on the coast, I think were
10 a reflection of the problems that existed within the
11 co-management program. And it's got nothing to do with
12 me saying that Natives can't enforce a fishery. I don't
13 have a problem with that. I do have a problem with
14 fishermen enforcing the fishery.

15 We don't believe that's the right way
16 to do it. And we believe it should stay in the hands of
17 DFO.

18 Beyond that, there isn't too much that
19 we believe in. We believe -- it's a pretty basic issue
20 with us and I don't know when it got blown into such a
21 huge philosophical point of contention. It's pretty
22 basic. I really don't -- I'm not comfortable with sitting
23 arguing with people on this whole thing, but I still don't
24 -- I believe in our position enough to take the time to
25 get actively involved in it.

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 We -- I -- Ernie had his explanation of
2 the problems that were on the Fraser and where the fish
3 disappeared last year. I'm sure he believes them.

4 I believe the fish went under the Mission
5 bridge and they disappeared before they got to the spawning
6 grounds. I believe that was a result of the increased
7 fishing pressure and I believe that increased fishing
8 pressure came from the new right of sale. But I sure think
9 Ernie and I are entitled to our own opinions without him
10 calling me names and I'm certainly not at this point in
11 time prepared to start calling him names.

12 You're going to hear probably a more
13 detailed explanation of some of these points tomorrow from
14 some of the other people that are involved in this. Some
15 of the other people who have our points of view. But none
16 of them will be speaking on behalf of the Survival
17 Coalition. They'll be speaking on behalf of their own
18 organizations.

19 But I, at this point in time, I think
20 I can speak on behalf of the Survival Coalition when we
21 say those points about we're not a racist, we don't think
22 there's a need for two commercial fisheries and the
23 co-management concept we don't believe is fundamentally
24 going to work because of the fact that people -- fishermen
25 shouldn't be enforcing against fishermen.

StenoTran

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 Beyond that, Mr. Chair, sorry,
2 Co-Chairman, I am willing to answer any of your questions.
3 Like I said, I think some of the fellows tomorrow will
4 be -- will be going into some more detail but I found out
5 about a couple of hours ago that I would have to appear
6 here and when I did appear and heard my name being used,
7 I'm certainly glad I did.

8 **MR. LOU DESMARAIS, MODERATOR:** I am just
9 wondering. Is it your intention Phil to speak as well
10 at this point because then we can have the questions.

11 **MR. PHIL EIDSVIK:** Yeah, I just want to
12 add a couple of things to what Bob was saying.

13 Very briefly, I want to make the point
14 that the existing commercial fishery has been very, very
15 successful for Aboriginal people. And that's something
16 I know a lot of people forget all the time.

17 Any Canadian can purchase a commercial
18 fishing licence providing they have the funds. Today,
19 Aboriginal people make up about 30 per cent of the existing
20 commercial fishery. They make -- Aboriginal people make
21 up about four per cent of the population of B.C.

22 In -- in 1990, Aboriginal people landed
23 \$90 million worth of salmon, non-Aboriginal people landed
24 a 176 million. In the herring Aboriginal people landed
25 32 million worth of herring, non-Aboriginal landed 48

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 million. Aboriginal people control 70 per cent of the
2 roe-on-kelp licences in the province. Aboriginal people
3 are very successful in the commercial fishery. They are
4 very good fishermen. And I think the danger is when we
5 do create these upriver fisheries, to some extent there
6 will be Aboriginal people in other areas who are affected
7 by this upriver fisheries. And I guess the map that I
8 have -- the map that we have there indicates how many
9 different users.

10 This region right here is roughly the
11 Sto:lo region and then we have all the other tribes who
12 use the fish right up into the Stuart Lake region right
13 here. There's a huge amount of people that depend on this
14 resource. And this is only after they get to the Fraser.

15 The same runs come down by Alaska, down
16 around the Queen Charlotte Islands on the west and east
17 coast of Vancouver Island. And everybody in B.C.,
18 Aboriginal and non-Aboriginal have interests in those
19 fish. And this is one of the reasons why we talk about
20 the co-management problem. We say it needs an independent
21 manager because there are so many different people that
22 rely on it.

23 Just on the Fraser there is 97 bands and
24 the -- one group of bands trying to manage it in each region
25 we think leads to splintering management authority to such

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 an extent that it becomes unworkable. We think that you
2 need one manager to stand over the whole thing. You say
3 this is how the fish is going to run. This is when you
4 open fishery. This is when you close.

5 Because we see so many people involved
6 in the decision making process, decisions bog down and
7 you can't make them any more. That's about all that I
8 wanted to add.

9 **CO-CHAIR GEORGE ERASMUS:** How do you --
10 well, I would like to thank you for coming forth because
11 we certainly wanted to hear your point of view.

12 You discount the theory that -- the view
13 that the monitoring at Mission may not be as accurate as
14 it could have been that, in fact, the equipment is being
15 improved and that there was some possibility of either
16 overcounting on the counting.

17 **MR. BOY MCKAMEY:** I happen to fish in
18 that part of the river commercially. I grew up in that
19 part of the river. And to the best of my knowledge and
20 what I base my comments on are the fact that that counting
21 technique has been in place at Mission for many, many years
22 -- over 20 years I believe.

23 Statistically, over those 20 years,
24 they've built up a model that says this many fish go under
25 the counting -- through the counting mechanism at Mission

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 and this many fish get to the spawning grounds. And that
2 each year has proven to be the case. It varies a little
3 bit from one year to the next but they have developed a
4 very, in my mind, a fairly accurate measurement of how
5 many fish went under the bridge. And based on how many
6 go under the bridge, how many should get to the spawning
7 grounds.

8 The -- in 1992, the fish went under the
9 bridge -- X amount of fish went under the bridge and a
10 significantly less number of fish actually got to the
11 spawning grounds. And I attribute that -- to a large
12 degree I felt that was a result of the much heavier fishing
13 pressure in the Native fishery above the bridge because
14 of the fact that the sales agreement were in place.

15 But Dr. Pearse's comments in his report
16 that the government had him carry out, his quotes are "other
17 evidence I received of fishing from Mission to Lillooet
18 tell the story of unprecedented in intensity, management
19 confusion, weak surveillance and enforcement and general
20 excess." He said, "the Native Indian fishery arrangements
21 have the appearance of being hastily negotiated and
22 implemented and threatened inconsistent treatment of
23 Native groups."

24 Mr. Pearse goes on to say, "Not only were
25 there more fishermen than nets, but fishing which had been

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 traditionally limited to four days a week per week in
2 previous years, was almost continuous, unregulated, and
3 uncontrolled in 1992." I personally made -- formed the
4 opinion that I did, if I believe -- I do believe those
5 fish went under the bridge. Mr. Pearse's comments talk
6 of a much higher fishing pressure on those fish after they
7 went under the bridge and half a million fish didn't make
8 it to the spawning grounds.

9 If -- somebody could convince I'm wrong
10 on that I guess, but those are what I informed my opinions
11 on.

12 **CO-CHAIR GEORGE ERASMUS:** You also use
13 different figures as to what went under the count -- under
14 the -- by the monitoring station at Mission.

15 **MR. BOB MCKAMEY:** Well, I think Ernie
16 talked in particular about the Stuart River fish -- the
17 Stuart Lake fish. But Pearse's report was on the whole
18 fishery. Pearse's report was kind of a look back at the
19 whole year.

20 **MR. PHIL EIDSVIK:** And if I can help too.
21 There was a fair amount of confusion about the number of
22 fish that had disappeared. I think that confusion still
23 exists today. I know that Mike Hunter the Fisheries
24 Council president said that there were over a million fish
25 disappeared. This number was given him by -- given to

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 him by Pat Schmoot, the regional director of the Department
2 of Fisheries. That was his rough estimate at that time.

3 There was a lot of confusion about how
4 much fish had disappeared. Incidentally, Mike Hunter
5 swore an affidavit in B.C. Supreme Court on that subject.

6 And now when we have Pearse -- we have a better estimate
7 at how many fish did disappear. But I wonder ---

8 **CO-CHAIR GEORGE ERASMUS:** What is the
9 agreed upon figure now?

10 **MR. PHIL EIDSVIK:** You'd have to check
11 in the Pearse report. I think it's about 375,000 fish.

12 Or sorry, 400 and some and about half of them dropped
13 out of net because of fatigue, warmer water temperatures
14 than usual and then an unknown number, I think he guessed
15 about 286,000 or something. I'm not sure. It's in the
16 Pearse report and I'll give you -- I'll include that as
17 part of our addendum tomorrow and I'll past it on to your
18 committee.

19 But I don't really know whether dwelling
20 on the mistakes of last year is going to get us any where.

21 The fishing season is only three weeks away.

22 **CO-CHAIR GEORGE ERASMUS:** Well, the
23 reason I'm asking is you are writing letters as late as
24 -- as recent as April 2, saying half a million salmon went
25 missing.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. PHIL EIDSVIK:** Yes, what Pearse and
2 that commented on was sockeye only. You have chinook runs.
3 You have coho runs. You have steelhead runs. And the
4 number that is out there is still undetermined. And that's
5 why we're saying over half a million.

6 And I think probably the evidence
7 supports that.

8 **CO-CHAIR GEORGE ERASMUS:** You say you
9 are not a racist organization, but some of the ads that
10 have been taken out seem to be creating, if anything, racial
11 tension. So I am wondering how that jives.

12 **MR. BOB MCKAMEY:** Well, I could respond
13 to that. Mr. Crey referred to a letter that was sent out
14 to the municipalities and I -- it was sent out by one of
15 the Coalition groups on the Vancouver Island. It wasn't
16 full of -- there was some misinformation in that letter.
17 Had I seen it before it went out I never would have allowed
18 it to go out.

19 The misinformation in that letter about
20 an uncontrolled fishery was wrong. I apologize for that
21 on behalf of the Coalition. It's -- and there are some
22 other letters that he referred to do talk about -- they
23 would appear to be written in such a way as to create racial
24 tension.

25 It's very hard to react to the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 government's way of dealing with this without making some
2 of those kinds of statements. And when I read them, I'm
3 not comfortable with them. And I'm speaking more on my
4 own -- myself than the Coalition here. In my mind at this
5 point in time, and this has been a bit of an evolution
6 the way this program has developed. There's been people
7 who are involved in it who aren't traditionally good at
8 this sort of thing. They are very genuine, I think,
9 concerned people.

10 But if we got rid of all of the rhetoric,
11 of all of the finger pointing, all of those kinds of things
12 from the past, because they serve no purpose. Now, what
13 difference does it make if there was 300,000 or three
14 million fish disappeared. What's that going to prove.
15 Now, that's not going to solve anything.

16 The Coalition has spent a lot of time
17 and money and effort to try to prove that the Natives do
18 already participate in the commercial fishing industry,
19 but that's not going to solve things. Now, at this point
20 in time, I'm to the point personally where I would like
21 to see something happen that could solve this. I'd like
22 to sit down with Ernie and some of these people and try
23 to get to some kind of solution that way.

24 But that in itself is a very hard
25 exercise because of the government's involvement in it.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 They would appear to be the ones who are
2 in a position to try to bring us together in some way.
3 Obviously, we have some completely different interests
4 here. And it's the fish. It's who's going to catch the
5 fish. Who should be looking after the fish. Who has what
6 rights to the fish.

7 And I don't think -- if you locked Ernie
8 and I in a room for six weeks, I don't think we would come
9 and say we've completely agreed on how this thing should
10 work. I don't think that's going to happen. But there
11 should be some kind of a mechanism in place to sit down
12 and at least find out if we're closer together. When we
13 try to do that it's very -- both sides are very hesitant
14 to say anything. That process just doesn't seem to be
15 working well.

16 But we could sit here for three weeks
17 talking about what has happened in the last six months.
18 I don't think it's going to have a lot to do with what's
19 going to solve this issue.

20 If this is just a fact finding exercise,
21 then I guess I can go away and get a couple of boxes full
22 of paper. I don't think that has got anything to do with
23 what's going to -- my kids have to grow up, and I'm sure
24 you've heard this speech before. My kids have to grow
25 up in this province. I want to be a fisherman for the

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 rest of my life. But I don't, you know, if it's going
2 to get to the point where this fish -- this fish issue
3 is what's started some kind of racial tension that is going
4 to affect the way we live for the rest of our lives, I'm
5 at the point where I don't really want to be involved in
6 it any more.

7 I remember we used to be able to sit out
8 and argue a little bit about who caught the fish. Now,
9 all of a sudden I hear comments about me going to tear
10 a Native's house down. God! I don't know how anybody
11 can say that and keep a straight face or who would risk
12 even saying that without knowing me better. The risks
13 involved in that sort of thing are tremendous.

14 I've never made a statement like that.
15 Any statement I have made is against the government of
16 this country that I think has done a terrible, terrible
17 injustice. Not just to me, but to the Natives.

18 **CO-CHAIR GEORGE ERASMUS:** Well, if you
19 were to sit down with the Aboriginal people in the way
20 you are suggesting, what do you think you would be trying
21 to accomplish? What would you be hoping would come out
22 of it?

23 **MR. BOB MCKAMEY:** Well, the best thing
24 that could come out of it is a bit of honesty, I guess,
25 on both sides about what is that -- everything now,

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 everything is posturing. It's laying the ground for what
2 both sides see as some kind of a negotiation process down
3 the road. And that -- and that posturing now has,
4 obviously, gone out of control.

5 **CO-CHAIR GEORGE ERASMUS:** Are you
6 saying it is happening on both sides or it is only happening
7 on one side?

8 **MR. BOB MCKAMEY:** Well, I'm not willing
9 to say it's not on both sides and I shouldn't. In my mind
10 that is me speaking. There isn't one thought that comes
11 out of the Survival Coalition. The Survival Coalition
12 is made up of fishermen. It's made up of organizations
13 up and down the coast. And anything that it involves and
14 I guess it would be wrong to say that everything that Ernie
15 says is agreed to by every Native either.

16 But my personal feeling is there's a need
17 to get rid of that posturing, get rid of all that rhetoric,
18 not spend so much time trying to count something that
19 happened in 1992, but find out if there is a solution to
20 this thing in 1993. Because the road it's going down is
21 -- a solution does not lie at the end of it. All that
22 lies at the end of it is more of the same thing, only on
23 a much greater level I suspect.

24 **CO-CHAIR GEORGE ERASMUS:** Did you hear
25 some of the comments about how they might be prepared to

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 do some extra counting and designated landings. What were
2 you thinking when you heard that, if you did hear it?
3 I'm not sure you were in the room.

4 **MR. BOB MCKAMEY:** I just came in when
5 they were talking about that. But, my opinion, is that
6 it won't work.

7 The geography of that fishery where it
8 takes places, the mechanics of it, just the way the fishery
9 is conducted, just do not lend itself to being regulated.
10 I don't think it does anyway. That's my opinion coming
11 from that -- growing up in that part of the river.

12 I think that the fishery -- in my mind
13 you'd almost have to put a DFO guy on every point and every
14 sandbar and every bank to try and regulate that fishery.

15 If I'm entitled to my opinion, my opinion is that that
16 fishery -- a commercial fishery above the bridge will not
17 work, cannot be regulated and cannot be controlled. And
18 I believe 1992 is an indication of that.

19 **MR. PHIL EIDSVIK:** If I can add
20 something to that, Mr. Co-Chair.

21 **CO-CHAIR GEORGE ERASMUS:** Please do.

22 **MR. PHIL EIDSVIK:** I think the problem
23 is that the government tries to make -- do two projects
24 with one strategy. I mean, basically there's two things
25 going on here. There's the response to the Sparrow

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 decision, you know, to increase Aboriginal participation
2 in the management of the fishery. And they're trying to
3 create economic benefit for Aboriginal communities.

4 If you separate those two issues, we can
5 deal with this thing a lot easier because there is a
6 Constitutionally protected fishery for food, social and
7 ceremonial purposes. And then there's another fishery
8 for commercial purposes. And what they're doing is mixing
9 -- in some ways giving Constitutional protection to a
10 fishery which is wide open to all public people, which
11 is the commercial fishery.

12 There is no Constitutional or Aboriginal
13 right to a commercial fishery. And if they were to
14 separate those two, then probably Ernie and everybody in
15 this room could sit down and figure out a way to deal with
16 all the questions that arise from the Sparrow decision
17 -- the communal licence and the increased Aboriginal
18 participation in management. That's not going to be a
19 problem. We can sit down and figure that out.

20 But when it comes to the commercial part,
21 that's where the stumbling block is. And if they could
22 separate these issues in the Aboriginal Fishing Strategy,
23 we would all be miles and miles ahead of the game.

24 **CO-CHAIR GEORGE ERASMUS:** And if you did
25 separate, would you get around the point that Bob was just

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 making. He doesn't see how a commercial fishery can occur
2 in the river?

3 **MR. PHIL EIDSVIK:** Sure, because we've
4 separated the commercial fishery from the Constitutionally
5 protected fishery that goes on in the river right now.

6 **CO-CHAIR GEORGE ERASMUS:** But how do you
7 get around the monitoring problem, the regulating program?

8 **MR. PHIL EIDSVIK:** By providing
9 economic benefits through the existing commercial fishery
10 where there's a long -- 125 years of regulatory and
11 monitoring and enforcement procedures already
12 established.

13 **CO-CHAIR GEORGE ERASMUS:** Not on the
14 river, elsewhere.

15 **MR. PHIL EIDSVIK:** Yes, in the existing
16 commercial fishery.

17 **MR. BOB MCKAMEY:** There is a fishery
18 that goes on in the river below the Mission -- a commercial
19 fishery below the Mission bridge. It's -- and the
20 geography changes significantly when you get above
21 that -- the Biggetty (PH) and up in those areas. The
22 ability to catch fish, in my mind anyway, up in that part
23 of the river is significantly different than down below
24 the bridge.

25 **MR. PHIL EIDSVIK:** And I don't know how

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 many members of the Sto:lo nation and the Sto:lo tribal
2 nation participate in the commercial fishery but I know
3 there's at least a few. So the opportunity is there.

4 And I guess that's where Ernie and LFVA
5 and us break down, is because they see that they want the
6 fishery -- the commercial fishery in the river and we say
7 we're opposed to create a separate fishery because there
8 is only room for one commercial fishery. And that seems
9 to be where we're separating. On all the Sparrow stuff,
10 I mean, we're all together on that. But it's because we've
11 tried to mix these things together and that's where all
12 the controversy is today.

13 **CO-CHAIR GEORGE ERASMUS:** Do you have
14 any other questions?

15 Well, I guess we will continue the
16 discussion in this area with some of your people tomorrow.

17 **MR. PHIL EIDSVIK:** Thank you for the
18 opportunity.

19 **CO-CHAIR GEORGE ERASMUS:** Thank you for
20 coming and I'm not sure what we will do in this area but
21 I certainly hear you saying, you know, it would be useful.

22 The most hopeful thing I heard today it seemed to be that
23 you were hoping to sitting down. I thought I heard the
24 same kind of thing on the other side. But, obviously,
25 there are strong differences.

June 3, 1993

Royal Commission on
Aboriginal Peoples

1 **MR. BOB MCKAMEY:** There is, but it
2 wouldn't be the first time an issue had been resolved to
3 some degree when there were strong differences of opinion.

4
5 And if I may end on a note, Mr. Chairman,
6 you have that letter in front of you that was sent to the
7 municipalities. I am sure if you wanted you could come
8 up with a lot of other instances that do paint the Coalition
9 in a bad light. I could compile an equal pile of the same
10 kind of thing, I would say, on the other side of the fence.

11
12 I don't see what that accomplishes
13 unless the goal is to drive a thicker wedge between us.
14 On a regular basis I throw things away from within the
15 non-Native community and within the Native community that
16 I think will just drive a wedge between us. I think we
17 have to keep our eye on the issue here. The issue is fish.
18 It's not Natives and non-Natives.

19 **CO-CHAIR GEORGE ERASMUS:** Well, we are
20 certainly not interested in that. Our concern is to do
21 what we can to build bridges and build coalitions and
22 understanding. So thanks for coming.

23 **MR. PHIL EIDSVICK:** Thank you.

24 **MR. BOB MCKAMEY:** Thank you.

25 **MR. LOU DESMARAIS, MODERATOR:** Well,

June 3, 1993

**Royal Commission on
Aboriginal Peoples**

1 this concludes our presentations for today. It has been
2 a long one. And we have more presentations tomorrow.

3 In closing I would like to invite Elder
4 Livina White, if she could say a brief closing prayer for
5 us.

6 **CO-CHAIR GEORGE ERASMUS:** I would just
7 like to remind everyone that we are starting at eight
8 o'clock sharp tomorrow and we actually will have a
9 presentation at eight. The agenda that is out there says
10 we are not having our first presentation until eight
11 thirty, but we are going to start one at eight.

12 --- **Closing prayer**

13 --- Whereupon the Hearing was adjourned at 6:10 p.m. to
14 be resumed June 4, 1993 at 8:00 a.m.